

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
MARCH 17, 2014**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 17, 2014, 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 NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of March 3, 2014 and the special meeting of March 12, 2014 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Hoppe.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Upon her request, Mr. Trapp made a motion to allow Ms. Nauser to abstain from voting on B54-14 due to a conflict of interest. The motion was seconded by Mr. Skala and approved unanimously by voice vote. Ms. Nauser noted on the Disclosure of Interest form that she was a member of Nauser Investments, LLC, which was the business granting the conveyance to the City of Columbia.

Mayor McDavid asked that R40-14 be moved from the consent agenda to new business due to an error in a street name.

The agenda, including the consent agenda with R40-14 being moved to new business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Skala.

**SPECIAL ITEMS**

Mayor McDavid acknowledged the sixteen member Korean delegation that was in attendance, and noted they were studying government through the University of Missouri. He asked them to stand and welcomed them to Columbia.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**MAYOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH**

Babcock, Skyler, 2300 Sunflower Street, Ward 2, Term to expire November 30, 2015

**PUBLIC TRANSIT ADVISORY COMMISSION**

Major, Taylor, 411 Hitt Street, Apt. 6B, Ward 1, Term to expire March 1, 2015

**RAILROAD ADVISORY BOARD**

Fitzgerald, Jesse, 1215 Chadwick Drive, Ward 5, Term to expire July 15, 2014

Paten, Marty, 1900 West Broadway, Ward 4, Term to expire July 15, 2017

**SCHEDULED PUBLIC COMMENT**

**Anthony Conway – Stormwater runoff and the bus system.**

Mr. Conway, 2601 Quail Drive, commented that he had lived in Columbia for about six years and the system had gotten worse in the past year and one-half. He noted it was 20 minutes late today, and wondered if anyone was held accountable. He understood the City had spent tens of thousands of dollars to determine how college kids would ride the bus, and thought they should worry more about the citizens and businesses of Columbia because he believed college kids would also ride the buses then.

Mr. Conway provided pictures and a map of the stormwater runoff issues affecting the property he rented. He explained he had approached the City Council about it once before, and someone was sent out to look at the problem. He thought a band-aid solution had been incorporated because it had not solved the problem. He asked for a better band-aid, or for the problem at 2601 Quail Drive to be fixed.

**PUBLIC HEARINGS**

**PR229-13 Adopting a policy relating to the repair, maintenance and restoration of brick paved streets.**

The policy resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Trapp made a motion to amend PR229-13 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

Cheryl Price, 511 Parkade Boulevard, stated she was a member of the Disabilities Commission and thanked the Council for providing time to allow them to work with the Historic Preservation Commission to come up with a compromise on this policy.

There being no further comment, Mayor McDavid closed the public hearing.

Mr. Trapp stated he was pleased the Disabilities Commission was able to come to an agreement with the Historic Preservation Commission. He commented that public policy became interesting when the values people were bound by were in conflict. They all had the belief that everyone should be able to navigate safely and enjoyably in order to be able to partake in the great things the City had to offer, but they also valued preserving what was best about Columbia by creating a sense of place and community that was connected to Columbia's history, had an aesthetic that was pleasing to the eye, and allowed people to feel they belonged. He thought it was nice they were able to take the extra time to come together to work out an agreement instead of having to choose between important values.

Mr. Thomas stated he agreed with Mr. Trapp and commented that he felt the lesson here was that compromise took time as people had to explain their positions, listen to the position of others, and identify common ground. He felt these two commissions had done a really good job.

Ms. Hoppe commented on the importance of historic preservation and ensuring Columbia had some unique characteristics, and noted she appreciated the commissions looking at how to accommodate the concerns. She was also thankful East Campus, which was on the National Historic Register and had historic streets, had been added to the policy resolution.

Mr. Skala understood some people were surprised by the extent of brick streets in Columbia and believed changing “shall” to “may” in terms of funding made this more palatable as it provided more flexibility and input from the public to their elected representatives. He stated he appreciated everyone’s work on this and noted he was in support of this policy resolution.

The vote on PR229-13, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

**B56-14 Naming property located at 801 N. Strawn Road “Strawn Park”; approving the Strawn Park Master Plan; determining it is in the public interest to construct improvements at Strawn Park – Phase I.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Ms. Nauser asked if the first parking lot that came off of Strawn Road by the practice soccer fields would be within or outside of the 100 foot stream buffer. Mr. Griggs replied it would be outside of the stream buffer, but would still be located in the flood area.

Mr. Thomas congratulated staff for working with the subdivision developer to create a public access. He thought more people were realizing easy access from residential areas to parks and public spaces were assets for developments.

Mayor McDavid opened the public hearing.

Mark Ehlert, 3300 Appalachian, stated he was representing the Columbia Disc Golf Club, which had been around for thirty years. He explained the courses Columbia currently had were getting full, which made it difficult to play, and this would provide more access to disc golf in Columbia. In addition, it would be a championship caliber course, and would draw the better players in the country back to Columbia. He pointed out Columbia had been home to one of the major disc golf tournaments in the country in the 1980’s when disc golf first started, and they were working hard to bring Columbia back up in the rankings. He thanked staff for the idea of designing a championship caliber course with the assistance of a professional designer, and noted the Club was willing to assist in installing and maintaining it.

Skyler Babcock, 2300 Sunflower Street, stated he was representing the Columbia Disc Golf Boosters and thanked staff for working closely with the disc golf community in developing an outstanding course and park, as there were not many places to play soccer in west Columbia either. He explained the Columbia Disc Golf Boosters had been working with the Columbia Public School District on developing a disc golf curriculum as an alternative to regular golf, which had been outside of their financial reach, and had developed a curriculum for eleven schools. He believed this course would provide access to those in western Columbia and pointed out disc golf was a fantastic form of outdoor activity.

Gabe Wilkerson, 2812 Burrwood Drive, stated he was the President of the Columbia Disc Golf Club and noted he had only been involved in the sport for a couple of years, but it had really made him appreciate the parks. He explained they were excited about the idea of a professionally designed course, so those that toured would see Columbia as a destination. He pointed out they were starting to rebrand and reinvigorate the way disc golf was viewed in Columbia. The thirtieth Mid-America Open, which was one of the longest running tournaments in the nation, would be held this year, and they had made an effort to make it a bigger deal by providing money to add to the pro-purse and paying for national advertising. The development of this course would solidify Columbia as a destination for the future. He asked members of the Club and community in support of this proposal to stand, and approximately 35 people stood.

Adam Morrison explained he was a member of the Columbia Disc Golf Club and noted he had grown up in Columbia playing disc golf since 1998 when he was only five years old. He was now a professional that toured the country and was looking forward to the growth of the sport in Columbia. He wanted to be able to welcome the other touring professionals to Columbia so they could see what Columbia had to offer.

There being no further comment, Mayor McDavid closed the public hearing.

Mr. Trapp commented that he was pleased with the progress of this park in terms of public access as he had just asked about it at the last Council Meeting. He believed the parks and trails that would be passed on to later generations were important in terms of quality of life, active living, the health of citizens, and bringing tourists to Columbia. He felt this park would be a great addition to the neighborhood and planned to enthusiastically support it.

Mr. Skala thanked staff and noted there was great support for disc golf as had been emphasized by the number of people in attendance. He felt there were many amazing things in Columbia and pointed to the enthusiasm for pickleball as another example.

Ms. Nauser commented that she felt Columbia had the best parks and recreation system of any place she had visited or lived. This project, as well as past projects, was a testament as to why Columbia was such a beautiful community that promoted outdoor health, recreation, and living a healthy lifestyle. She thanked the Disc Golf Club members for coming to the meeting to show their support.

B56-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**R49-14 Approving the FY 2013 Consolidated Annual Performance Report (CAPER).**

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala asked Mr. Teddy to expand on the progress being made on the Housing Trust Fund. Mr. Teddy replied the Housing Authority had brought a person that ran the community land trust in Lawrence, Kansas to Columbia to meet with stakeholders, and

understood they were also outlining what a housing trust might look like, who would participate, and how it would be funded.

Ms. Hoppe asked if there was anything the Council could do to increase resources for the Code Deficiency Abatement Program, in which they were behind. Mr. Teddy replied he thought the reduction in resources had to do with the grant itself in that there was a decline in the amount they had to work with. He explained it was a program that could benefit from referrals if there was a notice of violation. He pointed out there was also a \$5,000 cap so many people looked at the program for full home repair instead as it had a \$35,000 limit and could address a situation of an aging home in need of serious repairs.

Mr. Schmidt stated he was interested in comments from Mr. Teddy with regard to property owners that were not responsive or were absent. He explained those properties that had responsive owners would be repaired, but those with non-responsive owners or absent owners would remain a problem. He wondered how these situations could be tracked. Mr. Teddy replied he did not believe that information was reported in the CAPER, but rental and owner-occupied homes were tracked through Neighborhood Response Team surveys in Neighborhood Response Team areas.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Mr. Trapp stated he continued to be impressed with the increase in metrics even with less staff. The Community Development Department had a quality team and it showed as the programs were run efficiently and added a lot to the community.

Mr. Skala agreed with Mr. Trapp in terms of shrinking resources still resulting in improvements as he felt it was pretty remarkable.

The vote on R49-14 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **OLD BUSINESS**

### **B53-14 Authorizing a power purchase agreement with Farmers City Wind, LLC for the purchase of wind energy.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Hoppe made a motion to withdraw B53-14. The motion was seconded by Mr. Skala.

Mayor McDavid stated he thought this was unfortunate as it would have accounted for four percent of the City's renewable energy. He understood the evidence indicated the cheapest form of renewable energy they could access in the near future was wind, and presumed staff would scour the landscape for other options.

The motion made by Ms. Hoppe and seconded by Mr. Skala to withdraw B53-14 was approved unanimously by voice vote.

**B61-14 Authorizing a development agreement with Columbia Properties II, LLC relating to property located on the south side of Conley Avenue, between Fourth Street and Fifth Street.**

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. St. Romaine provided a staff report.

Mayor McDavid commented that he did not believe many were familiar with the process Collegiate Housing Partners had gone through in terms of this development. He pointed out they were the initial purchasers of the Niedermeyer building, and in response to public outcry, they had sold the building to Dr. Asmar as he had intended to keep the building. He thought the community owed Dr. Asmar a great deal of gratitude for purchasing and keeping the building. Collegiate Housing Partners then pursued this particular project. He understood Collegiate Housing Partners had gone before the Planning and Zoning Commission and the City Council for approval of this project. Mr. St. Romaine stated that was correct, and note it had been approved by the Council in July.

Mayor McDavid understood building permit issues did not ordinarily come to the Council for approval, so this development agreement would not have been brought to them for consideration if adequate infrastructure had been in place, and the project would have likely already been under construction. Mr. St. Romaine stated that was correct. He pointed out the issuance of a building permit was an administrative function and did not need approval from the Council.

Mr. Skala understood there was a report recommending the Planning and Zoning Commission review a potential C-2 overlay, and understood that could impact future developments. Mr. St. Romaine stated that was correct. Mr. Skala commented that he felt the C-2 overlay was very important and a part of this package of development agreements.

Mr. Trapp understood this particular development was not a C-2 zoned property. Mr. St. Romaine stated that was correct, and noted it was within a planned unit development district.

Ms. Hoppe understood any additional requirements passed in the future in terms of C-2 zoning would not apply to these developments, to include the Opus development, because that property already had C-2 zoning and could move forward before those decisions were made.

Mr. Skala felt the development agreements suggested if things were done fairly and were not too restrictive, they would be acceptable. He wondered if any guidelines they wanted to impose on future developments in terms of a C-2 overlay would be applicable to these developments. Ms. Hoppe stated she thought it would be dependent on timing.

Mayor McDavid asked if he was correct in that Mr. Matthes had indicated capacity had been reached and what they saw at this meeting was all they would see for a while, so they would not see a rush to develop multiple 30-story buildings. Mr. Matthes replied that was correct. He noted they were talking about the last remaining portions of capacity tonight. Staff would not bring forward anything else until these larger questions were settled.

Mr. Matthes noted the potential changes to C-2 zoning and its effect on developments were a matter of timing. Ms. Thompson stated that was correct and explained it came down to timing and the reasonableness of regulations.

Mr. Thomas asked for the formula for the permitting plan component. Mr. St. Romaine replied it was \$2.25 per \$1,000 of building valuation.

