



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, February 20, 2017

7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 20, 2017, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS and NAUSER were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

Mayor Treece explained the minutes for the February 6, 2017 Council Meeting were not yet complete.

Upon her request, Mr. Trapp made a motion to allow Ms. Nausser to abstain from voting on R23-17. Ms. Nausser noted on the Disclosure of Interest form that her family business involved the sale of alcohol. The motion was seconded by Mr. Skala and was approved without objection.

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nausser.

#### II. SPECIAL ITEMS

None.

#### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC2-17 Board and Commission Appointments.

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

BUILDING CONSTRUCTION CODES COMMISSION

Grove, Robert, 310 Russell Boulevard, Ward 4, Term ending August 1, 2019

Wallace Andrew, 302 Campus View Drive (business address), Ward 2, Term ending August 1, 2018

COMMISSION ON CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART

Berta, Valerie, 715 W. Worley Street, Ward 1, Term ending July 1, 2017

COMMISSION ON HUMAN RIGHTS

Gomez, Carley, 1704 Oxford Drive, #A, Ward 4, Term ending March 1, 2020

Hinnant, Amanda, 2417 Beachview Drive, Ward 4, Term ending March 1, 2020

Waner, Andrea, 2104 Sunflower Street, Ward 2, Term ending March 1, 2020

CONVENTION AND VISITORS ADVISORY BOARD

Hall, Stephanie, 1601 Hershey Court, Ward 3, Term ending September 30, 2017

FINANCE ADVISORY AND AUDIT COMMITTEE

Bloom, Kristian, 4304 Melrose Drive, Ward 5, Term ending December 31, 2019

Evans, Lisa, 2918 W. Rollins Road, Ward 4, Term ending December 31, 2019

Suhler, Diane, 902 Timberhill Road, Ward 6, Term ending December 31, 2019

PUBLIC TRANSIT ADVISORY COMMISSION

Chesney, Kari, 2181 S. El Centro Court, Boone County, Term ending March 1, 2018

Powell, Renee, 1201 Paquin Street, Apt. 202, Ward 1, Term ending March 1, 2020

Quinn, Christiane, 719 W. Broadway, Ward 1, Term ending March 1, 2020

Woods, Evonnia, 1806 N. Creasy Springs Road, Ward 2, Term ending March 1, 2020

UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF BOONE COUNTY

Sallee, Thomas, 2006 Americus Drive, Ward 2, Term ending March 1, 2019

#### **IV. SCHEDULED PUBLIC COMMENT**

- SPC13-17      Traci Wilson-Kleekamp - Remarks on Pew Research report: "Behind the Badge", "The Role of Police Executives and Police Culture", and corresponding news coverage of responses from Police Chiefs across the U.S. to the Trump Administration's raids and bans on immigrants and refugees.

Ms. Wilson-Kleekamp stated she was with Race Matters, Friends, and noted their goals for 2017 were to do the work and proximity. As a result, they were trying to get to know some of the people that worked for them in the community by meeting with the community outreach team. They had already met with Jill Schlude and would hold a potluck at the end of March with invites to Dale Roberts, Alan Mitchell, and the community outreach unit (COU) team. Race Matters, Friends was doing this in order to learn what their jobs were like. Since they had been critical of their jobs, this provided the opportunity to know them better.

Ms. Wilson-Kleekamp noted a new report, which had been produced by the Pew Research Center, entitled "Behind the Badge" gave some proximity of the life of a police officer. She understood there had been a bit of a ballyhoo a few months ago about the morale report conducted by the Columbia Police Officers Association (CPOA) as some people did not like the way the survey had been done, and believed this report was better. It indicated officers felt it was important to have a relationship with the community and were concerned about resources. They also wanted to be mentored and trained. She noted there were areas in which the community did not agree, and those were items in which they could hold conversations. She explained there was a difference of opinion on protests and the reasons people protested. Black public members had different perceptions than white public members, and this was the same with officers. She commented that although they had some divides, they also had a lot of commonality. She understood the Law Enforcement Leaders to Reduce Crime and Incarceration had responded to President Trump's immigration roundup by indicating it did not help them with policing as they needed the community to trust them and wanted to do things that did not exacerbate incarceration and severe punishment.

Ms. Wilson-Kleekamp stated they all had differences of opinion about some of the immigration policies, and hoped they would all further investigate the reasons for some of these immigration policies throughout history. She pointed out they were not inclusive laws. They were exclusive laws, which were being perpetuated. She commented that she did not believe they should use police or other officials to do that kind of work.

Ms. Wilson-Kleekamp invited the Council to the potluck as well.

**V. PUBLIC HEARINGS****PH2-17      Consideration of the Unified Development Code.**

PH2-17 was read by the Clerk.

Mr. Zenner provided a staff report.

Mayor Treece thanked the Planning and Zoning Commission (PZC) and the Community Development staff for their work on the Unified Development Code (UDC).

Mr. Skala commented that some of the graphics, particularly the maps, were tiny, and asked if a few, such as the regulating plan for zoning and the ones associated with the urban conservations overlays, could be provided in a more readable format.

Mr. Skala suggested a citizen panel or something similar to deal with unanticipated consequences of the UDC as he believed there could be some errors or issues. He asked staff to start thinking about it.

Mr. Skala understood some items such as lighting and the overlays had been left in place and were not reflective of some of the recent changes. He noted he thought there had been changes in the Benton Stephen overlay. He understood these were the historical documents that were in the old plan. Mr. Zenner explained the lighting regulations had been slightly tweaked for purposes of continuity within the integrated document. There had also been the elimination of some redundancies, and those were denoted in the footnotes of the October 2015 version. The proposed Benton Stephens overlay revisions had been integrated into the draft UDC. There were also revisions that had been necessary from a technical perspective to the East Campus overly that were integrated, but the balance of the East Campus overlay regulations were as they existed today in the current City Code. Mr. Skala commented that the Benton Stephens overlay changes had not come to the Council for a public hearing process, and understood those had been included in the draft UDC and the associated hearing was a part of this process. Mr. Zenner stated that was correct. The recommendation of the PZC was to adopt the revised Benton Stephens overlay standards as part of the UDC.

Mr. Trapp commented that it had been interesting to see the number of meetings that had already been held on the UDC as people were still telling him it had been a rushed process. He noted the new Code was about 450 pages and asked if there had been a tally of the number of pages that would be eliminated based on the current Code. Mr. Zenner replied he did not have a tally, but understood it had been condensed, especially in terms of zoning as they had eliminated duplication. He believed the proposed Code was an improvement over a scattered set of chapters that dealt with development matters. Ms. Thompson stated she thought the new Code was a bit more user-friendly when it came to readability.

Mr. Trapp asked for clarification regarding neighborhood protection standards and existing uses that would become non-conforming. He wondered specifically how this would work in a condo situation where there were numerous owners of a building. If the neighborhood protection standards would not allow the building to be reconstructed, he wondered which owners would be permitted to stay in the new building. He wanted to know what would happen in that situation. Mr. Zenner replied the non-conforming provisions within the UDC exempted residential construction so single-family or multi-family construction that was destroyed was permissible to be reconstructed without being in compliance. He noted this was in Article 6.

Mr. Thomas asked about the minimum parking requirement for multi-family dwellings not within the M-DT as it appeared the requirement in the proposed UDC was the same as what was in the current Code. He thought the original recommendation by Clarion had been to reduce those mandatory minimum parking requirements on development and redevelopment by about 50 percent, and understood there was a note indicating that had been deleted per public comment and that current parking requirements would be the proposed standard. He asked about the public comments and why they had changed what the consultant had recommended. He noted he was referring to Table 4.3-1 on page

44 of Article 4. Mr. Zenner replied concerns had been expressed with regard to spillover impacts of residential developments in the downtown. He noted staff had concerns when the recommendation that had been made by Clarion, and Clarion followed the national motto of reduced parking with the private industry taking care of any issues. Staff felt they had better idea of what was needed for parking in Columbia, especially as it related to multi-family development, and in some instances, what was required might not be considered enough. Mr. Thomas asked if there were any tests to check the validity of the requirements by actually auditing parking lots that were built. Mr. Zenner replied they had not conducted a parking audit. He understood that concern had been raised by the Parking and Traffic Management Task Force, and there had been discussion amongst staff that a parking audit might be needed to understand parking dynamics better. He thought there were likely consultants within the industry that could conduct an analysis, but it was not something staff had looked into specifically. He commented that the most concerns with regard to parking had come from areas on the fringe of the downtown. He personally believed parking in the downtown would be adequate or slightly inadequate based on travel demand and how vehicles were utilized, but outside of the downtown, there would likely be an inversion. He noted a parking audit could be done and an adjustment to the parking standards could then be made as necessary. Mr. Thomas believed this parking audit could be done now by looking at buildings that had been built under the current parking requirements. He understood mostly residents of the inner-ring neighborhoods had concerns with regard to parking and asked if they were among the 208 comments that had been referenced. Mr. Zenner replied he thought so. He reiterated they as staff had also identified the concern prior to the May version of UDC being produced, but it had been verified via public comment as well.

Mr. Skala commented that there had been an extended conversation on the Parking and Traffic Management Task Force with regard to the parking requirements.

Mayor Treece commented that the only map he had noticed was on page 14 of Article 2, which dealt with the M-DT, and asked if there were other maps showing the other districts. Mr. Zenner replied they had a full size printed version, and it was available electronically on the website through CityView as there was a feature that allowed one to see the current zoning and proposed zoning on a particular parcel. He stated they could have the full size map available for the next meetings showing future zoning classifications. He explained the M-DT boundary affected an area that was inclusive of some existing C-2 and certain M-1 properties, but there were a few C-2 properties that were outside of the regulating plan boundary. In order to ensure they had a zoning district associated with them, the C-2 zoning classification as it existed today was integrated into the UDC for the purposes of a holding zoning classification while they went through a process of comprehensively identifying the appropriate zoning classification under the new zoning districts. This would be done with other properties with inconsistent uses and principle zoning classifications. He noted they were unable to produce a map comparing current zoning classifications with proposed zoning classification, and reiterated that could be done electronically on the website. He pointed out they would not produce a zoning map internal to the actual published document. The actual official zoning map was what was maintained on the City's GIS website. Mayor Treece asked to see what staff had and asked that it be provided for Saturday's meeting. Ms. Thompson noted the actual conversion was listed in Section 29-2.1 in chart form and was reflected in the maps referenced by Mr. Zenner.

Mayor Treece opened the public hearing.