Mr. Thomas understood the water connection fee was a per dwelling unit fee, and asked how much that was per dwelling unit. Mr. St. Romaine replied it depended on the size of the connection and noted a 4-inch connection would be \$3,141. He understood this was what they had estimated per unit for a total of \$330,000. Mr. Thomas asked for a copy of the presentation to be provided to the Council. Mr. St. Romaine replied it would be provided. Mr. Matthes pointed out a unit might not match up to the bed count. Mr. Thomas thought the ordinance had per dwelling unit cost, which meant a \$500 connection fee and a \$138 water meter fee.

Mr. Skala understood Mr. Matthes had indicated the City did not have the capacity to fund projects beyond what was being discussed tonight, and agreed this was true, but pointed out the Council would discuss financing mechanisms for infrastructure in downtown area so a solution might be found. He wanted the public to know this was not necessarily the end as they would discuss ways to deal with the capacity issues.

Mayor McDavid commented that he thought it was fair to assume there was no slush fund staff would discover tonight and funding would involve a combination of user fees, connection fees, taxes, trip generation, development fees, etc., which would include public comment and ballot initiatives. Mr. Matthes agreed there were no easy answers.

Cheryl Price, 511 Parkade Boulevard, asked for clarification regarding the transit agreement for this development. Mr. Matthes replied Collegiate Housing Partners had a robust approach to transit involving car shares, bike shares, and a commitment to the transit utility, which was a part of the development agreement associated with land use decisions previously made. He stated it would include 100 bus passes. Ms. Price asked how many parking spaces would be involved in the project. Ms. Thompson replied 165 spaces, which included 115 on-site spaces and up to 50 off-site spaces in the City's parking garages, and the up to 50 off-site spaces could be reduced by the number constructed on-site. Mr. Matthes pointed out there were 90 spaces for bicycles as well. Ms. Price commented that as a member of the Public Transit Advisory Commission, she believed Collegiate Housing Partners had gone above and beyond in trying to accommodate the notion of public transit in the City and decreasing the amount of vehicle miles traveled, which she appreciated and hoped would be considered by Council in the approval process.

Brandt Stiles, a representative of Collegiate Housing Partners, provided a history of their involvement with the City of Columbia. He explained they had purchased the Niedermeyer building in April 2013, and instead of tearing it down and building a high-rise, they searched for a different site that was more in line with the City's master plan. In July, they had received unanimous approval from the Planning and Zoning Commission and the City Council on their project at Fifth and Conley. Based upon the approvals received, they and their financial partners felt comfortable in purchasing the property in October. In November, they had arranged and paid for the relocation of all existing students to ensure an April 1, 2014 construction start date was possible. With approvals in place, a full set of architectural drawings were submitted the first week of February for the building permit, and the existing structures were demolished in late February. Two weeks ago, they were notified

their project was on hold due to sewer issues. He noted they made a very significant financial commitment based on previous approvals, and in their attempt to be good community developers, they had agreed to contribute \$150,000 for sewer repair and replacement. He pointed out timing was critical with student housing as the move-in date could not be delayed. He stated they had established their timeline last July when they had received unanimous approval from the Council to move their project forward, and any delay in the schedule would prevent the project from moving forward due to the enormous financial burden it would create.

Rick Shanker, 1829 Cliff Drive, asked if this development would be six stories. Mr. St. Romaine replied yes. Mr. Shanker understood it would include 351 beds, and asked how many parking spaces would have been required if it had been built outside of the C-2 zoning district. Mr. Teddy replied the development had been rezoned from R-3 to PUD, and Collegiate Housing Partners had agreed to provide 70 percent of what would have been required in terms of on-site parking for R-3 zoned property. Mr. Shanker understood the developer was contributing \$150,000 to the sewer, but the entire sewer project would cost \$450,000, which created \$300,000 deficit, and asked how that deficit would be funded. Mr. St. Romaine explained the Public Works Department had estimated the cost of an 8-inch sewer main was about \$450,000 based upon the number of beds, and this developer's share came to \$150,000. This was not dependent upon any other agreement being approved. He noted they felt \$150,000 was a fair and equitable amount for this developer to contribute. If the ACC project and agreement was not approved, the City would have to fund the remaining portion through reserves, and would then have to recapture the cost in the future when the site was developed. Mr. Shanker understood the fees charged to builders were typically devoted to fund staff so many of the departments were self-supported, and asked if that was correct. Mr. St. Romaine replied that was the permit plan, but noted he did not believe it covered 100 percent of the staff cost. Mr. Shanker commented that he would pay those things if he built a house, and the payment would contribute to the funding of those departments. Mr. St. Romaine stated that was correct. Mr. Shanker understood the only real funding the developer was providing for this project were the amounts in the columns highlighted in blue on the slide in terms of the sewer, electricity, etc., and asked if that was correct. Mr. St. Romaine replied no. He pointed out the development charge would be used to contribute to street improvements, and the wastewater connection charge was similar to an equity buy-in to the existing system and was calculated based upon the number of dwelling units.

Clyde Bentley, 1863 Cliff Drive, stated he did not believe this development in itself was all that bad, but felt the problem was that the City had lost credibility due to errors made by staff, such as approvals of building overhangs or building height calculations. In addition, the citizens had recently been told nothing could be done until \$12.5 million had been spent, but only a few weeks later they were being told some projects could move forward if certain amounts were donated by the developers. He did not understand why the City had to force these agreements through in a period of a week just because they had changed their mind as it made it seem as though the City was doing something wrong. He did not believe a pause would be fatal to the developers. It would only be inconvenient because they would be

unable to make their own deadline. He pointed out they were waiting on an evaluation of the C-2 zoning district and real figures in terms of addressing the infrastructure problems, but yet still forcing these things through. If the City wanted to regain any faith from the voters and the public, he suggested they pause and provide a reason the public could understand and believe.

Reuben Stern, 309 W. Broadway, commented that he believed by authorizing these development agreements, the Council was promising developers of new construction a level of service not currently being provided to residents who lived in existing developments, such as him. He explained his home was built in 1939 and he suspected it did not have any problems when it was built or when he had purchased it. About five years after he purchased the property, sewage started backing up in the basement at least once a year. For the last two years, he was losing about 25 percent of rental income from his property because the unit in the basement was not rentable since he could assure a tenant it would not fill up with ten inches of sewage. He wished the City would approach fixing existing infrastructure problems with the same sense of urgency that was being devoted to helping developers put new properties downtown.

Jeremy Root, 2417 Beachview Drive, commented that at the February 17, 2014 Council Meeting, Mayor McDavid and Mr. Matthes had told everyone there could be no development downtown absent a Tax Increment Financing (TIF) project, and that \$19.75 million for necessary infrastructure had to be financed before any development could move forward. He thought it made sense to evaluate the Collegiate Housing Partners project on its merits since it was in the pipeline at that time, but he did not feel it made sense to hold two weekday special meetings where those that did not work within the downtown footprint would be unable to participate in any meaningful way. These three projects would impose a tremendous additional strain on the infrastructure. He felt the idea that this meeting would allow more process than the citizens were accustomed to expect was a farce as they were accustomed to expect projects to be introduced on the first and third Monday nights of the month, and there were two to three weeks for any questions to be addressed after the items were introduced. This was the first time anyone had any meaningful information about these projects, and final action would be taken in less than 48 hours from today. This was not the process they expected or the process established by ordinance. In addition, the law indicated the City Manager, the Mayor, or two members of the Council had to call a special meeting, and that did not occur. He stated the citizens needed to depend upon the processes in place, and this did not meet the processes in place. He urged the Council to table any discussion and vote on these items until adequate process had been followed.

Mr. Matthes stated he had called for the special meetings. Mr. Root asked in what fashion he had called the meetings. Mr. Matthes replied he called for them verbally.

Pat Fowler, 606 N. Sixth Street, provided a handout and explained she had recently attended a conference where she learned that when explaining science to non-scientists, the targeted audience needed to hear from a voice they trusted, and that unsubstantiated science and the fear it created among the public should not be a part of the policy making process. She felt this was analogous to infrastructure.

She commented that she had a stack of local news articles on the infrastructure issue, and sometimes those articles indicated there was enough infrastructure for existing or new projects in the pipeline and at other times they indicated there was not enough infrastructure. She stated she needed a voice she could trust, and suspected many others did as well. She thought it should be a voice that possessed and was willing to share the information the Council requested at its March 3, 2014 pre-council meeting, a voice that reviewed the fiscal accounting required by the City Charter as to prudent reserves and could share and explain it, and a voice that could help the public understand the need for infrastructure upgrades and how workarounds could be accommodated. She asked the Council to require staff to provide the data requested, and to provide enough time for them to digest it and help the public digest it. She understood some felt citizens did not want to pay for increased stormwater or sewer fees, higher rates, or additional taxes for police and fire services, and asked that the public be provided enough time to respond the next time any suggestion was made as they might be surprised by the answer. She also understood ratepayers, citizens, and developers would have to pay more, but they needed to understand how much, when, and where the money was required. She asked the Council to state for the record whether their questions had been answered if they intended to approve the development agreements, with the exception of the agreement with Collegiate Housing Partners, so the public could have confidence in the Council's decision-making.

Ms. Hoppe understood Ms. Fowler had stated "with the exception of Collegiate Housing Partners," and asked if that meant she was in favor of the Council approving that development agreement. Ms. Fowler replied she had supported the Collegiate Housing Partners' development in July, and believed they had been caught in a situation that was not of their making. In addition, they had a good development that was in the right location and the right size, and none of that had changed. She commented that there were one or two paragraphs in the development agreement that made her uncomfortable, but she trusted the Council and the City's attorney in that they had done their job. She did not think the Collegiate Housing Partners project should be held up as they had broken ground and had approval for the project since last year. She noted they had gone through a much different process than the other developments.

Dan Cullimore, 715 Lyon Street, commented that he did not think Columbia could ask for a better developer than Collegiate Housing Partners as they had paid attention to what the citizens wanted in terms of a planning process, particularly with respect the Niedermeyer property. He agreed with Mayor McDavid in that the citizens owed them a debt of gratitude for the way they dealt with that situation. He also felt the development agreement with the Collegiate Housing Partners had merit and should be supported. He did not believe, however, the process that permitted the development in this manner had any merit or should be supported. He stated policy was needed, and felt this policy had been asked for by the citizens, but the Council had failed to exercise development of policy. He commented that he would not hold up this particular project, but suggested the Council look closely and consider carefully the approval of the other projects without appropriate policy.

Peter Yronwode, 203 Orchard Court, stated he was appalled that only weeks after the resounding defeat of the inequitable and undemocratic TIF proposal, they were back at City

Hall considering the hasty approval of three of the four projects that had given rise to the TIF proposal. The public had been told this unseemly speed was necessary to accommodate the construction schedule of more unnecessary, hyper-dense, ill-considered, and unpopular student housing projects. He asked why the City needed to adjust its civic process to the financial timeframe of developers, and felt they could take their projects elsewhere if they could not wait for orderly public process. He commented that citizens had seen worthy projects subjected to extensive and sometimes frivolous delays, but these high-impact projects received perfunctory consideration. Already completed student housing had exhausted physical infrastructure in the downtown, so these new projects were unsustainable. He felt City Administration had refused to consider less tangible impacts, such as parking, traffic, streetscape aesthetics, pedestrian atmosphere, and diversity. He urged the Council to only accept the Collegiate Housing Partners proposal as they were the only ones that had shown any respect for public opinion and the physical and aesthetic needs of the downtown.

John Clark, 403 N. Ninth Street, commented that he believed the City was in a position to change land development processes and the Council could, in part, change it tonight. He suggested the Council reject all three development agreements and only consider them after more information was provided. He hesitated supporting the Collegiate Housing Partners development because he was concerned nothing would change. He felt anyone that was aware of the City's history should have known there were infrastructure issues, but agreed Collegiate Housing Partners had done all they could and had behaved responsibly. He encouraged the Council to reject the other two development agreements and insist on an analysis from the staff in terms of an assessment of the current infrastructure capacity within the entire City, and not just the downtown area.

Frankie Minor, 403 S. Garth, commented that he was a homeowner and had a knowledge of student housing due to his role at the University of Missouri, but was speaking as an individual, and not on behalf of the University. Within the last six years, 2,500 beds had been built by the University and the University provided housing for over 7,000 students. This was done through a long-term process, which began in 2001 and would not conclude until 2021. It involved long-term strategic planning and included infrastructure as every project constructed paid an infrastructure impact fee ahead of time. It also involved surrounding neighborhoods and long-term discussions about the impact it would have on them. He stated he did not have any issues with Collegiate Housing Partners as he had interacted with them briefly in his official capacity with the University and had found them to be very responsive. In addition, their project seemed to be well-reasoned. He explained he was often asked whether Columbia already had enough student housing, and noted that was up to the developers as they had to be responsible to their stakeholders and investors. He stated his issue was with the City Council, and wondered if they had done their due diligence in ensuring they had all of the information needed to understand the long-term impacts of these projects as these projects could not be undone. He understood Mr. St. Romaine had indicated this was at best a piecemeal approach to solving a large problem, and asked if that was the aspiration. He explained he recruited young professionals to Columbia and was proud of the fact the City was progressive, forward thinking, and environmentally conscious,

but recent actions had caused him to question whether that was still true. He asked the Council to respect their constituents and the people that would occupy Columbia for twenty years beyond this decision, and to take their time so a good decision was made.

Mayor McDavid stated he had not talked to any University administrator with regard to student housing, and he believed this was an obligation placed upon the City. He noted Mr. Minor had been the first University of Missouri administrator he had heard talk about student housing. He implored the University of Missouri to cooperate with the City by collaborating on a long-term strategy. Mr. Minor stated he would be happy to work with the City if given the authority as it was not within his current responsibilities.

John Lory, 602 Edgewood, commented that he had generally trusted the City Council and believed City staff worked in good faith, but he was appalled during the Council Meeting he had recently attended involving the TIF process. He stated he personally viewed the TIF as something that had merit if it had been appropriately presented and had been given the time to work its way through the community. At that meeting, unequivocal statements of there being no capacity had been made, but now three developments were being presented, and unequivocal statements were now being made regarding capacity being capped after approval of these three developments. This was causing citizens to question the real situation. He noted neighborhood association leaders had sent letters to the Council requesting a commitment to a process that would allow community meetings in which City staff could explain its perspective and citizens could provide input with regard to the City's analysis. Currently, there was a perception of the inability or unwillingness of City staff to communicate honestly with citizens, and that City staff was acting as the promoters of particular developments. Three days of notification was not enough time for a community to get together to discuss the issue. He commented that he would trust his Council Member in that the Collegiate Housing Partners project was different, but did not feel it meant the system was not broken just because many were supportive of that project. He pointed out he was personally in favor of development downtown as he believed it was the only way the City would succeed, but he also felt a lot of work needed to be done to ensure the citizens could support it. He thought citizens would be supportive if the City took the time to honestly and effectively work with them.

Ken Schneeberger, 605 Thilly, stated he felt the Council had a credibility problem as they had fast-tracked some things in a way that had disappointed many. He explained the Westmount Neighborhood had been waiting several years for stormwater and sewer issues to be resolved, and asked the City to listen to its citizens as they were concerned and supportive of the community.

Alyce Turner, 1204 Fieldcrest, stated the public was uncomfortable with this frenzied and fast process. She recalled reading articles in the fall indicating the University felt they were saturated and there was not a need for additional student housing since they were not growing. She hoped the City could work more closely with the University in the future for more accurate assessments. She commented that she was not sure she could support any of these developments tonight based on Mr. St. Romaine's comment that this was haphazard planning, and felt this provided an opportunity for some real planning in order to solve the

infrastructure problems. She noted she did not feel the Council was being unresponsive, but did believe City staff was making the process more difficult than needed.

Catherine Doyle, 508 Westmount, stated she was the Chair of the Westmount Neighborhood Association and noted she, John Lory, and Hank Ottinger had composed a letter to the Council that had been signed by the chairs of many of the neighborhoods adjacent to downtown area in which they asked the Council to take the time to meet with the community regarding these issues. This proposal was not a solution as it was only a band-aid, and a solution was needed prior to continuing to build downtown. She explained her neighborhood had a lot of sewer and water problems and they had been waiting for years to have those issues addressed. She noted progress was being made, but it was slow. This process, however, was moving too quickly and without enough community input and information provided. She asked the Council to take its time and to not make quick decisions as they would have long lasting effects.

Mr. Skala asked Ms. Doyle if she had received his response to the letter. Ms. Doyle replied she had received responses from Mr. Skala, Ms. Hoppe, and Mr. Thomas.

Deanna Walkenbach, 407 Pyrenees Drive, stated she had looked at the Capital Improvement Project (CIP) Plan list for the last couple of years and had not seen anything with regard to infrastructure in the downtown, with the exception of Sixth and Elm Street. She did not understand how they had gotten to this point and how the Public Works Department had not known the infrastructure was this bad. She felt this was a huge problem and a huge public trust issue.

Monta Welch, 2808 Greenbriar Drive, commented that she agreed with Mayor McDavid in that they had a generational moment before them as she believed this would allow them the time to determine the exact problems in terms of financing, how utilities were billed, how much developers were charged, etc. She believed the development or impact fees should be at an average at the very least, and should not be in the lower tier when compared to other communities. She also felt the public wanted less inequity, which would help the budget situation that was so dire citizens were being asked to pay too high of a percentage of development costs.

Ben Jacobs, aka Dana Bruce Watts, 1403 Berwick Court, stated he believed they had common values in that they all wanted to live in a place that had a lot of free and open land, and if they did not make it a goal to save that open land, it would be lost. He commented that Columbia had lost over 50 percent of its agricultural land due to development. He encouraged everyone to read *Better Not Bigger* and understand there were a number of different values they were trying to bring together. He pointed out some of them were trying to save the natural land and did not care about the fights with regard to financing. He reiterated there was a large amount of natural land around the City that many wanted to see handled more gradually in terms of growth.

Lisa Schwartz, 509 W. Broadway, understood time was money and that the developers, City staff and the City Council had likely spent multiple hours evaluating each project, but due process had not been followed, and consequently there was a lack of confidence in the City. With this being hurried, there was a sense that the citizens were being asked to turn a blind eye to some things. She believed this project should be carefully

considered as it would be located on a parcel of land adjacent to campus that would not reappear. The feeling she came away with was that the highest bidders were being accommodated due to the rushed process.

Rob Alongi, 713 Lyon Street, commented that he currently had sewage backing up and running down North Eighth Street. He explained he had asked the City to use eminent domain on his neighbor's property to resolve his infrastructure problem, and noted he would lose rent on six apartments if the sewage could not be cleared tomorrow morning when they attempted to snake it. He did not believe it was fair for new apartments to be accommodated when the City was not taking care of the older areas. He felt the situation was unfair, and noted he had to accommodate a dust-free driveway in order to obtain a building permit and was required to have two parking spaces per unit. He did not see these items being required of downtown developments, which was an unfair advantage for them.

Eugene Elkin, 3406 Range Line, stated he believed the City needed a good foundation in terms of modern construction and infrastructure. He suggested 100 percent of the cost should be passed on to developers instead of only 75-80 percent. He also suggested Mr. Matthes meet with the previous city managers to obtain the history of Columbia for better long-range planning. He did not realize the sewage system had not been tracked and agreed with the previous comments made. He suggested the City not move forward with the three proposed projects because Columbia was not prepared for growth, and needed to address the flooding in basements prior to doing anything else.

There being no further comment, Mayor McDavid closed the public hearing.

Mayor McDavid explained the Council did not know there was a sewer crisis a year ago, and only found out about this six months ago. He noted they would spend the next two days discussing infrastructure and ways to fund it. He pointed out the City had not been prepared for the pace of economic activity in the downtown. Prior to Brookside, there were only 300 people living in the downtown and it looked the same as it did when he came to Columbia in 1966. He explained things were changing and the City had to react. This was a tough situation for everyone, and the financing of infrastructure would be a difficult and long-term process. They would likely discuss developer fees, user fees, taxes, etc. as they had to develop a package that could be sold to the public as it would likely be a ballot issue. He was not happy that they had not been prepared, but they were now doing what they could. In terms of Collegiate Housing Partners, he explained the process had not been rushed. The project had been thoroughly vetted and public engagement had occurred at the Planning and Zoning Commission and City Council meetings. He stated he was an advocate of this project because it would accommodate 350 students that would not drive down Rock Quarry Road, live on Grindstone, or park in East Campus, the Old Southwest or Benton-Stephens. They would be adjacent to campus. He believed this was a great project and hoped the Council to approve the development agreement on Wednesday. He stated his embarrassment in terms of having these infrastructure problems and reiterated the process to resolve the issues would be long.

Ms. Hoppe stated she was disappointed as the Council expected staff to know the status of the existing infrastructure and any future needs for not only the downtown, but for Columbia in general. She understood an e-mail from a Planning and Zoning Commissioner

had been sent a year ago asking staff about the infrastructure status in the downtown, and there should have been a response to that e-mail. There was a crisis for new development in the downtown, but they had all known there was an infrastructure maintenance problem for a long time, and that problem was larger than the pension problem. The City had billions of dollars of needs, but had not been planning for maintenance, and this was why they had heard from people wondering why infrastructure for new development was a higher priority than maintenance. Maintenance planning would have addressed the flooding and sewage in basements that had been occurring for years. She pointed out these issues would be discussed at the retreat during the next couple of days in terms of determining a fair way to pay for new development and ways to improve and maintain the existing infrastructure they had allowed to deteriorate for years. She noted Columbia was not unique in terms of this as many cities had not addressed how they would maintain existing infrastructure in the future. With regard to the Collegiate Housing Partners development, she thought it was fundamentally unfair to not allow them to move forward as they had gone through the entire rezoning process. She pointed out she was in favor of development paying more, and if the Collegiate Housing Partners project was not where it was in the process, she would be the first to say they needed an equitable payment from every new development that would benefit to address this \$6 million sewer problem. She just thought that would be unfair due to where this project was in the process, and felt their contribution was fair at this point.

Ms. Nauser believed Collegiate Housing Partners had gone through the process and was at a point they could obtain a construction permit, but at the last minute, they were forced to negotiate a development agreement, which she felt was inherently unfair because they were not the cause of these issues. She commented that she also did not feel it was correct to say the City had not planned for the sewer problem as it was in the Capital Improvement Project (CIP) Plan 6-10 years out. They had failed in the fact they did not anticipate it needing to be upgraded sooner. She pointed out forecasting was difficult, and explained the numerous projects submitted for the downtown created the need to move these projects forward. Unfortunately they had already had other projects in the works with regard to the sewer bond, so they were now trying to determine how to move forward. She reiterated she believed the Collegiate Housing Partners development was too far into the process and that they had unfairly been required to pay this development fee at such a late date, and as a result, would support this project moving forward. She understood some people felt a delay was acceptable and that the developer would wait if it was a good project, but noted they had already invested thousands of dollars due to the assurances they had been provided through the City's zoning regulations and Council actions. A delay would impact them financially, and even though they were a big company, it did not mean the funds were not important to them. She did not believe, as a community, they wanted to send a message that Columbia did not value investments made to it. She stated she planned on supporting this project moving forward as they had been an unfortunate victim, and pointed out she was not happy the City was in this situation either.

Mr. Skala commented that he was incredulous at this process. He stated he disagreed with Mayor McDavid in that he did not believe they were doing the best they could and thought they should do better as was demanded by the public. In 2004, Development

Strategies had recommended a trip generation model for a user fee on road infrastructure, but it had been dismissed due to clerical errors, and the Council at the time decided not to take the advice of an advisory commission with regard to infrastructure. There were three ballot issues in 2005, and the development fee increase of 10 cents to 50 cents had passed by two-thirds, the one-eighth cent sales tax increase had not passed and the quarter-cent sales tax extension had passed by less than 200 votes. If that had not passed, the City would have had \$80 million less for roads. He commented that they knew they had a sewer exigency coming in the downtown, and when the properties Brookside developed were rezoned to C-2, they were provided all of the privileges, but were not made responsible for any of the impacts of those developments. The Planning and Zoning Commission had almost unanimously recommended denial and recommended a fee schedule to accommodate any impacts, but the Council decided to grant them the C-2 zoning without negotiating any fees, and this was what had caused the sewer exigency in the downtown. With regard to the Collegiate Housing Partners development, he agreed they had gone through the process. In addition, the property was not zoned C-2. It was zoned from R-3 to PUD-52, and they were contributing \$150,000 when they were at the point of starting construction. In terms of process, he stated he would be happy to extend this process in order to restore public confidence, and agreed they needed to do better.