Tim Waid explained he owned property at 1513 Bouchelle Avenue in the East Campus Urban Conservation Overlay District and noted he had been born and raised in Columbia. He commented that he and others were concerned about the UDC with regard to the East Campus overlay as members had worked on it passionately for over two years. He stated he was President of the East Campus Majority Housing Association, which consisted of the majority representative group of the East Campus overlay district. He

read a portion of the 2003 ordinance involving the overlay, which indicated the City shall amend this ordinance only upon the receipt of a petition to amend the ordinance signed by the owners of 50 percent or more of the parcels of land within the East Campus Urban Conservation District or the request of a committee the Council considered representative of the property owners of the District, and that the Council shall not consider a committee representative of the property owners of the District unless the committee was composed of at least seven owner-occupants of property in the District and at least seven nonresident-landlords of property in the District. He pointed out this language had been in the document approved by the Planning and Zoning Commission on January 5, 2017. He stated they had specifically approved that language due to the threat it might be removed. He noted this language was different in the proposed UDC submitted to Council, and asked the Council to amend the UDC so it included the language that had been approved by the Planning and Zoning Commission. He noted the overlay only existed because that language had been incorporated, and did not believe the overlay would have been agreed to had that language not been inserted back in 2003. He questioned whether the Council should take control and powers away from neighbors or whether those powers should remain with the neighborhoods.

Mr. Waid commented that his property in East Campus was a four-story structure he could not rebuild or recreate with the proposed neighborhood standards. He believed the proposed neighborhood protection standards would punish R-3 property owners and devalue property. He noted they would punish R-3 property owners by protecting R-1 property owners. He understood this language had not been drafted by Clarion, and that it had been drafted by City staff. It essentially took away the third level of structures as the height was reduced from 30 feet to 24 feet. He did not feel neighborhood protection standards were intended for existing properties. He believed they were intended for new development. To apply them to existing properties would devalue properties. He pointed out quite a number of properties in East Campus were currently three levels. He understood the neighborhood protection standards effectively reduced density, created sprawl, increased traffic, stressed roadways, increased rent prices, and slowed economic growth, and he did not feel that was what they wanted to accomplish with the new zoning structure. He thought they would prefer to have more people living close to the middle of the City so all of these problems were alleviated.

Mr. Trapp understood staff had indicated residential non-conforming properties could be rebuilt. Mr. Zenner explained that was through damage and destruction in the non-conforming section of the UDC. This meant the structure would have to have been lost by an act of God, and not due to a property owner tearing the structure down. Mr. Waid pointed out they had not yet seen the Historic Preservation Commission findings so they were uncertain of all of the impacts. He noted his structure was about 100 years old. Mr. Trapp understood Mr. Waid could not tear down the building and reconstruct it. Mr. Zenner stated that was correct. He noted if it was destroyed more than 75 percent, the non-conforming provisions would also not allow the building to be constructed again without complying with all of the zoning provisions. He explained that this was stated on page 28 of Article 6 of the UDC as part of the section on non-conforming structures.

Mayor Treece asked if there was a legal reason for the change being made with regard to the East Campus overlay from the version approved by the Planning and Zoning Commission and the version provided to Council for consideration. Ms. Thompson replied yes, and explained that particular provision was void as it was an unlawful delegation of legislative authority. Council had to retain legislative authority. They had changed it to conform to similar language utilized with the Benton Stephens overlay when the proposed UDC had gone through final legal review.

Mr. Skala understood overlays were a subset of zoning, which took precedent over the additional guidelines in certain neighborhoods, and that some of that language should not have been there in the first place. Ms. Thompson stated only the language that delegated legislative authority to individuals within the district was of concern because

that authority could not be delegated. The original language had indicated there could only be an amendment of the City Code upon the consent of 50 percent or more of the owners of the parcels, and that was the unlawful delegation. She noted Council existed on the basis of public health, safety, and welfare, and the Council regulated upon public health, safety, and welfare, not upon property owner consent or delegated authority to a neighborhood group. It was an unlawful delegation of legislative authority under Missouri law.

Peter Yronwode, 203 Orchard Court, stated that for many years he had been a resident of the Benton Stephens neighborhood, and at the time the original overlay district had been developed, he had either been president or vice president of the neighborhood association. He commented that when they sought to develop an urban conservation overlay district, it had been very controversial, and the goal had been to prevent the advent of large multi-residential complexes within the area as the area had been blanket zoned R-3 in the 1950s without any consultation with the residents. Even then, much of the property in Benton Stephens had been rental property, and not owner-occupied. He pointed out he had explicitly downzoned his property because he did not want that parcel to be R-3. There were now three four-plexes on Ann Street, which was near his prior residence, and in his mind, that was grotesque. He explained that when the neighborhood had proposed the overlay district to the Council, the voting members of the neighborhood were residents, not property owners. That specific change had been made without their knowledge by City staff before it was proposed to Council, and that language remained. The property owners were allowed to vote and those that lived in the rental property did not have any say. He noted a few meetings ago Mr. Stevenson had indicated a large percentage of the residents in the Benton Stephens neighborhood lived in rental property, and he did not feel those people should be disenfranchised. He thought it was appropriate for them to have a say in the character of the neighborhood, and not be forced to live in massive multi-family dwellings because the owner of the property chose to maximize profits. He stated he was not sure how that concern played into the revised or any future overlay district. He thought it was important to remember the point of the overlays in Benton Stephens and East Campus neighborhoods was to reduce the impact of multi-residential developments within residential areas in order to preserve their character. This would not be accomplished unless the protections for R-1 and R-2 zoned properties were strengthened. Those that lived in these areas liked the fact the housing was small, the streets were walkable, and it was possible to park, and those characteristics were in danger due to the advent of large multi-unit developments. He hoped the Council would consider the specific comments on neighborhood protections that were sure to be offered in future discussions as he believed neighborhood protections needed to be strengthened as they were crucial.

Mr. Thomas asked if they could consider letting people speak more than once through the remainder of the public hearings as they discussed specific amendments. He thought some people were reluctant to speak because they felt they only had one chance and were waiting until the very end. Mayor Treece replied he would encourage people not to come late to this process. They had adopted guidelines that allowed Council to consent to someone speaking again after everyone had a chance to speak once. He reiterated he would encourage people not to wait until March 20 to bring their concerns to Council. Ms. Nauser understood people would be required to sign up to speak on Saturday as well. Mayor Treece stated that was correct and noted the sign-up sheet for Saturday would be available at 8:00 a.m. for the 9:00 a.m. meeting.

Mr. Skala pointed out written comments could be submitted and there were time requirements if people wanted those comments to be included in the packet. Mayor Treece commented that if someone wanted their written comments to be incorporated into the record, they had to be submitted those to the City Clerk by Wednesday at noon prior to the hearing. He pointed out people could also e-mail the Council directly at any time throughout the process, which he anticipated ending on March 20.

Ms. Nauser cautioned people picking and choosing which Council Members they were sending e-mails to as that communication would likely not get to everyone. She suggested e-mails be sent to the City Clerk instead of individual Council Members as that would likely be more efficient. Mr. Skala agreed, and recommended comments be sent to the City Clerk, but noted he would not be surprised if they received direct communication as well.

There being no further comment, Mayor Treece continued the public hearing to the February 25, 2017 Special Council Meeting.

## VI. OLD BUSINESS

B21-17

Approving a revision to the PUD Development Plan of The Highlands Phase 8-Revised located at the terminus of Stonehaven Road and southwest of the Forum Boulevard and Old Plank Road intersection; granting variances to the Subdivision Regulations; setting forth a condition for approval.

The bill was given second reading by the Clerk.

Mr. Zenner provided a staff report.

Ms. Nauser asked when the Parks and Recreation Department would develop the parkland in the adjoining subdivision. Mr. Zenner replied he understood development of the park had not been in this past park sales tax ballot. Ms. Nauser asked for the time frame of the park sales tax ballot. Mr. Zenner replied he thought it was 2020 or 2021. He noted there was an opportunity to acquire the property now, and pointed out the parkland would be developed as a low impact nature area. He did not believe they would see development for the next 5-10 years.

Ms. Nauser asked when Old Plank Road would be redeveloped. Mr. Zenner replied he understood that was also a 10-year plus project. Ms. Nauser understood the current capital improvement sales tax ballot had been through 2025 so it would be 2026 or beyond before improvements to Old Plank Road were considered.

Ms. Nauser commented that this was the first time she had seen the Planning and Zoning Commission (PZC) involved in an exaction from a developer for something the developer would not be required to build. She understood there had been payments in lieu for sidewalks and other improvements, but did not recall a situation such as this where payment was being asked for to provide access elsewhere instead of on this particular property. She asked if this had ever occurred before. Mr. Zenner replied this was the first time a negotiated brokerage of a solution had come into play in the nine years he had worked for the City. He explained the PZC had discussed at length approving the plan with the 20 foot requirement, which would have served no useful purpose to the public unlike a pedway, and understood the PZC felt conflicted by just waiving what the developer had already obligated himself to do in 2009. In order to benefit the overall pedestrian network, they believed the exaction of the difference in the paving needed to be applied.

Mayor Treece asked why this project had not been completed in 1990 or in 2009. Mr. Zenner replied he understood there had not been a demand to develop the parcel at those times. He thought there might have been a buyer on hand to develop a portion of it when the plan had been previously amended, but it had not materialized. The property sat dormant from 2009 to 2015 or 2016 when it had expired.

Mayor Treece asked if Stonehaven Road was a city street. Mr. Zenner replied it was a public street. Mayor Treece asked if they always accepted conveyances of city streets when they had not built out the proper cul-de-sac or connection as required by the plat. Mr. Zenner replied this was a conundrum they ran into frequently. Mayor Treece asked if this was still a problem. Mr. Zenner replied mechanisms were available today to facilitate

closure, but it was not an uncommon instance. He pointed out these were remnant parcels of the development and had been platted. They only stopped developing the tract of land. The PUD plan in 2009 showed the elimination of the unbuilt portion of Stonehaven Road with it being properly terminated, and if that plan had been executed, the permanent closure of Stonehaven Road would have existed. It was legally platted so it was a paper street, and there was nothing the City could do since the developer ceased to develop the last two lots. Mayor Treece understood all that was there were the two lots.

Ms. Peters understood the PZC was okay with the cul-de-sac if it was large enough for fire trucks to turn around. Mr. Zenner stated that was correct. Ms. Peters asked if the thought was that the pedway was not needed because it would not go to the park that did not yet exist and would instead go to Old Plank Road, which was dangerous. She understood the money saved would be used to address drainage problems in The Highlands, and asked if that was correct or if they would give the money to the City. Mr. Zenner replied the drainage related proposal had been evaluated by staff in the Utilities and Public Works Departments, and it was not deemed to be appropriate as it related to this particular project. He understood the stormwater improvements were a private matter. It was not a public issue. He noted the allocation of what would have been public dollars for an improvement of a public connection should be allocated to other public improvements.