Mr. Thomas commented that he was also supportive of the Collegiate Housing Partners proposal for the reasons previously stated. He was particularly excited because it took a new approach to thinking about transportation in the downtown area. They had a business plan that encouraged urban living without a reliance on cars for every person, which had been successful in other communities. They had car share and bike share programs and were supportive of the transit system. He hoped this project was approved when they voted on Wednesday. It had received unanimous approval for its rezoning and site plan, and had not had any opposition, although there was general opposition to all of the developments in the past week. He acknowledged the pain, hardship, and frustration with the apparent unfairness of focusing on new development in terms of infrastructure when there was a lot of existing infrastructure that was failing, and the process that had been poorly communicated since it had left everyone confused and suspicious. He agreed they needed to slow down, and noted he would strongly advocate for it. He hoped they would hold the public meetings that had been mentioned in order to address the infrastructure situation, developer fees, etc., which would hopefully allow the Council to make some policy decision that would be consistent with what everyone wanted and the Comprehensive Plan in order to allow Columbia to develop in the best way possible. He commented that a major concern he had was that the City did not charge any type of impact fee for the electrical system even though any large development would use a certain amount of capacity, which in turn would require more wires, bigger wires, and potentially longer wires. He stated there was an implicit understanding at the moment that the additional capacity needed would be allocated to the existing and old community. In his mind, it was not a matter of punishing new development, but a matter of having a public policy that correctly allocated costs. He was not sure how a zero equity fee for electricity was sustainable when the City was growing at 2-3 percent per year. He pointed out he had also asked for capacity expansion data over the last ten years,

so they could assess how much of those expenses were used to accommodate new customers and how much were used to accommodate renovations and repairs for existing customers. He had also asked for the amount that had been contributed from impact fees so they could see whether it was adequate. He commented that he believed the transportation system needed to increase in terms of capacity just like sewers, electric and water, and thought it was logical for some of those costs to be allocated at the time of permitting for a new development. He also thought the 50 cent development fee needed to be increased, and that it be considered a transportation fee so some of it would fund the transit system to account for the additional capacity needed by the transit system. He stated he believed the exactions negotiated for sewer were a good first step as they were responsive to the concerns of Council and the public. He did not know how many of these projects would be approved on Wednesday, but saw this as a phasing-in of the higher impact fees for those projects that were approved, and a good first step. He reiterated he hoped the Collegiate Housing Partners proposal was approved.

**B62-14 Authorizing a development agreement with Opus Development Company, L.L.C. relating to property located on the north side of Locust Street, between Seventh Street and Eighth Street.**

The bill was given second reading by the Clerk.

Mr. St. Romaine, Mr. Matthes and Ms. Thompson provided a staff report.

Mayor McDavid understood the proposed amendments could be approved Wednesday. Ms. Thompson replied the bill could either be amended tonight or on Wednesday.

Ms. Hoppe commented that one of the whereas statements in the development agreement indicated inadequate water, fire protection, electric, stormwater and sanitary sewer facilities existed, but there was not anything in the agreement that addressed those inadequacies, and asked if something was missing. Ms. Thompson replied they were intentional in that they wanted to make sure the development agreement was addressing specifics on stormwater, sanitary, water, and now transit through an amendment sheet. The roadway had not been evaluated based upon the project, but there was still the possibility there would be additional impacts when the engineers reviewed the plans to determine whether turn lanes or anything else were needed for the project. Those items could not be determined without more details on the project, so those items that would be reviewed as part of the plan review had not been addressed.

Mayor McDavid asked if another proposal would be brought to the Council in the future if Council approved this proposed development agreement. Ms. Thompson replied no, and explained it would go through the regular staff review process so those requirements would be a part of the normal process if any issues arose. The contributions addressed in the agreement were in excess of the normal development process.

Ms. Hoppe understood Mr. St. Romaine had indicated the wastewater amount shown on the chart was an equity buy-in, and asked when the latest assessment of that equity buy-in had been established. Mr. St. Romaine replied it was currently at \$800, but noted he did not know when that fee had been established. They would have to research it. Mr. Glascock stated he thought it had been raised within the past five years. Ms. Hoppe asked who did the

study to determine the value of the existing wastewater system and whether that was a good rate for the equity buy-in. Mr. Glascock replied a cost to service study was done when Mr. Watkins had been the City Manager, and the \$800 was recommended at that time. Ms. Hoppe asked for the year. Mr. Glascock replied he did not know the exact year. Ms. Hoppe stated she wanted to see that cost of service study. Mr. Glascock replied he would provide it.

Mr. Schmidt asked if that was a 100 percent cost recovery or a lower percentage. Mr. Glascock replied it was based on the rates of other communities.

Mr. Skala understood this agreement had a “No Conflicting Enactments” section, and wondered how this particular development would be affected if the Council made changes to C-2 zoning. He wanted to know if it would preclude the City from anything with regard to C-2 zoning. Ms. Thompson explained the language had been included to ensure the City was not precluded from taking enactments in C-2. To the extent enactments would apply throughout the entire downtown area, those enactments would also apply to this tract, but they would be entitled to a credit or an offset for any contributions they had previously made. She provided an example of the Council imposing a development fee greater than the amount being paid through this development agreement prior to the building being constructed, and noted they would get a credit or an offset for the amount paid, and would just pay the delta. Mr. Skala understood there would be an offset if dollars were involved, but asked how the development would be affected if it involved rules. Ms. Thompson replied it would be dependent on the stage they were at in terms of the development process, and provided an update of the building codes as an example as it was dependent upon when the project was developed.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and stated he was representing Opus Development LLC. He commented that he believed this project was similar to the Collegiate Housing Partners project. In terms of timing, he noted he had been contacted by Opus in the fall of 2012 to try to get the property under contract. The property was zoned, and Opus had been operating under the assumptions of the zoning for that property. Opus found out there were infrastructure issues in December 2013, and there was no way they could have predicted this. They had spent a lot of time, money, and effort in terms of this project. He stated this was the last time the Council would have the opportunity to provide their blessing to the project. He pointed out the Council would typically not see this much information or be discussing a development agreement that provided assurances as to how the property would be developed since the property had open zoning. He commented that he felt the parking had been addressed as the conceptual plan, which was an exhibit to the development agreement, showed the parking spaces, and Opus would be bound to construct the site per the conceptual plan.

Ms. Hoppe noted the handout indicated the site plan accommodated The Avenue of the Columns planning process per the acknowledgement of City staff, but understood one of the strong recommendations was that there be retail on Eighth Street, and asked if any retail would be included in this project. Mr. Hollis replied there would not be any retail associated with the project. He explained it was compliant in that staff had recommended there be additional right-of-way, an area for a seating bench, and a cut-out area into the sidewalk. He stated Opus did not believe retail would work in this location.

Mr. Skala asked Mr. Hollis to clarify the parking situation because he was still unclear. Mr. Hollis replied the parking was shown on the conceptual plan, which was an exhibit to the development agreement, and Opus was bound to build the development per the conceptual plan. The number of spaces, the location of those spaces, and the type of spaces were shown in the plan. Mr. Skala stated he understood conceptual plans tended to change, which was one of the reasons why the City required statements of intent. Mr. Hollis commented that this was true outside the realm of this development agreement, and noted they could call it a statement of intent plan if desired. He explained Opus was required to build the site per the conceptual plan per the agreement. Ms. Thompson noted the agreement stated the development had to be “in substantial conformance” with the conceptual plan, so it would not necessarily be required to look exactly like it. Mr. Hollis stated it could not be exactly like the conceptual plan because they had not engineered the full plans.

Joe Downs stated he was a member of the Opus Group, which was based out of St. Louis, Missouri, and explained they were a 60 year old privately-held company whose reputation was important to them. Their founder wanted them to do the right thing, and he felt the right thing was to share information. He asked the members of the community and the Council to consider that what they were proposing would help accomplish Columbia’s long-term plan. The additional water and sanitary investments they were making were close to their site, but not on their site, and those investments would help the existing basement flooding situations. He explained Opus was an urban core developer that was very active in the student apartment sector. In addition, they were involved in many markets and had never paid a combined development fee of more than \$600,000, which included any trip generation fee, electrical connection charges, water, sewer, etc. He stated they intended to embrace The Avenue of the Columns concept along the sidewalk on Eighth Street as it was an important aspect to their project. He noted they believed highly in a secure environment and would only have one point of entrance and below-grade parking. He asked the Council to consider that they had the opportunity to allow a first-rate developer with a strong reputation to deliver a first-rate project.

Ms. Hoppe understood Mr. Downs had made a comment regarding \$600,000 in development fees, and asked if it was for a comparable size development and footprint. Mr. Downs replied yes as that was the case for all of the projects they had seen, which were generally around 250 beds and 100 units.

Ms. Hoppe understood they were not planning for retail on the first floor along Eighth Street even though they had indicated they wanted to comply with The Avenue of the Columns planning process. Mr. Downs stated that was correct. He explained they had spoken with a lot of the retailers they did business with across the Midwest and a retailer on Ninth Street, and noted street level retail was not consistent with the value proposition of their project. He stated they understood street level presence and vitality was important to Columbia, but pointed out a good urban core did not need mixed-use in every building and there were a variety of uses on the four sides of the building, which included office retail and an institutional use. In addition, they would be bringing people to the neighborhood for those uses.

Ms. Hoppe asked how long Mr. Downs estimated the building would be in existence. Mr. Downs replied he thought fifty years was a good duration, and noted they built high-quality projects.

Mr. Skala asked Mr. Downs to describe the below-grade parking. Mr. Downs replied their projects were located right across or half a block to a block away from campus, and noted they found that a good rule of thumb was to provide parking for 20-25 percent of the beds. In the one instance they provided more than 25 percent, they could not fill it with the resident type they attracted so they had to open up the parking to the public, which pierced their security veil. He explained there would be 100 bike storage spaces, 10 moped or scooter spaces, and 62 parking spaces, and it would be a secured and enclosed environment.

Mr. Thomas asked Mr. Downs to describe the mix of different unit sizes and their marketing plan for the different demographics. Mr. Downs replied 20 percent were one-bed units, 60 percent were two-bed units, and 20 percent were four-bed units. He pointed out these projects were highly amenitized, and they did not include balconies or pools, so they attracted the more serious students. In some of their other projects, they had young professional or non-students due to the nature and location of the development in the downtown. Mr. Thomas understood this project would include 100 percent student accommodations. Mr. Downs stated they were all designed in that manner, but due to the nature of what they built, they found non-students lived there as well.

Mr. Schmidt understood the median and the mean were both two-bedroom units. He had calculated 2.16 as the mean beds per unit and 69 was the median as well. Mr. Downs stated he thought that was correct.

Dan Hemmelgarn, 412 Thilly Avenue, commented that he and his neighbors had been meeting with City sanitary sewer engineers for the past three years with regard to addressing the sanitary sewer problems in their neighborhood. It was an old neighborhood, and his home would be 100 years old in only a few years. He stated he appreciated the comments and the effort going into these deliberations, but he also hoped the Council would consider the priorities in health and raw sewage backing up into people's homes and down City streets during the next few days and going forward.

Rick Shanker, 1829 Cliff Drive, understood there would be 62 parking spaces for 250 beds. Mr. St. Romaine stated that was correct. Mr. Shanker asked if there would be any additional costs for sewer for this project. Mr. St. Romaine replied they would be responsible for \$200,000, which was part of the cost of a larger project. Several projects were required in the Flat Branch River basin and this was just one part. Staff thought fixing one block at \$200,000 was a reasonable contribution. Mr. Shanker asked if that would take care of the problem for this development. Mr. Glascock replied yes. He explained they were extending the 12-inch main, which would replace the 8-inch along the side of it, and that was part of the overall fix.

Clyde Bentley, 1863 Cliff Drive, explained he had the same feelings about process he had stated when speaking on the previous development agreement. He wanted to remind the Council that a parking space was a piece of concrete with a life of 100 years or more and

a bus pass agreement was only as good as the negotiated term, and suggested the bus passes be required for 100 years so it was truly equivalent.

Jeremy Root, 2417 Beachview Drive, commented that he asked for the reason for the rush for these three development projects and felt he understood the reason with regard to the Collegiate Housing Partners project as they had purchased property prior to July and had since had public processes related to development that allowed them to reasonably anticipate completion of their project by the August 2015 time frame. He, however, did not hear those same types of reasons for this project. He understood they wanted to complete their project by the August 2015 time frame, but today they did not own the land, had not demolished the existing structures on the land, and could not begin construction until they acquired the land and obtained the necessary permits. He did not understand the need to rush this particular project, and noted the development agreement was still subject to negotiation as it was clearly not final. The conceptual site plan provided a general sense of how the project would look, but it was not binding and allowed for deviations. Paragraph six of the development agreement indicated the City was agreeing to have adequate capacity to support the project by the end of the construction period. He was concerned with that statement because he had not heard anything to suggest they would have adequate electric, sewer, or stormwater capacity to support the project. He understood they were contributing some money toward the project, and felt that was great, but thought it was a mistake to approach these serious infrastructure projects through a piecemeal and rushed approach. He asked the Council to not elevate private profits over the public process.

John Clark, 403 N. Ninth Street, re-emphasized the point made by Mr. Root in that if the City allowed them to build and issued them an occupancy permit, they would be obligated to provide those services, which meant they would have to find the money to build the necessary infrastructure, and they did not have a decent financing plan at this time. He commented that he had advocated for a sufficiency of resources test to be attached to building permits and occupancy as well as rezonings. His preference would be at the building permit level so it was determined before a building was constructed, and he was glad the City would begin to implement that as suggested in Chapter 4 of the Comprehensive Plan. He stated he did not believe the City had a meaningful assessment of its current capacities in the downtown or throughout Columbia, or a reasonable projection based upon reasonable development projections, so he did not feel they could determine a fair proportion or share. He was not sure how the City came up with \$200,000 or whatever other amount in these development agreements. He suggested the City use outside counsel to prepare development agreements so they did not accidentally sign away something or take on an unfunded mandate.

Peter Yronwode, 203 Orchard Court, commented that in addition to not planning for these infrastructure problems, the City had also allowed C-2 zoning to exist long past its utility and original intent. They now had non-local companies taking advantage of the open zoning to build unnecessary and inappropriate structures. He was appalled there would be a big plate glass corner on Eighth Street as it would no longer be a pretty street, and felt this was one of a number of problems with unregulated construction. He did not believe this development agreement was sufficient as it would not cover the cost of infrastructure. It was

a bribe and paltry contribution to attempt to mitigate concerns. He asked the Council to not approve this development agreement.

Frankie Minor, 403 S. Garth, explained he had been responsible for building eleven new buildings and renovating ten older buildings in terms of housing for college students through his job at the University of Missouri, and did this based upon the principles of whether the facility met the needs of the community and whether it would stand the test of time. He had also learned to pay attention to what they did not see, which was infrastructure. He commented that he disagreed with Mr. Hollis who had indicated this was the last opportunity for them to build. It was only the last opportunity for them to meet their desired timeline in order to generate an extra year of profit as the students were not going away. There had been unprecedented growth at the University, and he and others were recruiting more students to come to Columbia. In addition, he did not believe there was a shortage of student housing as he had not been approached by any student over the past 20 years indicating they could not find a place to live. They had indicated there was a lack of diversity in student housing in terms of affordability, family-oriented, etc. He understood Mayor McDavid had indicated surprise and embarrassment by the infrastructure issues, and wondered what other surprises might be found. He suggested the City do a better job by developing and implementing a plan. He explained the University had assessed its problems in 1997 and had developed a plan in 2001, which they began implementing and would implement for the next 20 years, and felt that was long-range strategic planning. He questioned whether compounding the problem by adding more to the infrastructure was a step in the right direction. He asked how the public would know how each Council Member voted on Wednesday and why they voted in that manner. Mr. Matthes replied it was an open public meeting, and would be televised and on the City's website. Mr. Minor understood the meeting would be held when many people were at work. Mr. Matthes stated that was correct. Ms. Thompson pointed out it would be videoed and minutes would be completed after the fact. Mr. Minor stated that although he could not speak for the University, he would be willing to share his experiences to help the City. Mayor McDavid stated he thought Mr. Minor's expertise and experience would be valuable, and asked for his contact information.

Esther Stroh, 807 Leawood Terrace, commented that she felt this hurried schedule and the holding of meetings at times when the public was unable to attend on short notice diminished and usurped the right of the City to act as a public body, and the Council, by accommodating the hurried schedule, was being complicit in not fulfilling its role as a public body. She noted not much attention was being given to electricity in terms of infrastructure, and pointed out the City was currently at about 6.9 percent in terms of renewable energy and had to get to 15 percent by 2018, which was a large jump. These new developments would add to the demand and the City needed to plan for how it would reach those renewable energy targets. She hoped that was discussed in terms of new development.

Alyce Turner, 1204 Fieldcrest, commented that she believed many people wanted to see this type of growth in the downtown versus on the outskirts of town, but they also wanted it done right, and that was up to the Council and staff. She asked if they were ready to make these types of decisions now. With regard to the Opus development, she understood the development agreement indicated any future changes the City made to C-2 zoning would not

be applicable to this project, and if that was correct, she thought the Council should vote against it. There was a report regarding C-2 zoning later on the agenda, and those zoning regulations needed to change. She agreed with Mr. Minor in that more diversity in the housing stock was needed, and asked the Council to make its decision carefully.

Philip Rabbitt, 1415 Godas Drive, asked the City to work with developers so they placed solar cells on the roofs of new buildings as there was a lot of space. He suggested developers use Columbia for this new generation as it was an opportunity. He liked the idea of below-grade parking as well.

Tyree Byndom, 501 N. Providence Road, commented that this sewer issue was an ancient one, and explained one of the reasons Sharp End, which was an African-American area, no longer existed was due to the lack of sewer connections. He understood it was a difficult issue, but thought long-term planning was needed to address it. He stated he had invested a lot of energy and effort into having a vibrant culture in the downtown, and felt the ambiance was different now than it was when he was younger. He believed the downtown was branded more for students these days instead of the community as a whole. He felt the job of the Council was to control the process, advocate for the citizens, and guide the community, and noted it was a tough job. He commented that one of the strengths of Columbia was that it was diverse, but he did not feel student housing was very diverse. He believed the process of regentrification was happening at this time, and hoped the Council would study that process. He was also hopeful that housing for more than just students would be available in the downtown now versus 20 years from now when the students abandoned it for other places.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and explained the People's Visioning had a plan with regard to the issues that had been discussed tonight. She provided it as a handout and asked the Council to read it. She commented that their Renewable Energy Plan for All would also go a long way in solving many of the problems in the electric area. She felt the sewer issues needed to be looked at as a whole because they were all connected and flowed into smaller lines, which would result in the backups. She was also concerned about the process as the City might be following the letter of the law, but it was not following the spirit of the law.

Mayor McDavid commented that he expected this Council to come out of the retreat with specific plans and proposals for dealing with the infrastructure issues as they had an obligation to the community. He explained he was a fan of the Opus development because it was the one project that was located in the downtown. In addition, there was currently an abandoned building and an asphalt parking lot at Seventh and Eighth Streets and Locust Street, so it was essentially an abandoned block. Two hundred students living there would not drive their cars to campus or hide their cars in East Campus or other nearby neighborhoods. They would be walking and biking to campus because they would only be two blocks away. He believed this was an outstanding proposal by an outstanding organization. He pointed out this development agreement went beyond the normal rules and regulations and required an additional \$450,000 from developers to help manage a City crisis. He stated he would endorse this project and hoped the Council would pass it.

Mr. Skala stated he believed this process was disrespectful to the people who would show up Wednesday as he did not believe the Council should comment tonight. He thought the purpose of tonight's meeting was to allow the public to air grievances or support, so he would not comment until he heard from those that intended to speak on Wednesday.

Mr. Schmidt stated he would hold his comments until Wednesday as well.

Ms. Hoppe commented that she had some concerns with regard to the development agreement as it was very different from the one with Collegiate Housing Partners. There was a statement at the beginning of the agreement that acknowledged inadequate infrastructure, and later on page four of the agreement, it indicated the City would grant Opus a certificate of occupancy regardless of whether it completed the necessary sanitary sewer infrastructure work. She thought it was a problem for the City to acknowledge the inadequacy and promise to provide an occupancy permit when they did not know how the repairs would be funded. She stated she had the same concerns with the other utilities. Mr. Thompson explained the purpose of the development agreement was to allocate the share that would be attributable to this development project, so Opus would compensate the City for its share of those improvements, but they would not be in control of when the City did the physical construction. As a result, Opus needed an assurance they could get a building permit and a certificate of occupancy once they made their contribution. Ms. Hoppe explained their portion was connected to other areas that needed to be addressed, so she was concerned Opus would be entitled to receive an occupancy permit even if the larger issue was not fixed as that was not addressed in the agreement. Ms. Thompson agreed the agreement did not address how Council would complete the rest of the infrastructure repairs. It only addressed their contribution. Mayor McDavid thought it had been partly addressed and asked Mr. Glascock to discuss how the sewer project was segmented at the retreat. Ms. Hoppe stated she understood how the short, localized, off-site fix was segmented. She noted she was concerned about the main trunk.

Ms. Hoppe commented that she was also concerned about the timing of this project as they were in the process of revising the zoning rules for C-2, and the fact the proposal did not comply with the recommendation of the Avenue of the Columns plan as street-level retail had been recommended. She understood it might not make economic sense for this development for the next couple of years, but this was a building that would be in place for at least 50 years so they had to think about the long term.

**B45-14 Rezoning property located on the northeast corner of Providence Road and Turner Avenue, and on the northwest corner of Turner Avenue and Fifth Street, from District R-3 to District PUD-52; approving the statement of intent; approving the Preliminary Plat and PUD Plan of ACC OP Development LLC; setting forth conditions for approval; approving less stringent height, setback and landscaping requirements; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; providing notice as it relates to the provision of utility service.**

**B63-14 Authorizing a development agreement with ACC OP Development LLC relating to property located on the northeast corner of Providence Road and Turner Avenue, and on the northwest corner of Turner Avenue and Fifth Street.**

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid understood power was not available for this project. Mr. Matthes stated that was correct. Mayor McDavid asked if that was a fact at this point. Mr. Matthes replied yes, it was a fact at this point. Mayor McDavid understood the City would add seven megawatts to the downtown, but this project would require five megawatts, which the City did not have available to provide to this development. Mr. Matthes stated that was correct. Mayor McDavid understood this would be clarified by Wednesday. Mr. Matthes stated the staff recommendation at this time was to not proceed with this development agreement. He noted they would try to find a solution in the interim, but pointed out they were not optimistic.

Ms. Hoppe understood the statement of intent the Council had before them did not have the changes recommended by the Planning and Zoning Commission or staff. Mr. Teddy described the recommended changes to the statement of intent that had been included in the ordinance.

Ms. Hoppe understood the developer would not pay the City for the street that would be closed to provide an amenity. Mr. Teddy stated that was correct.

Mr. Schmidt asked if the developer was donating the right-of-way for the Turner Avenue intersection. Mr. Teddy replied there was some right-of-way in the south.

Mr. Teddy explained staff considered whether there was a public safety need to keep Fourth Street open, and there was a need for emergency use only. There was also concern about how close the Fourth and Turner intersection was to Turner and Providence so there was not a great concern with closing Fourth Street since it helped manage the intersection. He noted there was a condition in the ordinance about a reciprocal left turn lane that would allow freer movements into the parking structure, which required some additional right-of-way.

Mr. Schmidt stated he was surprised there would only be 28 bicycle spaces for 718 people, and asked if the Planning and Zoning Commission had been unable to recommend more. Mr. Teddy replied that had not come up when this proposal was discussed.

Robert Hollis, an attorney with offices at 1103 E. Broadway, stated he was representing American Campus Communities (ACC) and provided a handout. He pointed out ACC learned late last week that the utility estimates they had provided to the City were incorrect, and as a result, the timing of the electrical capacity had changed. ACC had been operating under the assumption they could open by August 2016, and that was now pushed back. If August 2017 was not possible, they wanted to know if August 2018 could be accommodated. He understood there would be a question of how this was pertinent since it was now so far out, and explained the decision would be made by April 1 regardless of when electrical capacity could be provided. He explained they had been working on this for months, and had gone through the zoning process twice with the Planning and Zoning Commission before getting to the City Council. In addition, the development agreement had been submitted with the zoning application even though the terms were now different. He emphasized there had not been a change in the sense of urgency that a decision be made by Council. If they determined, between now and Wednesday, an August 2018 delivery date was impossible based on the new electrical calculation, they would not bother the City. He stated he did not feel it was a waste of time for the Council to go through the application that had been heard by the Planning and Zoning Commission.

Mayor McDavid commented that the problem was that providing the capacity would likely be contingent upon a voter approval of a rate increase and that was something they could not predict or guarantee.

Mr. St. Romaine pointed out the development agreement, as it written right now, contemplated the development being under occupancy by the third quarter of 2016. The electrical requirements had changed, and that was discovered after the development agreement had already been written. They had originally anticipated 2.5 megawatts, which they thought could be accommodated, but by the time the development agreement was written, it had increased to 3.5 megawatts, which was close to the borderline of what staff thought could be accommodated. Those numbers had since been reviewed by the electrical engineers, and they actually needed five megawatts, which the City could not support for 2016 and could likely not support in 2017 either. It might be possible by 2018, but with some contingencies since they did not know whether a ballot issue would pass.