Mr. Thomas asked if a cash value had been placed on the 12 feet of the 20-foot emergency access over the length of the road. Mr. Zenner replied the value would be placed on it at the time construction plans were submitted per the proposed ordinance.

Mr. Thomas understood the ordinances would require sidewalks to be built along both lots on Old Plank Road, and asked for clarification on the negotiated proposal. Mr. Zenner replied there had been a request for a variance to waive the sidewalk construction outright, and the PZC and staff had both recommended denial of that variance request, which meant the applicant would be required to build a sidewalk along Old Plank Road. He commented that it was not uncommon for sidewalk improvements to be placed at grade meeting ADA requirements on unimproved public streets such as Old Plank Road and for the sidewalk to be removed as part of a project to improve the street as there could be years of utility by the public if the sidewalk segment connected further east and west. Even if the park was not developed, there could still be opportunity for the public property to be accessed by a sidewalk network.

Mr. Thomas asked for clarification as to whether the proposed ordinance required the developer to build the sidewalk or to pay a fee in lieu for the City to construct the sidewalk at a later time. Mr. Zenner replied they would be required to build the sidewalk on the two lots that fronted Old Plank Road. The payment in lieu of would be for the 12 feet of difference in pavement, and would be collected by the City to allocate to other sidewalk infrastructure within this area.

Mr. Thomas asked for the distance from the eastern boundary of the eastern lot to the intersection of Forum Boulevard and Old Plank Road whereby a pedway came down Forum Boulevard. Mr. Zenner replied he did not have the specific dimensions, but believed it was in the range of 1,000-1,300 feet, which was about one-quarter of a mile. On the west, they were only a couple hundred feet away, but would have to traverse property outside of the city limits to get there. Mr. Thomas asked what happened after the 200 feet to the west. Mr. Zenner described connections utilizing a diagram on the overhead. He explained the payment in lieu of would allow them to acquire easements or offset construction costs. It would not come close to paying the full public investment of public sidewalk to connect the frontage on Old Plank Road for this particular site in either direction.

Mr. Thomas asked if an improvement to Old Plank Road was even on the CATSO plan. Mr. Zenner replied he did not know, but pointed out it was not a capital project within the 10-year ballot issue. It was 10-plus years out.



Mr. Trapp asked Mr. Zenner how he would reassess the redevelopment potential of the parcel that was in Boone County immediately west of the property, and if it went all of the way to Glasgow Drive. Mr. Zenner replied he thought it did as it had frontage on Old Plank Road and the front portion of Glasgow Drive. It appeared from the aerial map that a single home was constructed on it. If it were to come into the City, there would be right-of-dedication requirements for Old Plank Road, which would affect its frontage on Old Plank Road as it was an access restricted roadway. This meant access to any redevelopment would have to come off of Glasgow Drive or an exception would have to be granted to come off of Old Plank Road. He thought it could be redeveloped, but was not sure as to the potential intensity of the development since he did not know the current zoning on the lot.

Ms. Nauser understood if the property was annexed and redeveloped, it would be at the expense of the property owner and would include the construction of sidewalks along the frontage of the lot. She stated she did not understand why they would extract money from this developer to put toward that property. She asked if there was a time limit on the payment in lieu. Mr. Zenner replied no. He explained the payment in lieu of would be concurrent with the submission of the construction plans prior to permitting. Ms. Nauser understood if they did not require the sidewalks on Old Plank Road and instead required a payment in lieu, the money could be used by the City for other sidewalk work in the area. Mr. Zenner replied that was correct. He noted the Council could require a fee in lieu of for the Old Plank Road footage or for the reduction in pavement from 20 feet to 8 feet. He commented that staff and the PZC felt a sidewalk in this location was warranted given what would be across the street to the south and what existed within the adjacent area and near proximity.

Ms. Nauser agreed sidewalks that started from nowhere would eventually go somewhere, but there was always a question of having a sidewalk on a roadway that would be torn up in the future.

Mr. Skala recalled they had thought it would be good to have a payment in lieu for variances to be put into an escrow account to address sidewalk gaps, but the Law Department had indicated the money would have to be used for gaps in the area. He felt that this was the situation here.

Ms. Peters understood they might want the sidewalks on the side with the park instead of the other side so there would be no point in constructing those sidewalks or the payment in lieu.

Justin Naydyhor, 1515 Chapel Hill Road, explained he was an employee and representative of the developer, and noted issues that had been addressed in 2009 were cul-de-sac length, connectivity, safety concerns, and sidewalks. The Fire Department had determined a second access to Stonehaven Road was not needed due to the density, and this determined the cul-de-sac length. He stated they felt the existing connectivity was more than adequate as it was better than some other subdivisions in Columbia. There was also an agreement in place between the City and the developer of The Highlands that all limitations with regard to cul-de-sac lengths were waived due to the low density. Since the plat had originally been recorded in 1987, the back portion of The Highlands had been developed, which had provided a point of connectivity, and Forum Boulevard had been extended. He understood The Highlands had nine connection points. He commented that if Stonehaven Road had been extended to Old Plank Road, it would be at a curve, which created a poor line of sight and was dangerous. In addition, since Stonehaven Road was a wide, straight street, the neighborhood was concerned about cut-thru traffic. He stated Forum Boulevard was a well-developed road with sidewalks and traffic should travel that road instead of Stonehaven Road, which did not have sidewalks. He explained emergency vehicles would not be impeded since the topography was flat and there was 32-foot pavement, 50-foot right-of-way, and setbacks of 100 feet. In 2009, a plan had been approved with a 22-foot concrete emergency access, and the reason it had not been built then was because there had not been a buyer, and that plan had now

expired. Currently, they had two contracts on the property, so they were hoping to resolve the issue permanently. He noted a new plan had been submitted to the PZC, and the Homeowners Association provided a letter to the developer and the City indicating they felt the emergency access was unnecessary and to consider a cul-de-sac with a pedestrian easement. The Homeowners Association had also asked the developer to participate in infrastructure issues throughout The Highlands subdivision in terms of stormwater and sidewalks. The PZC had approved the plan with the stipulation that the cul-de-sac be put in with the pedway and for sidewalks to be installed along Old Plank Road. In addition, there would be a payment in lieu for the difference in cost for the pedway versus the emergency exit. The Highlands Properties Company was requesting they be allowed to install and pay for the sidewalk and pay for an in lieu of fee for the sidewalk along Old Plank Road since it was an undeveloped road. If they had to construct the sidewalks at grade, they would be 6-7 feet above Old Plank Road, and if the road was ever improved in the future, the sidewalks would be torn out. They felt it would be a waste of money to construct them now. In addition, if they were installed, they would not connect to anything. He noted they would also provide a pedway easement so access to The Highlands residents was provided when Old Plank Road was improved. He pointed out they had also agreed to fund some stormwater and sidewalk connectivity issues within The Highlands subdivision.

Michael Szewczyk stated he was the President of The Highland Homeowners Association, and explained the one acre lot that was to the west did not touch Glasgow Drive. It was in the County and totally on Old Plank Road. He understood the house that was located there had recently been rebuilt because the other house had burned down. He noted he had sent a letter to The Highlands Properties Company in November asking them to reconsider the emergency access. He thought it was clear everyone agreed the emergency access no longer made sense. The letter had also indicated a better use for the money was within The Highlands, and this was the reason the payment in lieu concept had been derived as some felt the money should go to the City instead. He explained there were three issues in the neighborhood, and those were stormwater along the parkway, the lack of sidewalk connections, and drainage at the ballfield. Using a diagram, he described the stormwater issues, and thought this was a way the issue could be addressed. He also displayed a diagram showing missing sidewalks along the lake. He noted the ballpark was privately owned, and described the drainage issues there. He believed this was a great opportunity to fix problems in a neighborhood with 500 homes with private money. He asked the Council to consider the request of Mr. Naydyhor.

Mr. Thomas asked for the cost of those improvements and if it was similar to the cost of narrowing the connection from 20 feet to 8 feet. Mr. Szewczyk replied he thought it was, and understood it to be in the range of \$15,000-\$20,000. He pointed out they would likely get contractors to do the work, but other homeowners would likely help as well with items such as seeding. He thought they would be able to do it more efficiently and cost-effectively than the City.

Mr. Skala understood the stormwater issues were the responsibility of the developer to ensure more stormwater did not leave the property than it had before the development had occurred. Mr. Szewczyk explained he had spoken with a City stormwater specialist in the past and had been told it was not a developer responsibility because the City had approved the streets, and that it was not the fault of the City either because the rain was the result of God.

Mayor Treece asked how the City would be guaranteed the projects would be completed. Mr. Szewczyk replied if they were completed, he would be upset. Mr. Naydyhor stated they had discussed the issue multiple times and had agreed to fix the problems after 30 years of having an almost near developed subdivision. He explained they were in agreement and pointed out the developer, he, and Mr. Szewczyk lived in The Highlands.

Ms. Nauser asked if it would be fair to say the stormwater issues were not necessarily a

failure as this subdivision had been constructed prior to the current stormwater requirements. She thought the method in the 1980s was to dump stormwater into a creek or lake. Mr. Naydyhor agreed it had been built to the stormwater regulations at the time, but it was obvious those regulations were not good enough.

David Jobe, 1204 Elsdon Drive, stated the properties at 1201 Elsdon Drive and 1111 Brookedale Court were being damaged by the stormwater problems. He commented that in addition to the damage by the fence, water was pooling near the homes because the collection box was not large enough to collect all of the water. Water would travel over Highland Parkway and the area described by Mr. Szewczyk. As a result significant damage was occurring. He explained he had lived in The Highlands since 1995, and these two homes had not been built at that time. There had been a lot of water traveling down there then. Although it had been slightly redirected with the addition of a second inadequate collection box, it continued to impact the area. He asked the Council to think favorably on the proposal described by Mr. Szewczyk and Mr. Naydyhor as it was affecting the value of those two homes.

Ted Jacobs stated he was the previous president of The Highlands Homeowners Association and explained they had been discussing this issue for a significant number of years. They had worked with City stormwater staff, who had suggested rain gardens, but that was insufficient to address the problem. He reiterated the acreage was not the only cause. It was also due to the blacktop. He felt this was a City responsibility. He commented that this was not a unique problem as something similar had occurred when he had lived in Hannibal, Missouri, and suggested City engineers review the lay of the land prior to recommending approval of plats and plans in order to preclude some of these problems from happening.