Mr. Matthes commented that the City generally added about ten megawatts every five years City-wide, and the projects they were discussing tonight equaled an amount just under 10 megawatts. This pace had not been seen, even in recent history. Although two megawatts did not sound like much, and five megawatts was not much more than two, it was still a lot of energy.

Ms. Hoppe noted one suggestion would be for the developer to scale back the project. Mr. Hollis stated he did not think that was feasible. He asked that the Council to consider the land use and plan issues separately from the development agreement. He commented that he did not think there was any chance of moving forward on the private side unless they knew with some certainty that progress could be made with regard to developing the site as proposed.

Mayor McDavid asked staff for its recommendation in dealing with the land use issue, which was the rezoning, knowing the development agreement could not be signed. Ms. Thompson replied she thought Council was being placed in an awkward situation if asked to approve a zoning that involved a density they knew could not be supported with the existing infrastructure, and believed they would have every justification to vote it down based on the lack of public infrastructure to the site, if they wanted to vote it down. She noted the developer could ask the Council to consider approval, but they had the justification to deny it if they chose. Mr. Matthes commented that the staff preferred to keep the issues together operationally.

Mr. Matthes noted Ms. Hoppe had a valid idea in that the project could be phased meaning accommodating only half or less of the project. It was a conversation they could try to have by Wednesday.

Ms. Thompson pointed out that once a development plan was approved, it was valid for five years.

Mr. Hollis commented that if the development agreement terms could not be worked out, the rezoning request would be withdrawn because it was a packaged deal for ACC.

Mr. Hollis explained he thought the vacation of Fourth Street was initially the City's idea for safety purposes and it worked for ACC. ACC would be required to maintain the area, which would still remain open to pedestrian traffic. The parking garage was a part of the

residential structure. He pointed out ACC was not willing to be obligated for the twittle, and the ordinance needed to be corrected in terms of the setback as it was six feet instead of eight feet. He noted the Council could obligate ACC to purchase CoMO Connect transit passes for a period of two years through the rezoning ordinance or development agreement as well.

Ms. Hoppe understood this rendering had not been presented to the Planning and Zoning Commission, and they were in no way obligated to build anything that looked like that rendering. Mr. Hollis stated the depiction had not been ready, and agreed there was not any obligation for ACC to build a structure that looked like the rendering, but thought ACC could agree to a reasonable description of the obligation. They were not actual architectural plans, but were conceptually what ACC would construct.

Pat Fowler, 606 N. Sixth Street, stated she was troubled with the conflicting messages already sent to young people with regard to cars, pedestrian access, riding bikes, walking, etc. In addition, she was concerned with the scale of this project as she felt anything more than 300 was too much. A good sized development with an integrated transportation plan would be next to this development, which was larger and did not follow that transportation model, and that presented the conflicting message. She suggested the Mayor reach out to the new Chancellor at the University of Missouri as he had indicated universities were usually not very good neighbors. She took that as an invitation because the University was a key contributor to this inconsistent message. She pointed out she was part of the team that was encouraging the City to lock down residential neighborhoods around the University in terms of student parking to protect the immediate neighbors, but at this time, there was only one resident-only parking permit program in place. She asked the Council to take into consideration this would add to a multi-layered problem where they were not headed in the right direction. She noted it was hard for her to talk about this development because one of the landowners in the area was a person she considered to be one of the finest examples of a landlord for student housing in the City, and whose business model would be affected by this deal.

Chuck Carroll stated he was representing American Campus Communities, which was a publicly traded real estate investment trust and the largest student housing owner, developer, and operator in the country. He pointed out they were long-term holders of the core assets they developed, and emphasized that because he did not believe a lot of developers were long-term holders. They had about 167 properties across the United States, and four in Columbia. They were Grindstone Canyon, Cottages of Columbia, Forest Village, and Woodlake. He noted they had not developed those four properties. They were acquisition properties, acquired through large portfolios or one-all transactions that merchant developers flipped to them. He stated they were vested stakeholders in the community through the purchase of these properties and the capital improvements made. He explained they also sold properties as some of those portfolios had 30-40 properties, and not all of those properties met their criteria, but in terms of the properties they developed for their own portfolio, they were long-term holders. In addition, they had a hands-on approach to managing properties, which was similar to university campus housing, whereby CAs and a full-time staff member lived on-site and they had resident life programs. He explained Nakhle

Asmar had assembled this vast tract of land between campus and Providence Road in a location students were already living and could walk to class without having to traverse any major thoroughfare. He noted the April date was important because this was an assemblage of several pieces of properties that had not yet been closed on. The deadline was April 1, and they did not want to close on the remaining pieces of property without assurances the utilities and zoning would be in place for the development.

Rick Shanker, 1829 Cliff Drive, stated he appreciated the parking that was included in this development, and asked if the sewers would be impacted. Mr. Teddy replied the sewer this site would connect to was deficient. Mr. Shanker commented that with regard to the Opus development, the 12-inch line would not take care of the downstream problem since it was just a lateral, and asked if that was correct. Mr. St. Romaine stated the 8-inch line would be upsized to 16 or 18 inches. Mr. Shanker understood it did not take care of the bigger problem further down. Mr. St. Romaine stated it did not take care of the main trunk line on the other side of Providence.

Tim Crockett, an engineer with offices at 2608 N. Stadium, understood Mr. Schmidt had asked about right-of-way on Turner Avenue and explained there was currently 40 feet of existing right-of-way for a street that would be improved in the relatively near future and would become a major artery into campus. The requirement, if this property was just to be platted, was an additional half right-of-way up to 50 feet of total right-of-way, meaning this property would need to plat only five additional feet of right-of-way. The traffic engineers had determined that was not enough to accommodate future improvements for Turner Avenue with the intersection, the additional lanes, sidewalks, etc., and as a result the developer agreed to grant sixteen feet. Although that did not sound like a lot, it was a tremendous amount in terms of price because buildings were currently located in that right-of-way. He reiterated the initial concept of the closure of Fourth Street had come from City staff. The intersection of Fourth and Turner was too close to Turner and Providence for the intersection to function properly when it was improved. As a result, they would maintain Fourth Street as a private access while providing emergency vehicle access and bicycle and pedestrian connectivity, so it would be used as it was today in those situations. There would be 550 parking spaces on the site, but the parking area would be wrapped by living units and hidden on three sides by the residential units. He noted the PUD plan being considered by the Council had been revised after this proposal had been heard by the Planning and Zoning Commission, so it had the most current information.

Mr. Thomas asked if Turner Avenue would become two lanes each way. Mr. Crockett replied he understood it would most likely be a three lane road with adequate sidewalks on at least their side of the road. Mr. Thomas asked staff if that project was in the Capital Improvement Project (CIP) Plan. Mr. Glascock replied yes, and explained it was a part of The Grasslands project the Council had already approved. Mr. Thomas asked how far the three lanes would go into campus. Mr. Glascock replied they would go to Fifth Street. Mr. Crockett explained the developer did not originally own the hard corner at Fifth and Turner, so they were not able to extend the right-of-way to that intersection, but since then, the developer had acquired those additional properties, which allowed the right-of-way to be extended to the intersection.

Shawn White, an engineer with Crawford Bunte Brammeier (CBB) with offices at 12400 Olive Boulevard, St. Louis, explained they had prepared a traffic study to address impacts of the proposed student housing development and had met with the City and MoDOT at the commencement of the project to develop the scope of work for the traffic study. Based on direction from the City and MoDOT, the study included an analysis of weekday morning and evening peak hours for existing, baseline, and forecasted conditions. The baseline condition included the full build-out of the Collegiate Housing Partners development as well as the planned improvements along Providence Road. The study area, as defined by MoDOT and the City, included the intersections of Providence and Stewart, Providence and Turner, Providence and Rollins, Fourth and Stewart, Fourth and Conley, Fifth and Conley, and Fifth and Turner. The intersections within the study area were evaluated to quantify baseline operating conditions and all of the study intersections were found to currently operate at a level of service C or better during peak hours. She noted a level of service D was considered an acceptable target. The study intersections were re-evaluated for the additional traffic that would be associated with this development, and they found the intersections would continue to operate at a level of service C during peak hours. Following the study, the City requested the key intersections of Fifth and Turner and Fifth and Conley be re-analyzed during the evening peak hour to assume the higher forecasted volumes at Providence and Turner that were being used for the Providence Road Improvement Project, which were approximately 50 percent higher. Those intersections continued to operate at a level of service C or D even with the higher volumes. She noted the City had provided comments on the revised analysis and suggested a northbound left turn lane be provided on Fifth Street at the garage entrance of the development, but based upon their analysis, the northbound left turn lane was not warranted. She commented that without the northbound turn lane, all of the movements at the entrance to the garage would operate at a level of service A or B, which were highly desirable levels of service. They felt their access was consistent with the access being provided by Collegiate Housing Partners as they did not have a turn lane. In addition, there was no turn lane on Fifth until one reached Broadway. She noted there was sufficient capacity on the surrounding roadway network to accommodate the proposed development with minimal impact to roadways within the study area.

Ms. Hoppe asked if the study included the possibility of 718 parking spaces, which was the maximum allowed. Ms. White replied she understood the developer was providing approximately 500 spaces. Ms. Hoppe understood the study worked with 500 spaces, but not 718 spaces. Ms. White stated the trip generation for the site was developed based on area student housing developments and what they were generating. Given the close proximity to campus, the majority of students would walk to campus even if they had a car. They would not drive two blocks to try to find a place to park.

Mr. Thomas asked if a pedestrian level of service analysis had been done on any of the intersections. Ms. White replied they counted pedestrians during peak hours at all of the intersections mentioned, and assigned pedestrian level projections with the associated development throughout the intersections. They looked at the impact on traffic in terms of queuing levels at the intersections. She explained that while the pedestrian levels increased

fairly significantly, they tended to have the right-of-way when there was a stop in traffic due to the all-way stops at both Conley and Turner.

Paul Hinshaw, 1116 Wilkes Boulevard, commented that the architectural renderings for this project showed a 30-50 foot greenspace, which was appealing looking across Providence, but in looking at the site plan, the setbacks were ten feet at a maximum with most of them being less.

Tracy Greever-Rice, 602 Redbud Lane, explained she had an issue with the compressed schedule and the noon Wednesday meeting at which final comments would be heard and made and a vote would be taken. She felt it was a socio-economic and privilege issue for most of the community as many could not take off of work or would be required to find a sitter in order to attend the meeting even though they had a vested interest and lived in an affected neighborhood. She thought it was bad form and noted she had yet to hear any remorse about it. She hoped the Council would take the issue seriously as public input was real and necessary for a progressive and successful community. This project along with the other two projects created intense development in the Flat Branch Watershed, and there were people downstream and nearby whose property values and quality of life were affected by the quality of the Flat Branch Watershed. She was concerned that there was not an environmental impact process in place to understand the effect of intense development on those properties in the short and long term, and being told to trust the City was hard since this had been an unforeseen crisis. She asked the Council to take a look at the downstream impact before negatively affecting many more people.

Frankie Minor, 403 S. Garth, stated American Campus Communities was a well-respected housing developer in its field, but noted he was concerned by the limited information provided along with the many inconsistencies, amendments, and changing information. He encouraged the Council to not rush its decision as it would have a lasting impact. He wondered if the traffic study had presumed pedestrians would only cross at the corners. He commented that he did not know enough about this ACC development, but understood they built and maintained good properties across the country. He noted they were generally new to the community as they had acquired the four properties mentioned only a few years ago. He understood Mr. Hollis was doing the best he could to represent his clients, but was unsure as to whether the project would really be dead if decisions were delayed. He asked the Council to not make a decision until they could make an informed decision and to help restore the public's faith in the City.

Reuben Stern, 309 W. Broadway, explained he owned a home with three apartments, and this proposed development was equivalent to 179 of his homes. There were dozens of houses in his neighborhood that were having backups, and this would be a huge addition to the City's infrastructure needs. He understood it was on a different trunk line, but noted it was still a huge responsibility the City would be required to take on if approved.

Jeremy Root, 2417 Beachview Drive, thought there was a lot to be proud of in Columbia, and was the reason a lot of developers wanted to invest in the community. As a result, he believed the City could afford to patient and use normal processes when considering development projects. He did not think the City needed to rush into a development with 700 beds next to a project with 250 beds. He believed Columbia would be

better served if it was deliberate about process, patient with regard to how things developed, and allowed things to develop with a purpose so they were consistent with City plans. He felt, as a community, Columbia needed to preserve what it had, and one of those things was a vibrant downtown. One of the projects being considered would create a new block in the heart of downtown that would essentially be for pedestrians and become a dead zone since there would be no commercial buildings to draw people. This project would line Providence Road, which had been demarked as an important gateway in many of Columbia's comprehensive plans. The renderings were nice, but the plans did not show enough room for those trees or the greenspace. He reiterated he did not believe the City should rush into any of the developments, especially when there was not a good reason other than them wanting more money sooner than later. He urged the Council to consider process and to move forward in the normal course.

Eugene Elkin, 3406 Range Line, commented that he believed they needed to pursue the building code process and green building codes for commercial upgrades before development. He suggested the Council vote against all three projects until there was a significant increase in development impact fees as had been asked for by the public. In addition, a new tree board needed to be established as soon as possible to save climax trees and the bicycle space minimums should be raised to reduce density in the downtown. He also suggested the City look into the backgrounds of each of these developers to determine if they might have reappeared with a new name due to past issues. He also recommended the public be provided information regarding the money associated with (REDI).

John Clark, 403 N. Ninth Street, stated he hoped the Council would reject this rezoning and development agreement on Wednesday. He commented that he was unsure of the reason for this to be rushed, and the only reason he could come up with was that staff had indicated this needed to be done now or it would go away, and he did not believe it would go away. He felt this project was financially speculative, and as a result, there was no reason to vote for approval. He commented that this was not basic economic development as it did not bring real jobs to Columbia from the outside. This was derivative economic development, and included housing and retail, which never paid for itself. He noted they had not been provided the costs for the services the City would have to provide. He explained former City Manager, Bill Watkins, had asked for 4-5 cost of service studies to be done on the major utilities, but did not believe the fees established considered the need for expanded capacity, so the fees were likely 30-60 percent too low.

Monta Welch, 2808 Greenbriar Drive, commented that she did not believe the setbacks in the plans were correct and had concerns regarding the density of this development and the associated sociological aspects mentioned by Ms. Fowler. She suggested the City slow down as she felt the developers would wait. In addition, she suggested the City learn to drive a better bargain for the community by adjusting costs as she felt too much was being given away.

Holly Henry, 410 Hirth, commented that in general she believed the location of this particular project was where density was wanted, and noted she was not opposed to dense housing downtown and around campus as she would rather have that than sprawl, but stated she was not sure enough research had been done with regard to this project. She thought

they needed to know the impacts and noted she could not support it without knowing the impacts. She was also confused by the need of the developer to have a guarantee by April 1 when staff had already indicated the development could not be served in terms of electricity.

Mr. St. Romaine continued the staff report with regard to the development agreement.

Ms. Thompson pointed out there was an amendment sheet, and noted a vote in approval of the amendment sheet did not mean the Council was supportive of the overall agreement. It would only ensure the correct version would be considered.

Mr. Skala made a motion to amend B63-14 per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Thomas stated he believed the most important factor was to restore public trust by slowing down, and that was his position on the Opus and ACC developments. He thought they needed to take the time to examine the development fee structure and C-2 zoning and engage the public in those reviews, which were all priorities from the Comprehensive Plan. He noted he planned to either vote against or for tabling those two proposals.

## CONSENT AGENDA

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

- B46-14     Vacating utility easements on Lot 21 within Lake Woodrail Subdivision Plat No. 1 located on the east side of Shoreside Drive (3200 Shoreside Drive).
- B47-14     Vacating a sewer easement on property located on the west side of Providence Road, across from Locust Street (201 S. Providence Road).
- B48-14     Vacating public right-of-way adjacent to property located on the northwest corner of Cliff Drive and McNab Drive (1809 Cliff Drive).
- B49-14     Amending Chapter 14 of the City Code to lower the speed limit on Bray Avenue and Cunningham Road.
- B50-14     Authorizing the acquisition of easements for construction of sanitary sewers in Sewer District No. 170 (S. Bethel Church Road/E. Poplar Hill Drive).
- B51-14     Authorizing a right of use permit with BMT, LLC for construction, improvement, operation and maintenance of balconies and canopies to extend in portions of the Tenth Street and East Broadway (1007 E. Broadway) rights-of-way; providing notice as it relates to the provision of utility service.
- B52-14     Authorizing conveyance of an underground water line easement to Consolidated Public Water Supply District No. 1 of Boone County, Missouri necessary for construction of a water line along New Salem Lane and Robbie Forbis Road, south of Columbia Regional Airport.
- B54-14     Accepting a conveyance of electric utility purposes from Nauser Investments, LLC.
- B55-14     Accepting conveyances for utility purposes.
- B57-14     Amending Chapter 2 of the City Code as it relates to the Boone County Community Services Advisory Commission.

- B58-14 Authorizing a memorandum of understanding with the Missouri Department of Corrections to provide tuberculosis screening and testing services.
- B59-14 Appropriating funds to reimburse the Columbia Mall Transportation Development District for expenditures relating to parking reconstruction improvements as part of the Route 740 (Stadium Boulevard) improvement project.
- B60-14 Accepting a donation from the Columbia Police Foundation to be used for the Police Department’s K-9 Program; appropriating funds.
- R41-14 Setting a public hearing: construction of sanitary sewers along West Broadway between Aldeah Avenue and Glenwood Avenue.
- R42-14 Setting a public hearing: declaring the necessity for construction of the Stewart/Ridge/Medavista PCCE #3 Sanitary Sewer Improvement Project.
- R43-14 Setting a public hearing: construction of the 16-inch Oakland Church Road water main project located in the northeast pressure zone.
- R44-14 Setting a public hearing: consider the Water and Light 2014 Renewable Energy Report.
- R45-14 Authorizing Amendment No. 2 to the participation agreement for state investment in local public health services with the Missouri Department of Health and Senior Services.
- R46-14 Authorizing Amendment No. 4 to the program services contract with the Missouri Department of Health and Senior Services for Public Health Emergency Preparedness Services.
- R47-14 Authorizing an agreement with The Curators of the University of Missouri for the 2014 Missouri State Senior Games and Show-Me STATE GAMES.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER (except B54-14 on which she abstained), HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

- R40-14 Setting a public hearing: construction of the MKT to Parkade Bike Boulevard Project.

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Hoppe made a motion to amend R40-14 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on R40-14, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R48-14 Authorizing a professional service agreement with ETC Institute, Inc. as it relates to designing, conducting and interpreting a public transit survey of city residents; transferring funds.

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas asked if only landlines would be called and whether there was a way for cell phone numbers to be called as well. Mr. Glascock replied he was sure they would use any source possible. Mr. Trapp stated he thought all would be covered as they had robust measures to reach people. Mr. Glascock pointed out this was the same company Columbia used for the City-wide survey.

Mr. Thomas asked if there would be an opportunity for Council to review and comment on the questions. Mr. Glascock replied yes. He explained the survey had not yet been developed. Mr. Thomas asked if the survey would be presented at a Council Meeting or if it would be provided more informally. Mr. Glascock replied he did not know as Ms. Messina was the lead on this project. He noted they would ensure the questions Council wanted were incorporated.

The vote on R48-14 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **INTRODUCTION AND FIRST READING**

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

- B64-14**      Approving the Southampton Centre C-P Development Plan located on the east side of Executive Drive, between Southampton Drive and Corporate Plaza Drive; approving less stringent setback and signage requirements.
- B65-14**      Approving the Final Plat of Parkside Estates, Plat No. 1 located on the east side of Route K and adjacent to Southbrook Court; authorizing a performance contract.
- B66-14**      Approving a revised statement of intent to allow for removal of a tree preservation area in exchange for a greenspace conservation easement for C-P zoned property located on the south side of Grindstone Parkway; accepting a scenic conservation easement.
- B67-14**      Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for pavement improvements along portions of Route 163 (Providence Road), Route 763 (Rangeline Road) and Business Loop 70.
- B68-14**      Authorizing a cost apportionment agreement with the Missouri Highways and Transportation Commission for reconstruction of the shoulders along Route 163 (Providence Road) between Route 740 (Stadium Boulevard) and Green Meadows Road.
- B69-14**      Amending Chapter 3 of the City Code as it relates to attendance requirements for the Airport Advisory Board.
- B70-14**      Accepting conveyances for utility purposes.
- B71-14**      Accepting a public health volunteer program award from the Missouri Department of Health and Senior Services; appropriating funds.
- B72-14**      Authorizing a service agreement with Victus Advisors, LLC for a sports community assessment, a market potential study and the feasibility of creating a sports advisory board; appropriating funds.

- B73-14**     Amending the FY 2014 Annual Budget to add and delete positions in the Water and Light Department; amending the FY 2014 Classification and Pay Plan to make title changes.
- B74-14**     Amending Chapter 16 of the City Code as it relates to marijuana.
- B75-14**     Appropriating funds to Public Safety and Joint Communications for FY 2014 personnel and operating expenditures.
- B76-14**     Appropriating funds for emergency management services and siren upgrades.

**REPORTS AND PETITIONS**

**REP23-14**   Appointments to the Human Services Commission.

Mr. Matthes and Mr. Hollis provided a staff report.

Ms. Hoppe made a motion to appoint Shirley Patterson and Eva Trumbower to the Human Services Commission to finish out their existing terms. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**REP24-14**   C-2 District "Interim" Amendments.

Mayor McDavid stated he presumed the process would be to refer these to the various stakeholder groups. Ms. Hoppe suggested it be referred to the Planning and Zoning Commission only.

Mr. Skala understood the draft ordinance took up the three issues of building height, parking, and street level retail, but they had received a series of recommendations from various boards and commissions about potential C-2 zoning changes, and suggested all of those materials and the draft ordinance be referred to the Planning and Zoning Commission, so they could review all of it and provide recommendations to Council.

Mayor McDavid asked if it would be appropriate to refer the language to the Downtown CID Board since they were a stakeholder. Ms. Hoppe replied she thought they could provide input to the Planning and Zoning Commission. She noted the purpose of this was to speed up the process so they had something in the interim. She explained they had provided their opinion previously as well.

Ms. Hoppe understood the draft recommendation with regard to retail was very narrow as it included Broadway from the east side of Eighth Street to Hitt Street, and thought it should incorporate a longer stretch of Broadway. She suggested the Planning and Zoning Commission consider it all of the way to Providence. Mr. Teddy understood Ms. Hoppe wanted that as a requirement for street-level retail. Ms. Hoppe stated that was correct.

Ms. Hoppe stated she also wanted the Planning and Zoning Commission to consider adding a provision indicating designated buildings to be demolished within the Downtown Historic District had to go before Council for approval, which was similar to the wording regarding building height. She explained there were currently no protections. Mr. Teddy understood she was referring to buildings in a National Register district or within a city historic district designation. Ms. Hoppe stated that was correct.

Mayor McDavid commented that he did not agree with the height restrictions, and referred to a study completed by Gordon Crosby, Jr. at the University of Missouri that

compared Columbia with other towns similar in size. It indicated Ann Arbor, Michigan had 114,000 people and 22 high rises with the highest being 26 stories, and Gainesville, Florida having 124,000 people and seven high rises with the highest being 26 stories. He noted Columbia grew 2.8 percent in the last census decade, and although they did know how the City would grow in the future, a one percent growth in 20 years would mean a population of 140,000. He noted this was a moot point because no one would build a 26-story building in Columbia since the City could not service it with electricity.

Mr. Skala noted the H3 Charette Report provided varied height recommendations across the community, and wanted to ensure the other recommendations that had previously been received from the stakeholders were provided to the Planning and Zoning Commission along with this draft ordinance and the suggestions of Ms. Hoppe.

Ms. Hoppe thought they had to remember this was an interim regulation, and that there might be additional changes and recommendations in the future. She wanted to ensure they had the basics in place now.

Ms. Nauser stated she agreed with Mayor McDavid and did not know why they wanted to discuss placing limits on the heights of structures, and thought they should require a minimum height instead. She noted they did not have ocean views to protect and was not sure why they were afraid of building upward. She was also concerned with the Council deciding which streets should have retail and felt that should be left to the market to decide because they did not want to have all of the retail in one area. She was also unsure of the need for an interim solution when they had not really defined the problem. She noted the City had just hired a consultant to review and provide recommendations on the zoning codes, and wondered what would happen if this was contrary to their recommendations. Ms. Hoppe stated the report indicated the consultants were aware of this and would make some initial suggestions for the interim. Ms. Nauser commented that they were creating a climate of uncertainty because this would be an interim solution for a year at most prior to receiving the new recommendations. People developing in the downtown would not know which rules would apply due to the timing of all of it. She noted some projects took two years to get to the City, so she could not support this.

Mayor McDavid stated he agreed with Ms. Nauser, but thought the issue was moot due to the lack of infrastructure.