Mark Blount, 1408 Dunbar Drive, commented that the cul-de-sac and stormwater problems did not affect him personally, but the pay to play concept would affect him. He stated he had received a variance when he had built his house in The Highlands. He had not seen anything in the City Code indicated he had to give anything to the City when he had saved \$5,000 by receiving the variance. If the developer was able to save money and give it to the Homeowners Association to help with the problems the City maybe should be fixing, he thought they would all win. He did not feel money should be taken from the developer as that meant the City should have taken \$5,000 from him 25 years ago.

Susan Zurowski stated she drove on Old Plank Road every day and it was a dangerous road. She could not imagine constructing a sidewalk on a curve when they already had students, dogs, etc. walking along the road due to Townhomes by Brookside. She did not think building a sidewalk to nowhere would make any sense at this time. She was also concerned people would think it was safe to walk along there creating more problems. She believed the road needed to be improved, traffic needed to slow down, and better culverts were needed as they tended to overflow along Old Plank Road.

Ms. Nauser made a motion to amend B21-17 by requiring a fee in lieu instead of the 8-foot pedway and building the sidewalks along Old Plank Road. The motion was seconded by Mayor Treece.

Mayor Treece stated he thought the improvements needed to be made on-site within The Highlands rather than off-site across the road, but he also wanted to guarantee the improvements would be made.

Mr. Skala commented that he was inclined to support this, but wondered if there was a mechanism in place to ensure it was done. Ms. Thompson explained the problem was that the fee in lieu had to be reasonably related to the public improvement requirements. This was the reason it was tied to transportation related improvements. The transportation related improvements were reasonably related to the developer obligation that was being forgiven when it came to construction of the access.

Ms. Nauser clarified she was speaking about a payment in lieu of building the pedway and the sidewalks. She was not talking about the differential cost between the pedway and the emergency access as she believed that was a borderline illegal extraction. The

payment in lieu could be used by the City to build the sidewalk and the pedway when the time came since they would have to provide the necessary easements.

Mr. Thomas understood the motion was to not require the construction of the sidewalk on Old Plank Road. Ms. Nauser stated that was correct, and noted she wanted them to provide the easements as well. Mr. Thomas understood the money would be placed in an escrow to build sidewalks in the future. Ms. Nauser stated that was correct. She explained she wanted them to provide easements for future construction of the road and the sidewalks, and to provide the easements for the pedestrian access so the people that purchased the lots would know about the pedestrian access. She did not believe it made sense to funnel people onto Old Plank Road, and thought it was prudent to obtain the necessary easements and a payment in lieu for those improvements.

Mr. Ruffin asked if the pedway would be constructed now. Ms. Nauser replied she was asking only for a payment in lieu of providing sidewalks along Old Plank Road and payment in lieu of providing the pedway. Mr. Ruffin asked about the connecting sidewalks in the neighborhood. Ms. Nauser replied there were no connecting sidewalks on the street. Mr. Ruffin asked about the other sidewalks that had been mentioned. Ms. Nauser replied she thought this should be addressed first, and they could then have that conversation as she felt the two parties should take care of that issue themselves. She had full confidence in their ability to address it since they all lived in The Highlands and were neighbors.

Mr. Ruffin asked if they accepted a payment in lieu of the other projects if the money would be returned to the neighborhood or developer. Ms. Nauser replied the City would retain the payment in lieu funds in perpetuity to be used for sidewalk improvements in the area or when Old Plank Road was built. Future improvements would be made in the area, and the money would be held until that time.

Ms. Peters thought they had taken payments in lieu of sidewalks elsewhere, and felt that should be done for Old Plank Road. They could then also ask for the easements for the pedway. The developer would then deal with the Homeowners Association for the other improvements, and the Council expected them to do the right thing because they had told them in public they would. In addition they were all neighbors. Mr. Ruffin agreed, and understood that meant the Council would not have to decide tonight how the money would be used.

Ms. Nauser stated she did not feel the City should be extracting money because the developer would save money as it was not fair, and reiterated she did not recall this ever being done since she had been on the Council.

Mr. Thomas asked if the developer had requested the payment in lieu instead of building it. Ms. Nauser replied she thought they had a slide indicating the preference for a payment in lieu especially with regard to sidewalks along Old Plank Road because they would be torn out later. Mr. Thomas thought the critical issue was when Old Plank Road would be improved, and how valuable the sidewalks would be in the short term since there were other sidewalks to connect to in the fairly close vicinity. Ms. Nauser asked why the City would construct sidewalks to Forum Boulevard. Mr. Thomas replied to create a bicycle and pedestrian network. He suggested a HAWK crossing on Old Plank Road to the park as well. Ms. Nauser asked if they had ever constructed sidewalks without road improvements on unincorporated substandard roads. Mr. Thomas stated a good case could be made to construct the sidewalks if they did not have the money for road improvements.

Mr. Trapp stated he could not support waiving the sidewalks when they heard testimony that people were already walking along Old Plank Road. He explained he had walked down unimproved roads and enjoyed some respite of being able to step off the roadway and onto a sidewalk. He did not feel sidewalks lured people to walk along the roads. People walked along roads out of necessity, recreation, and a desire to use the connectivity point. Sidewalks only increased safety.

**The motion made by Ms. Nauser and seconded by Mayor Treece to amend B21-17 by requiring a fee in lieu instead of the 8-foot pedway and building the sidewalks along Old Plank Road was approved by voice vote with only Mr. Trapp, Mr. Skala, and Mr. Thomas voting against it.**

Ms. Thompson asked for clarification on the amendment. She wanted to know if they were eliminating the pedway as well. Ms. Nauser replied the amendment was to accept a payment in lieu of the pedway and the sidewalks along Old Plank Road. In addition, they would be required to provide easements for both. Ms. Thompson stated they currently had the right-of-way for the pedway. She asked if the sidewalk easements were in existence or if they would need to be dedicated. Mr. Zenner replied the right-of-way would need to be vacated and the actual pedway was not in the exact location of the right-of-way. The platting action could dedicate the easement, vacate the existing Stonehaven Road right-of-way, and sidewalk construction did not necessarily need to be shown as an easement along Old Plank Road, but if they wanted it as a sidewalk easement, it could be acquired at the time of platting as well.

Ms. Thompson understood they would grant a variance from the requirement to construct a sidewalk along Old Plank Road with a payment of a fee in lieu, and this would be a new section of the ordinance. It would be Section 5. In addition, Section 4 would be amended to allow the developer to pay a fee in lieu of construction of the street right-of-way, and the fee in lieu would be based upon what would be construction of a pedway in an area that connected the terminal of Stonehaven Road to Old Plank Road. Ms. Nauser stated that was correct.

Ms. Nauser asked how they eliminated the cost difference. Ms. Thompson replied that would be a total modification of Section 4 because there would no longer be a difference in the cost. Ms. Nauser understood the action they had taken had gotten rid of that requirement. Ms. Thompson replied yes unless they wanted the fee in lieu to be for the emergency access.

In order to ensure everyone was in agreement, Ms. Nauser made a motion to amend Section 4 of B21-17 so there was a waiver of the requirement to construct a pedway with the developer to pay a fee in lieu thereof and for dedication of the easement necessary for the pedway, and to add a new Section 5 to B21-17 to grant a variance for the sidewalk construction along Old Plank Road with payment of a fee in lieu of construction. The motion was seconded by Mayor Treece.

Mr. Thomas asked how the fee in lieu was calculated. Ms. Thompson replied it would be calculated based upon the construction standards and what the Public Works Department determined would be the construction costs. Mr. Thomas understood that would be for the 8 foot pedway and a 5-foot sidewalk along Old Plank Road. Ms. Thompson stated she could not say what the width of the sidewalk would be, and noted it would be whatever the Public Works Department determined was required based upon the construction standards. Mr. Thomas understood it would be based upon bids. Ms. Thompson stated she did not know. She was not sure if there was an established number or if there were bids they could utilize to determine construction costs.

**The motion made by Ms. Nauser and seconded by Mayor Treece to amend Section 4 of B21-17 so there was a waiver of the requirement to construct a pedway with the developer to pay a fee in lieu thereof and for dedication of the easement necessary for the pedway, and to add a new Section 5 to B21-17 to grant a variance for the sidewalk construction along Old Plank Road with payment of a fee in lieu of construction, was approved by voice vote with only Mr. Trapp, Mr. Skala, and Mr. Thomas voting against it.**

Mayor Treece asked what the mechanism was to compel the developer to do what the ordinance stated in terms of building the cul-de-sac. Mr. Zenner replied the final plat

would need to be submitted to permanently make Stonehaven Road a cul-de-sac and vacate the existing Stonehaven Road right-of-way. There would also be a performance contract associated with it, and all public improvements per that performance contract had to be installed within three years of the date of approval of the final plat. Mayor Treece asked what their incentive was to submit the plat. Mr. Zenner replied the ability to close on the two contracts. He explained the payment in lieu would also be associated with the platting action.

**B21-17, as amended, was given third reading with the vote recorded as follows:**

**VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER.**

**VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

**B33-17** Amending Chapter 22 of the City Code relating to the establishment of solid waste container and compactor sites within the Downtown Community Improvement District Solid Waste District.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

**B33-17 was given third reading with the vote recorded as follows: VOTING YES:**

**PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.**

**ABSENT: NAUSER (Ms. Nauser stepped out during the vote on this bill.) Bill declared enacted, reading as follows:**

**B36-17** Authorizing a contract with General Electric International, Inc. for repair of three (3) natural gas combustion turbine generators located at the Columbia Energy Center; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Johnsen provided as staff report.

Mayor Treece stated he assumed these had been inspected when purchased in 2011. Mr. Johnsen explained there had been a due diligence review they had contracted for to be done on the units, but it had not gone into depth and the City had run these units a lot since the acquisition of them. He was not sure if these were existing issues or issues that had propagated since the City had owned them. They were doing a more in-depth inspection to ensure they would last a while, and there were issues with the stationary blade. If they came loose, they could cause catastrophic damage, and the insurance companies did not want them to take that risk.

Mayor Treece asked if there had been any warranty from Ameren or General Electric. Mr. Johnsen replied no. He explained they would look into a design change from a gas turbine to a steam turbine, so shrouding would be placed on the outside or unanchored ends of the blade to prevent this in the future.

Mayor Treece understood the cracking was in three of the four, and asked if they would replace the fourth one. Mr. Johnsen replied no, but they would keep an eye on it in case it was needed in the future. Mayor Treece asked if these were single blade or multiple blade units. Mr. Johnsen replied there were a lot of blades and described where the blades were located.

Mr. Skala recalled the controversy when they had purchased these units in terms of whether they should purchase brand new units, which would have been incredibly expensive and would have taken a long time to be constructed. He understood these units were not operable at this time without a lot of risk, and that this would affect their capacity. He thought the discussion at that time was that these were great generators, but they did not want to run them all of the time because they were not very efficient. Mr. Johnsen stated one of the reasons they wanted to get them back to operation by this summer was to ensure capacity was available during the summer loads. Mr. Skala

understood they would lose capacity if these were not fixed. Mr. Johnsen stated that was correct. He explained it could take 2-3 years before they did not receive any credit for capacity, but once they got to that point, they would incur costs to secure the capacity credits these units were not meeting.

Monta Welch, 2808 Greenbriar Drive, commented that she thought the City should reconsider its energy investments as the horizontal hydraulic fracturing technology involved with natural gas had a lot of negatives. She encouraged the Council to think about how they might move more quickly to renewable energy as technology was improving, even with storage. She asked the Council to consider how they wanted to move forward as a lot of people in the community would like to see a reduction in the use of natural gas and other non-renewable sources.

Mayor Treece asked for clarification regarding the amendment sheet. Ms. Thompson replied the wrong agreement had been included in the packet.

**Mayor Treece made a motion to amend B36-17 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.**

**B36-17, as amended, was given third reading with the vote recorded as follows:**

**VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER.**

**VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

## **VII. CONSENT AGENDA**

The following bills were given second reading and the resolutions were read by the Clerk.

- B17-17 Approving a major amendment to the CP Plan for Discovery Park Lots 301, 302 & 303 located on the southeast corner of Ponderosa Road and Nocona Parkway (Case No. 17-11).
- B18-17 Approving the Final Plat of Discovery Park Subdivision Plat 3C, a Replat of all of Lots 301 and 302, located on the southeast corner of Ponderosa Road and Nocona Parkway; authorizing a performance contract (Case No. 17-12).
- B19-17 Repealing Ordinance No. 022104 which approved the C-P Plan of Columbia Safety and Industrial Supply located on the northeast corner of Highway 763 North and Bodie Drive; approving the Centerpointe Hospital of Columbia C-P Plan (Case No. 17-34).
- B20-17 Rezoning thirty-five (35) parcels in the Benton-Stephens neighborhood from R-3 to R-1 and R-2 (Case No. 17-23).
- B22-17 Approving a major amendment to the O-P Plan for Americare at Heritage Village located on the southeast corner of Sinclair Road and Southampton Drive (Case No. 17-32).
- B23-17 Approving the Final Plat of The Vineyards, Plat No. 6 located between

Howell Mountain Drive and Rolling Hills Road; authorizing a performance contract (Case No. 16-183).

- B24-17      Approving the Final Plat of Mikel's Subdivision Plat 3, a Replat of Lot 25, 26, 27 and 55 of Mikel's Subdivision of Lots Number 86 and 87 in Garth's Addition to the City of Columbia, located on the east side of Sexton Road and on the west side of Jackson Street (703, 707 and 709 Sexton Road and 602 Jackson Street); authorizing a performance contract (Case No. 17-27).
- B25-17      Approving the Final Plat of Fox Lair, Plat No. 1A located at the southern terminus of Dolly Varden Drive and approximately 1,000 feet south of White Fish Drive; authorizing a performance contract (Case No. 16-214).
- B26-17      Approving the Final Plat of Alpha Phi Subdivision, a Replat of Lot 30, and Part of Lots 19, 20 & 21 of La Grange Place, located on the east side of Providence Road and south of Burnam Avenue (906 Providence Road and 911 Curtis Avenue); authorizing a performance contract; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way (Case No. 17-31).
- B27-17      Vacating a utility easement located within the Elm Street right-of-way (525 Elm Street) that previously contained a storm sewer (Case No. 17-38).
- B28-17      Appropriating Federal Aviation Administration (FAA) grant funds and Transportation Sales Tax funds for engineering costs related to the reconstruction of Taxiway C, relocation of Route H to allow for the extension of Runway 2-20, and the development of a pavement management program at the Columbia Regional Airport.
- B29-17      Authorizing a transportation alternatives funds program agreement with the Missouri Highways and Transportation Commission for the Carter Lane sidewalk project; appropriating funds.
- B30-17      Appropriating cost share funds received from the Missouri Highways and Transportation Commission relating to intersection improvements at Route 740 (Stadium Boulevard) and Old Route 63.
- B31-17      Authorizing construction of the Stewart/Ridge/Medavista PCCE #3 Sanitary Sewer Improvement Project; calling for bids through the



Purchasing Division.

- B32-17      Authorizing construction of the Thilly, Lathrop, Westmount PCCE #8 sanitary sewer, water line replacement and electric line burial improvement project; calling for bids through the Purchasing Division.
- B34-17      Authorizing a first amendment to the agreement with PNC Bank, National Association, Lexington Steel Corporation and LexWest, LLC relating to the warehouse storage of carbon steel.
- B35-17      Authorizing an agreement for professional services with CDG Engineers, Inc. for architectural and planning services for future site usage of the water and electric distribution complex located on the south side of Business Loop 70 East; appropriating funds.
- B37-17      Accepting conveyances for sewer, drainage, utility and temporary construction and access purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B38-17      Accepting and appropriating donated funds for the Parks and Recreation Department's Holiday Toys for Columbia's Youth Program.
- B39-17      Authorizing a program services contract with the Missouri Department of Health and Senior Services for HIV Prevention services.
- B40-17      Authorizing a memorandum of understanding with the Missouri Department of Corrections to provide tuberculosis screening and testing services.
- B41-17      Authorizing rapid HIV and Hep C testing programs agreements with the Audrain County Health Department, Macon County Health Department, Saline County Health Department, Pettis County Health Center and Randolph County Health Department.
- B42-17      Authorizing agreements with the Missouri Highways and Transportation Commission relating to the installation of traffic signals at the intersections of Providence Road and Burnam Road, Providence Road and Forest Avenue, Providence Road and Turner Avenue, and Route B and Waco Road.

- R21-17      Setting a public hearing: proposed construction of a driving range, to include the construction of hitting tees, target greens, irrigation installation, tree buffer plantings and connecting concrete cart paths, at the Lake of the Woods Golf Course.
- R22-17      Setting a public hearing: consider the FY 2016 Consolidated Annual Performance and Evaluation Report (CAPER).
- R23-17      Consenting to the issuance of a state license for the sale of intoxicating liquor at Fuzzy's Taco Shop located at 132 S. Ninth Street.
- R24-17      Authorizing an amendment to the agreement with Centro Latino de Salud, Educacion y Cultura to allocate additional CDBG funding for improvements to the building and property located at 609 N. Garth Avenue.
- R25-17      Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program for the 2017 SPEEDO Sectionals Central Section Region VIII swimming competition.
- R26-17      Authorizing the installation of street lights along portions of Texas Avenue, Whitegate Drive, Mulberry Road and Westwinds Drive, and the installation of solar powered lights on Edenton Boulevard; authorizing the installation of replacement lighting on Sylvan Lane and Forest Avenue.
- R27-17      Authorizing the temporary closure of a portion of the sidewalk on the north side of Walnut Street, between Eighth Street and Ninth Street, to facilitate the construction of an office building at 807 E. Walnut Street.

The bills were given third reading and the resolutions were read with the vote recorded as follows: **VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER** (except for R23-17 on which she abstained). **VOTING NO: NO ONE.** Bills declared enacted and resolutions declared adopted, reading as follows:

#### **VIII. NEW BUSINESS**

- R28-17      A resolution declaring the need to conduct a community engagement process about policing in Columbia.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thomas stated he planned to propose an amendment to strike Section 5 of the resolution that set a deadline to complete the process. After a conversation with Mr.

Ruffin, he thought it would be better to leave it open ended. He explained he had introduced this bill because public safety was the most important role of local government, and lot of people in the community and most of them on the Council recognized some of the serious challenges the Police Department was facing in a number of different areas. Staffing levels were low and officer morale was low. He noted there was an on-going community conversation about the policing philosophy, and he believed community-oriented policing was the best approach as he had seen examples of it in Gainesville, Florida, and Nashville, Tennessee. He explained in Gainesville there was a program whereby police officers went to a different school every month and worked with a small group of high school teenagers. The data was remarkable as the impression the teenagers had with regard to these officers and the police in general had improved. In Nashville, they had sited a couple of new precincts in low-income, high crime areas, and the police worked really closely with those nearby residents. The one he had visited included a community room the people from the community could use. He believed community-oriented policing was a tremendous program, and growing national evidence was supporting this. He noted Columbia had started a community-oriented policing program, and due to staffing, Chief Burton had to shut down the traffic enforcement unit in order to accomplish it. He pointed out they were targeting three small neighborhoods with a community outreach unit, which consisted of two officers for each neighborhood, and he had heard it was going well. In order to do a community-wide community-oriented policing program, he believed they needed to start with community engagement. All of the research showed that was the essential first step. This resolution was designed to do just that, and it also followed up on a recommendation of the Mayor's Task Force on Community Violence for an annual public forum that addressed crime, violence, policing, and social need. He noted the Task Force had also called for community-oriented policing as a goal for the community. He was looking for Council support for the need to do this, and they could then move on to the process. He thought it could be modeled on the Affordable Housing Symposium or the Homelessness Summit. He commented that he had discussed this idea with a lot of different stakeholders over the last couple of months, including Mr. Trapp and Ms. Nauser in the context of the Task Force, the Police Chief, who had indicated he was proud to support this process, and the Columbia Police Officers Association (CPOA), who had indicated they supported the process as well. He listed others he had discussed this with as well.

Mr. Trapp asked if status zero was reached multiple times per day. Mr. Matthes replied it was frequent.

Mr. Ruffin understood the resolution not only required a gathering of diverse stakeholders, it also required a specific agenda of activities he assumed would require funding and staff support, and asked if they would have the funds to pursue this at this time. Mr. Matthes replied he would recommend the use of council reserves. Mr. Thomas understood the Police Department fund reserve might be another possibility. Mr. Matthes stated the general fund reserve could be used as well. He understood it would take a budget amendment to use those funds.

Ms. Nauser asked for the reason for striking Section 5 as she thought a deadline would be helpful to expedite the process, and noted the deadline could always be amended to later.

Mr. Skala understood the staff recommendation had indicated staff had not thoroughly reviewed this proposal and did not have a recommendation at this time. He had never seen that before and wondered if that involved the amount of expenditures, the kinds of structure, etc. Mr. Matthes stated this verbiage had been used with other items. He explained the Unified Development Code (UDC) had consumed all of their time. Although he had spoken with Mr. Thomas about the concepts within the resolution, he could not provide feedback on any analysis.

Mr. Skala stated he thought resolutions were drafted through the Law Department. Mr. Matthes noted this had not gone through the Law Department.

Mayor Treece understood Mr. Matthes and Chief Burton had held a series of public meetings, and asked how that was going and how they saw that as being different from this process. He understood Chief Burton had also participated in meetings with several community organizations and civic groups. He thought they all agreed they wanted community policing and was not sure why they needed to have another conversation and why they could not just move toward community policing. Mr. Matthes stated the series of meetings he and Chief Burton were holding were not yet complete as they would likely have 6-7 meetings, and the topic of community policing had come up in those meetings. He understood Chief Burton had met with organizations, such as the local rotaries, and it had definitely come up at those meetings as well. There was also coffee with a cop, which was a national effort. Mr. Thomas stated he thought the various outreach programs were good, but believed the distinguishing feature between those and this resolution was that the process would be designed by a broad stakeholder group. Everything Mr. Matthes had mentioned had been designed by the City. While it involved other groups, the format had been predetermined by City staff. He thought a more inclusive process was needed so the community could learn how short-staffed they were, how low police morale was, and how community-oriented policing worked in other communities. This could lead to discussion with specific talking points and questions. The data could then be collected and put into a report with recommendations.

Mayor Treece asked who would do the report with recommendations. Mr. Thomas replied he thought a number of groups in the community had the ability to do it, but it would require funding. He did not feel the City should oversee the process. He thought a neutral agency should oversee the process by pulling together the stakeholders and planning the event.

Tara Warne-Griggs, 106 McBaine Avenue, commented that this was different than what had occurred thus far in the attempts by City leadership to gather basic information from the public and the filling of some skill and/or political-will gaps. It did not equate to discussing what community policing should look like in the community. She believed there was a need for a community process for discussing community-oriented policing. She stated she had been troubled in the last few months because the conversation had very much been pitted as "us" against "them" in terms of activists against the Police Department or police officers, and believed that was a false dichotomy. She noted her father-in-law had been a police officer in St. Louis for 35 years, and had seen things she could not imagine. This did not negate the fact the police were a part of a democratic society and their mandate came from the people that paid their salaries. They were asking for a new way of policing in Columbia. She asked the Council what they were afraid of or what they thought might come up in those conversations. She did not feel this was a resource issue. She stated they knew more officers were needed, but also understood there were currently 20 vacancies that were funded but not filled. She felt the resource issue was a distraction. She wondered if the Council had the political will to ask the community to participate and to listen.

Traci Wilson-Kleekamp stated she hoped that these meetings would result in very difficult conversations because the demographic, financial, and other issues were not changing, and the problems were not going to go away. She commented that the report by the Mayor's Task Force on Community Violence was a really good report as it had provided a good roadmap. If the Council had really cared about it as a body, it would have been a funded mandate and community policing would have been funded as part of the budget. She believed there was still confusion about community policing and stated it was a philosophy in the way they wanted to be policed and treated. It was important to build trust and give legitimacy to the police so they could be effective. She stated community engagement was needed for community policing in terms of policy, the stakeholders, etc.

Jerry Dowell stated he was representing the Columbia Chamber of Commerce and noted they had a rather lengthy discussion with Mr. Trapp and Mr. Thomas with regard to the resolution and their involvement. One of the items in their agenda was to develop a

comprehensive plan to fund public safety, which was a part of a much broader discussion that appeared to be needed. He noted they were offering their support for this effort as they felt business members and others needed to be involved in changing how policing was done and funded.

Molly Housh Gordon noted she was the Reverend of the Unitarian Universalist Church of Columbia and the Convener of Faith Voices of Columbia, an interfaith group of clergy and faith leaders, and they supported this resolution because they strongly believed the community, especially those most often marginalized, needed to have a voice in how the Police Department grew to meet the growth of the community. She stated they also strongly believed, as faith leaders in Columbia, that funding for an expansion of the Police Department must be combined with the mandate for the very best practices in community-oriented policing, including a process of community engagement. They knew from the research of organizations like the Pew Center that reactive oppositional approaches to policing created a deadly atmosphere of mutual mistrust and fear, and because of the power dynamics of the justice system and this country's legacy of systemic racism and implicit bias, this toxic atmosphere resulted in the harm or killing of people of color, which was contrary to the demand of their faith and something they could not allow to occur or continue in the community. She commented that from the sacred teaching of their faith traditions that true health and community came from strong relationships of mutual respect and care, and they believed the community deserved a robust community engagement and orientation in its policing. As they would discern how to meet the needs of the growing community, they had an exciting chance to become an example of a more just and safe system, so they needed to take the time to get it right and to ensure those most impacted had a voice and strong influence in these decisions. Given the history and current dynamics of race and racism in the country, state, and town, she believed this process needed to prioritize and amplify the voices of people of color, whom study after study showed to be disproportionately affected by policing practices.

Brady Bryan stated he was the Pastor at Wilkes Boulevard United Methodist Church and explained they provided the Ministry of Turning Point. He thanked the Council for its support of that ministry. He noted they hosted Loaves and Fishes, and on an average day, they saw about 150 of the most vulnerable people in Columbia. He pointed out they were currently outside of the jurisdiction of the community outreach unit and believed that could be addressed by allowing everyone to participate in the conversation.

C. W. Dawson, Jr. explained he was the Pastor of Dawson Charity Ministry and noted he was the first African-American to receive a PhD in philosophy at the University of Missouri. He commented that the first part of "hood" was "neighbor" and Aristotle had suggested that if they were really going to be a community, they had to understand koinonia as everything was relational. A process was needed whereby they could all sit at the table instead of a selected few. He stated the Police Department was not the enemy and to not let them be the enemy either. He noted he lived on Sixth Street, which was in the hood, and pointed out he wanted to be a part of a neighborhood.

Rev. Housh Gordon stated they were representing 24 clergy that had signed on to their statement.

John Clark, 403 N. Ninth Street, commented that he had been campaigning for community policing since the mid-1990s. The discussion had started back then, but the Council and City Manager at that time decided not to pursue it. He stated he was very supportive of the resolution and suggested a change to Section 4 so it read "one of the goals of the community engagement process shall be to define community-oriented policing for Columbia and to develop recommendations on whether the City should adopt that community-oriented policing philosophy and (if so) how to implement it and provide adequate resources to develop a communitywide community-oriented policing program." He believed this was the first step in the process as they had not decided what community-oriented policing was. He understood the police believed they were doing it,

but they were not. They were doing professional and problem-oriented policing. In addition, they did not believe in equally shared decision-making authority with regard to the goal Mr. Thomas had set, which was that the community should decide the kind of policing they wanted. In 2002, the City had hired Campbell DeLong Resources to train the Police Department in strategic planning. They had developed a strategic plan in-house and were now defending that in-house approach with a vengeance. It was time for the Council to give them the political support to say they could move to the next stage, which was community engagement in strategic planning. This would be the first step as the community could define community policing, and it would bring a wide range of community members together with members of the Police Department to plan the process. He recommended a 12-15 month process, and noted it would develop the basis for public support to increase funding for public safety efforts.

Rebecca Graves, 1108 Chantilly Court, asked those in the audience in support of this resolution to stand, and approximately 40 people stood.

Rachel Brekhaus, 703 Hilltop Drive, stated she was a member of the University of Missouri community and lived close to the University, and noted policing was somewhat an issue for the University as well. They had to also recruit and retain people. She pointed out she had heard a story of someone that had since left the University and Columbia, Missouri, partly because the police started picking on his son after living here for three years. She commented that these were real issues and issues that had an impact on them all regardless of where they lived.

Monta Welch, 2808 Greenbriar Drive, explained she was speaking on behalf of People's Visioning and was glad to see this movement in the community. She commented that after the incident in Ferguson, People's Visioning had held at least six community dinner events to try to bring different members of the community together. She noted they had invited the Police Chief from East St. Louis to one of the dinners, and he had spoken to them about their community policing. She recommended he be invited to speak as part of the community engagement process. She noted People's Visioning also had ideas to help address community concerns as they worked on racial, social, cultural, economic, and environmental justice.

Chip Cooper, 500 Longfellow Lane, commented that he had done a lot of research into the Police Department over the last several years because he had written a series of columns that had appeared in the Columbia Tribune about policing. His first interest in the Police Department had arisen because of what he had perceived as a chronic morale problem since consultants in 2006 and 2012 had indicated there were morale problems, and he wanted to know the cause. He understood the morale problems had continued over time under different police chiefs, mayors, and city councils, and had never determined the cause. He had seen an understaffed and stressed police force, antiquated technologies, and an outdated facility, and believed, at that point, more resources were needed. If they were going to ask the community for substantial resources to change the morale and the fact they were understaffed, it would require a thoughtful and thorough process to convince the community this issue had been reviewed carefully, had been thoughtfully deliberated, and that the recommendations were in the best interest of the community. He did not believe this process could be rushed, and if they did and it failed, they might not get another chance for ten years.

Kurtis Edwards, 3601 W. Broadway, explained he was a graduate student at the University of Missouri and believed they needed to get past the "us" against "them" philosophy. It frustrated him to read and hear that people from the Police Department felt racial bias did not matter and did not affect their policing because it did. He thought that should be embraced and they should have a conversation about it without accusing one another of anything. He thought they could be constructive about it, and believed what had been proposed in this resolution could help facilitate it. He commented that he and other students felt racial profiling. He noted he had been pulled over before, and although he could not say whether it was due directly to racial profiling, he felt it. He thought

Mizzou had a lot of problems, and it existed in Columbia, and suggested the City show some leadership by approving this resolution.

Jacob Hanson, 2703 E. Walnut Street, stated he had moved to Columbia and the United States three years ago from Sweden, and referred to a book by Jane Jacobs entitled the *Death and Life of Great American Cities* whereby Ms. Jacobs had indicated the number of police officers did not matter if all of the citizens of New York rose up against something as the officers would not be able to stop those citizens. He noted she was trying to illustrate that fundamentally the safety and security of the community was driven by the citizens. He quoted a passage in the book "who have not the remotest idea who took care of their streets or how" and indicated when they found their cities less secure, they would be vaguely mystified and eventually drift away. He believed this was a great illustration of him as he would love a channel to connect to the Police Department in a way that was not at midnight with flashing blue and red lights.

Eugene Elkin, 3406 Range Line Street, suggested the Council discuss this subject in more depth and relay to the City Manager what they wanted since he worked for them.

Triphonie Hafashimana commented that she believed Columbia needed better policing. She explained she was not from the United States and had been in a vehicle that was stopped by a Columbia police officer in 2014 and had been surprised by the way they had been treated. She stated they had been treated terribly. She felt community policing would allow them to talk to the officers to determine how the officers were doing and the officers could find out about them as well. She thought this could be an example to other communities.

Andrew Twaddle, 919 Edgewood Avenue, stated he was a Professor Emeritus of Sociology, and he and a colleague had written a text book on the sociology of health. One chapter had dealt with cross-national comparisons of healthcare systems. He noted they had tried to determine if there were distinctive features of the cultures of various societies that shaped their healthcare systems. He read a portion relating to the United States, which indicated the establishment and expansion of the country had taken place by the military conquest of a large number of tribally organized societies and it was a conflict with racial and political overtones. He noted that believing in the inferiority of the Native American people, the European American conquerors felt free to institute germ warfare and a program of genocide against them. Further the institution of chattel slavery in the south and the profiting from the slave trade in the north had set a pattern in which non-white populations, blacks, were viewed and treated as inferior. To a degree not found in other societies, the culture of the United States contained values of antiauthoritarianism, individualism, and a strong element of racism, which influenced most aspects of the society. He believed racism was the issue here, and none of them, who were defined as white, were exempt from it. They were immersed in it from the day they were born, if not earlier. He commented that everyone on the Council, except for Mr. Ruffin, were racist, just as he, Chief Burton, and most of the police were racist. The only thing that could be done was to acknowledge it and figure out how to compensate for how they were raised in a way that would provide more justice in society. He believed the process recommended by Mr. Thomas was a step in the right direction. It would not solve all of the problems, but they needed to have the conversation.

Mr. Thomas stated he was open to a timeline as he understood Mr. Ruffin had been concerned about being able to do this by November. He noted he was willing to leave it open or choose a date that was further out. Mr. Ruffin explained the reason he had some concerns about the November 30 deadline was because he felt the date was arbitrary. He believed if they were to choose an end date, it should come out of a conversation. He thought more conversation should be engaged in before moving forward with a target completion date. Mr. Thomas explained the November deadline had been based upon the planning process they had experienced for the Affordable Housing Symposium as it had been about six months, but he was not set on that date or any date. He believed it was important to make a statement tonight declaring the need to do this.

Ms. Nauser commented that the Mayor's Task Force on Community Violence had disbanded in 2014 and they were still discussing this component of the recommendations made by that Task Force. She noted she worked better under deadlines so she did not feel it was bad to have a deadline. She agreed six months might be too soon, but suggested they not leave it open ended. She recommended a year, and noted they could always extend the deadline.

Ms. Peters explained she was frustrated on a couple of levels. She agreed they needed to have a conversation about community policing without yelling at each other or demeaning each other, but also felt they needed to fund the police force. She stated she was frustrated by the fact they would spend a year on community policing and discussing what it was they wanted the non-existence police force to do. Since they were short-staffed, they were only able to provide a little community policing or geographic policing. She reiterated she was frustrated that they would delay determining how they would fund policing while they defined community policing. Regardless of how it was defined, more police officers would be needed so they were able to interact with citizens and not just travel from one crisis to another. She pointed out she was not opposed to a robust engagement and was only concerned about delaying the funding of officers for another year.

Mr. Thomas commented that there was nothing in the resolution that obviated moving forward with a ballot issue. They would only declare a need to conduct a community engagement process about policing in Columbia.

Mr. Ruffin clarified he was not against a November 30 date, but did not feel tonight was the time to set the date. The date needed to be set out of a conversation with other members of the City Council and City staff because a lot was going on at this time, to include specific initiatives in community policing that were already in process and would be evaluated in the next few weeks. If this was passed tonight, he suggested they come back together in a month or so to set a target date.

Mr. Trapp stated he agreed with Mr. Ruffin and noted Ms. Peters' comments got to his concerns. If they removed the date, it would eliminate those concerns. They knew they needed more police officers to effectively do community policing. He commented that he would love to see this process as it was clearly a recommendation of the Mayor's Task Force on Community Violence. Although many of the recommendations had been implemented, this was not one, and he appreciated Mr. Thomas forcing it into the public dialogue, but he also agreed with Mr. Ruffin in that a broader conversation was needed. He believed they needed look wisely at the timing of this because it might be difficult to engage in a ballot issue if the work was in process. By removing the date, they could take pause and be very thoughtful about how they could do this in a way that enhanced their ability to bring in the resources to have the kind of policing they wanted for the community.

Mr. Skala agreed with Reverend Molly Housh Gordon in that they must take the time to get this right and Mr. Twaddle in that they must have a conversation. He did not feel November was long enough to really have a conversation, and noted there was a lot of history with regard to this topic. He reiterated he agreed they needed to have this conversation, but was troubled by the timing, the fact this had not been run by City staff for an opinion, the resolution indicating the final report would be completed by the City Council, etc. He was not sure the Council had ever written a report, and thought they evaluated reports written by others. He wondered if they would have to reconstitute the Task Force in order to proceed as well. He suggested a slight pause to evaluate this prior to proceeding, and thought they should table R28-17.

Mr. Thomas stated he would oppose a motion to table R28-17. This was a simple statement of their position and what they believed to be important. He felt a lot of people expected the City Council to show some leadership and declare this need. He was against tabling it and noted he again agreed with Ms. Nauser in that a deadline was needed.



Mr. Skala commented that he took some umbrage in that the most of the Council was not engaged in this process to the extent they could really have this discussion. He wanted to ensure they got this right initially.

Ms. Nauser explained she would not support tabling R28-17 as she believed they could move forward without a final timeline. She agreed with Mr. Thomas in that they should move forward with this resolution. The longer they waited to put it in motion, the longer it would take to make any accomplishments. She noted she agreed with Mr. Skala in that it should not be the Council that was completing the report. If they were not agreeable with November 30, she suggested a year. There was not any reason they could not look at alternative funding mechanisms while working on this community engagement process at the same time.

Mr. Skala agreed a year was likely more reasonable in terms of timing than six months. He suggested they work out these details prior to adopting the resolution. He noted he thought everyone involved appreciated the fact they were committed to having the discussion.

Ms. Peters suggested removing Section 5 of the resolution. Ms. Nauser stated she was concerned about not having a deadline. Ms. Peters stated she understood, but noted it appeared as though that was the hang up.

Mayor Treece stated he believed the resolution would benefit from some additional discussion by the City Council with staff and the community. He thought Sections 1-4 of the resolution would allow for that, but Section 5 created some problems as to who completed the report, how it was done, etc.

Mr. Thomas suggested replacing Section 5 with language reading "The community engagement process about policing in Columbia shall be completed by February 28, 2018."

Mayor Treece pointed out this whole process could be moot if there was not additional resources to implement the philosophy that was created under this process.

Mr. Thomas thought the first step was to determine the philosophy, and they could then determine the associated costs. He believed they should proceed with voting on this resolution with the change to Section 5.

**Mr. Thomas made a motion to amend R28-17 by replacing Section 5 with language reading "The community engagement process about policing in Columbia shall be completed by February 28, 2018." The motion was seconded by Mr. Trapp and approved unanimously by voice vote.**

Mr. Skala commented that there were resources many of them had brought back from the National League of Cities and suggested all of those resources and materials be included in the discussion.

**The vote on R28-17, as amended, was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

## **IX. INTRODUCTION AND FIRST READING**

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B43-17

Repealing Article III of Chapter 12A and Chapters 20, 23, 25 and 29 of the City Code; enacting a new Chapter 29 of the City Code to establish a Unified Development Code; amending Chapters 2, 6, 13, 24 and 27 of the City Code as it relates to the Unified Development Code (Case No. 16-110).

- B44-17 Rezoning property located on the east side of Brown Station Road, between Blue Ridge Road and US Highway 63, from District M-R (Research, Development and Office Park District) and District M-C (Controlled Industrial District) to District R-1 (One-Family Dwelling District) (Case No. 17-45).
- B45-17 Approving the Addison's South C-P Plan located on the southwest corner of Vawter School Road and Frontgate Drive (Case No. 17-48).
- B46-17 Approving the Sinclair Road PUD Plan located on the east side of Sinclair Road and north of Cascades Drive; granting a variance from the Subdivision Regulations as it relates to direct driveway access onto Sinclair Road (Case No. 17-50).
- B47-17 Approving the Final Plat of Sinclair Road Plat 1 located on the east side of Sinclair Road and north of Cascades Drive; authorizing a performance contract (Case No. 17-49).
- B48-17 Approving the Final Plat of Christiansen Deline Subdivision - Plat 1 located on the southwest corner of Brown School Road and Range Line Street (Highway 763) (Case No. 17-40).
- B49-17 Approving the Final Plat of Bass Crossing, Plat No. 1 located approximately 700 feet south of Prathersville Road and east of Range Line Street (Highway 763); authorizing a performance contract (Case No. 17-47).
- B50-17 Vacating a portion of Pannell Street located between Wilkes Boulevard and its existing terminus at the northeast corner of property addressed as 702 Range Line Street (Case No. 17-57).
- B51-17 Vacating a drainage and utility easement on Lot 605 within The Vineyards, Plat No. 6 located on the southeast corner of Pride Mountain Drive and Oakville Ranch Drive (Case No. 17-58).
- B52-17 Appropriating funds relating to a Freight Enhancement Program grant agreement with the Missouri Highways and Transportation Commission for the purchase of a railcar unloading ramp and development of an automotive loading and unloading facility at the Columbia Terminal

Railroad (COLT) transload site.

- B53-17      Appropriating retained earnings funds to the Columbia Terminal Railroad (COLT).
- B54-17      Accepting conveyances for utility and electric utility purposes.
- B55-17      Authorizing an agreement for professional architectural services with Architects Design Group / ADG, Inc. for design services relating to the construction of a Columbia Police Department North Precinct facility in the Auburn Hills Subdivision; appropriating funds.
- B56-17      Authorizing construction of a driving range, to include the construction of hitting tees, target greens, irrigation installation, tree buffer plantings and connecting concrete cart paths, at the Lake of the Woods Golf Course; calling for bids through the Purchasing Division.
- B57-17      Authorizing an agreement with Boone County, Missouri for public health services.
- B58-17      Authorizing an agreement with Boone County, Missouri for animal control services.
- B59-17      Accepting grant funds from the United States Food and Drug Administration/Association of Food and Drug Officials for the Boone County voluntary national retail food regulatory program standards project; appropriating funds.
- B60-17      Authorizing a memorandum of understanding with the PedNet Coalition relating to the disbursement of funds received from a Missouri Foundation for Health Grant for the Vision Zero project; appropriating funds.
- B61-17      Amending Chapter 11 of the City Code to establish a prescription drug monitoring program.
- B62-17      Authorizing an intergovernmental user agreement with St. Louis County, Missouri relating to the prescription drug monitoring program; appropriating funds.

**X. REPORTS****REP12-17      Rental Energy Efficiency Report from the Environment and Energy Commission.**

Mr. Matthes provided a staff report.

Mr. Trapp asked for a staff response to the Environment and Energy Commission (EEC) report.

Mr. Skala commented that he was previously on the EEC and noted that group had struggled with the rental issue in terms of efficiencies for a long time. He thought this was remarkable and appreciated their work.

Mayor Treece noted some landlords with 2-3 properties had expressed concerns and asked at what point they would be engaged in the process. Mr. Trapp replied he understood they had already been engaged in the process, and stated he was not objecting to staff including additional feedback in their response.

Mr. Skala commented that he thought there had been a keystone project associated with the University on this topic several years ago, and several landlords and rental property owners had been involved in that discussion as well. He suggested some of that information be resurrected as it had led to this EEC recommendation.

Mr. Trapp pointed out conservation was something that was doable under existing technology and it could help alleviate stress on the power system, but he did not believe they wanted to make things overly difficult for small landlords. He thought allowing staff to weigh in was an appropriate next step.

**REP13-17      MKT Trail Sewer Project Restoration Plan.**

Mr. Griggs provided a staff report.

Mr. Trapp commented that he thought it had been a great process and noted he was struck by the number of people that liked the openness of the trail and allowing in more sunshine. It was a great opportunity to make it better than how they had found it.

Mr. Thomas stated he appreciated the Parks and Recreation Department and the Utilities Department working together to quickly respond to and address concerns.

**REP14-17      Special Events Ordinance and Processes.**

Mr. Matthes provided a staff report.

Ms. Peters asked for the types of issues they tended to see. Lieutenant Shouse-Jones replied issues tended to entail the volume of traffic on some streets, the width of streets, whether there were sidewalks on streets, whether the intersections were controlled by signals, stop signs, etc. She explained they viewed it from the perspective of disruptions to those driving the route as well as those running the route in terms of safety. She pointed out every route was different, and most of the time, the organizers were willing to work with them to address concerns and minimize risks.

Mr. Trapp commented that he thought the process worked well when they were talking about an organization planning the event, but did not believe it worked as well with more spontaneous demonstrations. They had the capacity for a 16-year old to get thousands of people come out without any actual organization behind the event. He thought they needed the ability to facilitate large movements of people in a way that maximized safety and resolved the issue. He stated he had not been at the event that had precipitated this report, but understood there were well over 2,500 people that had been organized via Facebook. He thought they needed to revise the policy for First Amendment experiences that were not attached to a formalized organization. He understood the event involving the 2,500 people had been confined to sidewalks that were jammed up for many hours. In addition, people were frustrated and felt unsupported by the City. He believed it would behoove them to reexamine their processes to facilitate street closures for large groups of

people.

Ms. Peters understood this group had met at the Courthouse, but they could have met at Peace Park. She wondered if they could have options in addressing semi-spontaneous events.

Lieutenant Shouse-Jones explained they had met with one of the people that had been involved in the event. She understood several organizations had been involved which was the reason for some of the confusion. There was not a single point of contact. She noted one of the people involved with one of the organizations had participated in a special events meeting and had discussed the route. One of the things the City had proposed was closing a street, but it would have entailed a different route. They had suggested going down Eighth Street from the Courthouse to a gathering place on the MU campus because that would have involved just one intersection on Broadway. She explained one intersection on Broadway was much different than the entire length of Broadway during the day since it was a major artery. She stated she would love to let people do what they wanted when they wanted, but they had to ensure the City could keep running as well. She noted they had not wanted to go with that alternate route option. She pointed out another issue with spontaneous events was the amount of resources they were able to provide immediately. They did not have enough people available on patrol without calling in additional resources. Even then, a route along Broadway, would require more officers than they would likely be able to accommodate to make it safe. She was not sure how they could accommodate every organizer that wanted to utilize Broadway.

Mr. Skala stated he had been at that rally and it had eventually worked as they had their own crossing guards. Part of the issue was that there were multiple groups and multiple conversations, and the fact they received different messages from different people. He agreed it was hard to coordinate spontaneous events.

Mr. Matthes noted staff would revisit the issue and determine how they might be able to better handle spontaneous events, such as that one, but pointed out it was a resource issue at the end of the day.

**REP15-17      Intra-Departmental Transfer of Funds Request.**

Mayor Treece understood this had been provided for informational purposes.

## **XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Monta Welch, 2808 Greenbriar Drive, thanked Mr. Ruffin and Mr. Skala for expressing interest in the resolution proposed to support the protectors of water with regard to the Dakota Access Pipeline. She provided an update, and noted they needed to be concerned about the pipeline crossing of the Missouri River in two different locations as it could affect water quality. She asked for the Council to proceed with the resolution she had requested.

Eugene Elkin, 3406 Range Line Street, commented that they deserved decent drinking water.

Mr. Elkin reiterated his concern of the Council allowing the Aurora Organic Dairy project to move forward. He pointed out he had been opposed to Aspen Heights in the past as well, and it had been in the news twice due to high utilities and poor quality. He wondered if the City would monitor Aurora Organic Dairy better.

Mr. Trapp commented that there was a one-foot gap at the shelter at the Garth Nature Area Dog Park, which had been blocked by users with cardboard, which staff had removed. He assumed the gap was required so the shelter did not blow over, but was uncertain. He asked for a report from staff as to the reason for the gap.

Mr. Trapp explained the Aurora Organic Dairy would use less water than if it had been developed as R-1 single-family housing, which were projects they approved routinely. He

did not believe their water plant would be strained by this economic development project that would create living wage jobs.

Ms. Peters commented that a few months ago there were temporary no parking signs along the north side of University Avenue, and noted it had worked well as buses were now able to pass with less weaving. Many of the curbs were not striped yellow so people were having difficulty determining whether to follow the signs or non-yellow painted curbs. She asked for an ordinance to make the north side of University Avenue no parking from Rockhill Road to College Avenue and for the curb to be striped.

Ms. Peters stated she had spoken with someone with regard to the public hearing process on the Unified Development Code (UDC) who indicated people were waiting to speak until after the Council indicated what amendments they had planned to propose since they would only be able to speak once. She understood that once everyone had spoken once, someone that had previously spoken would again be allowed to speak if there was time, and asked for clarification. Mayor Treece replied he anticipated the second opportunity to provide public comment would be at the complete end of the process, but if it was the will of the Council to entertain secondary comments on Saturday, it could be accommodated.

Mr. Skala thought some of this would have to be determined on the fly as no one would have expected only two speakers tonight. He agreed he thought people were waiting until the end. Mayor Treece commented that filibustering this on March 20 would not be an effective lobbying technique. Mr. Skala agreed and thought they would have a few more people participate on Saturday.

Ms. Peters suggested they discuss amendments they would like to propose on Saturday as well so people had the March 6 meeting to comment on amendments. Mr. Trapp thought they would propose amendments on Saturday and vote on them on March 6. Mayor Treece agreed they would vote on amendments on March 6 and let them lie until the final vote on the UDC on March 20.

Ms. Nauser thought it was fair to say March 20 was too late to come forward with an amendment. Mayor Treece agreed.

Mayor Treece understood all of the amendments recommended by the Planning and Zoning Commission had been incorporated into the proposed UDC. Ms. Thompson stated that was correct, but pointed out they were still finding clerical errors. Mr. Trapp understood they could address the clerical errors on March 20. Ms. Thompson agreed.

Mayor Treece asked if everyone would be in attendance for the special meeting on Saturday, February 25. Everyone indicated they would be in attendance. Mayor Treece suggested they be prepared with ideas for amendments, whether constituent driven or not, and regardless of whether they had the necessary wording. This could be discussed after public comment was taken on Saturday. This would allow Ms. Thompson to craft those in an amendment for consideration on March 6 and allow the public to view the amendments. He suggested they address the amendments first on March 6, and then open it up for public comment afterward. He noted they could also allow for public comment, handle the amendments, and then open it up again for public comment on March 6. Ms. Peters suggested they address amendments first. Ms. Nauser thought the only people that would speak would be those that did not get their amendments addressed at the Planning and Zoning Commission level.

Ms. Thompson asked the Council to provide her a list of their proposed amendments as soon as possible because it would allow staff to determine where the changes would be needed as multiple sections could be impacted.

Mr. Skala asked staff to provide feedback on R28-17, as amended, that had passed earlier tonight.

Mr. Skala asked staff to place the resolution requested by Ms. Welch in the queue and to provide comments on it as well.

Mr. Skala stated there had been some good press with regard to property rights and the reconciliation of conflicting property rights along with the community interest. He wanted to ensure the public understood this was more complicated than it appeared. He noted this was in reference to the downzoning of properties in the Benton Stephens neighborhood.

Ms. Nausser commented that the Downtown Community Improvement District (CID) had provided them a letter and asked staff to review it and to be prepared to comment on it.

Ms. Nausser thanked Mr. Thomas for bringing forward the resolution for community engagement with regard to policing as it had been a recommendation of the Mayor's Task Force on Community Policing.

Mr. Ruffin noted Josie Sullivan had come before the Council a few weeks ago with regard to water gathering in her front yard, which she believed was the result of the street being higher than the yard and the fact it did not have a curb, and explained the City would replace the curb in the front of her house as it would help divert the water. This was an issue she had been working on for eleven years so it was great that it would finally be resolved.

Mr. Ruffin stated the activities at the Blind Boone Home were increasing. It was the gathering place for a discussion group focusing on certain movies, and the Ragtag Foundation had decided to use the house for their annual fundraiser this summer.

Mr. Skala asked how people were able to rent space at the Blind Boone Home and whether there were rates. Mr. Ruffin replied that information was on the website, which was [www.blindboonehome.com](http://www.blindboonehome.com) <<http://www.blindboonehome.com>>.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 11:30 p.m.