Mr. Skala stated he did not understand why they were foreclosing on comments about a report when they had not yet received a recommendation from the Planning and Zoning Commission. Ms. Nauser pointed out that she did not feel a recommendation was necessary at this time.

Mr. Thomas asked for clarification on the process. He wondered if they were making specific zoning changes to the C-2 zoning rules for input from the Planning and Zoning Commission, and whether those changes would come back to Council as an ordinance to make the changes permanent. Ms. Hoppe replied yes. Mr. Teddy explained the initial draft ordinance and the background materials would go to the Planning and Zoning Commission for their recommendation. He noted he had spoken with the consultant who provided a letter he would provide to Council tomorrow, which indicated they concurred with the approach and liked the idea it was limited to only those three issues because they were within the existing

structure of the ordinance. He pointed out they were working on restructuring the ordinance. Mr. Thomas asked if this would occur after the ordinance came back to Council. Mr. Teddy replied yes, and explained the consultant was working on an overall ordinance update, which meant they were reviewing all of the zoning districts.

Mr. Thomas understood the draft ordinance would restrict the building height to not more than ten stories or 120 feet for any downtown building. Mr. Teddy stated Council approval would be required for anything above 120 feet or 10 stories, so it was still an unlimited height.

Mr. Thomas understood there was currently not a parking requirement for C-2 zoned property, and asked for clarification on the proposed change. Mr. Teddy replied the parking standard would be for new residential space in C-2, and there would be an allowance for converting existing building space and historic buildings to loft apartments without additional parking being required. Any new residential would require a lesser ratio than what was currently in the parking table, and it favored the 1-2 bedroom mixes. Mr. Thomas asked if there was a number. Mr. Teddy replied it was one space per thousand square feet for one and two bedrooms, and an additional half space for each bedroom for three and four bedrooms. Mr. Thomas asked what that would mean for the Opus development. Mr. Teddy replied it would require more than they were providing.

Mr. Thomas noted there had been a lot of interest in requiring downtown residential developments to buy equity in the bus system, and asked if that would be an appropriate provision for zoning that would offset parking. Mr. Teddy replied he thought it could be considered. Mr. Thomas wondered if there could also be offsets for on-site solar generation to alleviate electrical capacity load or low-flush toilets to alleviate sewer capacity issues. Mr. Teddy stated there was likely not a limit to what could be added, but suggested they not add too much more if they wanted this returned quickly. Mr. Thomas understood, but wanted to ensure these things were discussed when they reviewed the codes for the long-term.

Ms. Hoppe made a motion to refer the draft amendment with the two additions she had suggested to the Planning and Zoning Commission to hold a public hearing, which would include input from the stakeholders that submitted letters as well as the consultant. The motion was seconded by Mr. Skala and approved by voice vote with only Ms. Nauser voting against the motion.

Mr. Matthes asked if by retail Ms. Hoppe meant retail and office space. Ms. Hoppe replied yes, she meant retail and office space.

**REP25-14 American Airlines Air Service Year End Report.**

Mr. Glascock provided a staff report.

Mayor McDavid understood this market had been driven by demand. Mr. Glascock stated that was correct, and pointed out they were first in load factor and yield in the American Eagle network.

Mayor McDavid commented that he thought the City was positioned to move to 70-75 seat aircrafts as the industry moved away from the smaller aircrafts to larger aircrafts, and that would create more capacity and competitive fares. Mr. Glascock noted they expected to exceed 50,000 enplanements with the new flight.

**REP26-14 Human Rights Commission - 2013 Annual Report.**

Mayor McDavid understood this report had been provided for informational purposes.

**REP27-14 Intra-Departmental Transfer of Funds Request.**

Mayor McDavid understood this report had been provided for informational purposes.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John Clark, 403 N. Ninth Street, suggested the City contract for up-to-day cost of service studies for the water, sanitary sewer, electric power production and distribution, and stormwater utilities with a specific charge to develop and present a 20-year capacity needs cost projection over a range of specified development scenarios. Financing and planning based on this information would allow them to meet the trust burden. He hoped the Council would consider this at their meetings over the next two days, but noted he did not believe they would be able to come up with meaningful solutions in that time frame. He commented that he agreed with Ms. Welch in that the City might have the generational opportunity to get its governance planning in order, and noted he would like to help with that planning, which was why he filed to be a write-in candidate for the First Ward. He stated he would love to work with the Council and staff to build support for those long-term plans.

Philip Rabbitt, 1415 Godas Drive, thanked Ms. Hoppe for introducing B74-14, which would amend Chapter 16 of the City Code as it related to marijuana. He understood this could be approached through decriminalization, in terms of medical marijuana or through legalization, and felt the proposed was a good first step. He thought this issue needed to be discussed, along with consideration for drug abuse in teens and young adults.

Christopher Reeder, 40 Moonglow, commented that the state-wide legalization of marijuana would help with debt and change the way law enforcement operated because they could concentrate on more serious issues. He believed there was a misconception with regard to marijuana based on past propaganda. He noted the prohibition of alcohol did not work and the prohibition of marijuana was not working. In 2010, Missouri arrested roughly 18,500 people for smoking marijuana or having a stick or stem in their car or on their person. He did not agree with this as marijuana grew out of the ground. It was not like cocaine or the coca plant whereby it had to be manufactured and broken down into something illegal. He stated Colorado had already made \$3.5 million in the past few months and Illinois had decriminalized medical marijuana. He understood it helped those with Alzheimer's, and if marijuana provided them one extra day, it was worth it.

Ryan Worley, 2216 Hillsboro Drive, commented that he worked with the Youth Community Coalition, which was an organization committed to supporting the positive development of youth by helping to create a community where they could thrive. He wanted to express his concerns about the recommendation to decriminalize the cultivation of marijuana. While the Coalition affirmed the idea of reducing the stigma associated with substance use and abuse and mental health issues, they had to consider the consequences of such policies on the children in the community. He asked the Council to consider

gathering extensive public input about this ordinance from the Substance Abuse Advisory Commission, the Board of Health, neighborhood associations, PTAs, community surveys, etc. as this was an important issue in which a lot of dialogue was needed beyond the scope of this meeting. He encouraged a thorough process rooted in science, research, transparency, and honesty. He also asked the Council to consider the facts about communities with medical marijuana laws and its impact on youth. He pointed out the perception of harm and availability were direct influencers of youth use. Youth use rose with the increased availability of substances and when the perception of harm decreased. According to the Youth Risk Behavior survey, since Massachusetts decriminalized marijuana in 2008, they had seen a 30 percent increase in marijuana use, and it was now higher than the national average. He noted the typical medical marijuana user did not fit the typical profile. In Colorado, the average user was a 32 year old white male with a prior history of substance abuse and no prior history of substantive chronic disease. He also asked the Council to consider the science of medicine as many of the professional organizations representing the conditions mentioned in the ordinance had openly opposed smoking marijuana as a medicine or treatment for the condition, and he listed some of those organizations. He commented that the trusted process for approval of medicine in the United States was through the Food and Drug Administration (FDA), and he urged for that process to be relied upon to make medical decisions. He asked the Council to place the children and their well-being at the center of the conversation.

Linda Frost, 7321 Southern Drive, stated she agreed with Mr. Worley's comments regarding marijuana. She understood passage of this ordinance would make this a low priority in terms of enforcement, and believed the rules were more likely to be broken when they were not enforced. She commented that both youth use and adult use rose in Colorado. In addition, although traffic fatalities decreased overall, marijuana-related traffic fatalities increased considerably. Emergency room visits by youth increased, and this included visits due to eating marijuana-laced brownies. Drug trafficking was still occurring since a lot of the marijuana was not being used by patients for medicinal purposes. She asked if they wanted similar effects in Columbia, and suggested those involved with public health, to include the Substance Abuse Advisory Commission, be consulted. She recommended a thorough study be conducted before passing the proposed ordinance.

Eugene Elkin, 3406 Range Line, commented that he possibly lost his son to drug trafficking, and asked the Council to look at all avenues as they discussed the marijuana issue.

Mr. Trapp commented that there were obviously infrastructure issues the Council needed to address for the downtown, but in terms of ambience and sense of place, the Downtown CID report indicated the number of retail businesses was up, sales tax was up, and the number of people in the downtown was up. He saw a healthy, vibrant downtown and a healthy and welcoming atmosphere. He felt people had a misguided notion of what was happening due to the recent negative focus, and thought the Downtown CID annual report provided a nice reality check.

Mr. Trapp explained the Council was the voice of government, and if the City's message was not getting through, it was because they lacked unanimity on the issue. He thought the Council needed to communicate better. He understood they could be quick to blame staff since they did not stand for election, but it hurt him to hear personal attacks on the hard working staff and the process in general. He commented that political space was finite, and these seven hour meetings had consequences. There was only so much information they could process and take in so they had to be selective, targeted and prioritized, and not just continue to lob for request after request for more and more information. He thought they needed to focus on policy issues and trust staff to administer the processes of government.

Mr. Trapp noted they had all received a request for funding from Neighborhood Watch, and council contingency funds had been used last year, but there had been questions as to how the money would be spent. He understood this had previously been funded through the Police Department's budget, and the Police Chief had reprioritized his small amount of resources to do law enforcement. He explained he had met with representatives of Neighborhood Watch, and they had discussed more robust outreach efforts, such as postcards, the replacement of signs, fundraising, etc. He suggested they allocate \$6,000 in council contingency funds, and noted he provided City staff their budget request so a contract could be written without the problems they had last year.

Mr. Trapp made a motion to provide \$6,000 of the council contingency funds to Neighborhood Watch.

Mayor McDavid asked how much was left in the council contingency fund. Mr. Trapp replied he thought they had all of it except for the \$5,000 that had been spent for the homeless shelter.

The motion made by Mr. Trapp to provide \$6,000 of council contingency funds to Neighborhood Watch was seconded by Mr. Thomas.

Ms. Nauser commented that she did not believe they could rely on enforcement alone, and thought prevention was a key to solving crimes. She noted the community would be better off with more people being the eyes and ears for the police, and stated she would fully support this request.

Mayor McDavid stated he would be happy to support it as well.

The motion made by Mr. Trapp and seconded by Mr. Thomas to provide \$6,000 of council contingency funds to Neighborhood Watch was approved unanimously by voice vote.

Mr. Trapp commented that since the Council would be funding the Neighborhood Watch program two years in a row, he thought it would be a good policy decision to put some of this funding back into the budget. If it was put in the Police Department's budget, he would ask that the Department budget be increased.

Mr. Skala stated he had been troubled by the process in terms of it being compressed and expedited, and with the way the second hearings for the developments had been advertised as the agenda showed "2nd Read and Hold" instead of "2nd Read and Vote,"

which allowed all of the public input before the Council gave an indication of how they would vote. He felt this was irregular, and did not feel it was the proper way to proceed.

Ms. Nauser asked for a report on the status of the decommissioned Fire Station No. 7 in the Fifth Ward. She understood there had been discussion regarding a potential contract with a boxing club, and if that was not happening, she wanted to know what could be done with the building, whether that involved tearing it down or selling it, as it was deteriorating,. If those were not options, she also wanted to know what it would cost to make it presentable and meet codes. It was an earth contact property that had a black tarp wrapped around it, which did not add to the community.

Ms. Nauser commented that the three proposals discussed tonight included contracts with regard to bus passes, but none were consistent. If the City was going to require student housing developments to participate in the transit system and purchase bus passes, she felt a level playing field was needed. It was not fair to ask for five years' worth of bus passes from one development and two years from another. She thought it needed to be consistent so everyone knew what was expected, and suggested that be incorporated in the code review process.

Mayor McDavid thought the boxing club was a viable choice for the community. He explained he had backed off because no one in the medical profession had any positive enthusiasm about boxing and every medical organization felt it was bad and dangerous, but he was only one vote. Another issue was that he did not feel there was a strong, committed, sustainable organization to take it over. He did not believe two people with good intentions could run it. He understood the City had relationships with youth baseball, football and soccer leagues, but they had well-delineated, sustainable programs with elected officers and their own insurance. He thought it would help the case of the boxing club if it had that type of organization to make its case to the Council.

Mr. Trapp made a motion for the City Council of the City of Columbia, Missouri, to meet on Monday, April 7, 2014 at 6:00 p.m. in Conference Room 1A/1B of City Hall, 701 E. Broadway, Columbia, Missouri for a closed meeting to discuss personal information relating to the performance or merit of individual employees as authorized by Section 610.021(3) RSMo and individually identifiable personnel records or performance ratings as authorized by Section 610.021(13) RSMo. The motion was seconded by Mayor McDavid, and the vote was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

The meeting adjourned at 1:07 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk