

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
JUNE 16, 2014**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 16, 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, CHADWICK, TRAPP and SKALA were present. Council Member THOMAS was absent. The City Manager, City Counselor, City Clerk, Deputy City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Mayor McDavid explained the previous meeting minutes had not yet been completed.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid noted a member of the public had requested B161-14 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B161-14 being moved to old business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Skala.

SPECIAL ITEMS

Check presentation by the Cosmopolitan International Luncheon Club of Columbia Missouri.

Phil Hanson stated he was representing the Cosmopolitan International Luncheon Club (Cosmo Club) and provided a brief history of the Club. He explained the Cosmo Club had signed a lease with the City of Columbia in 1947 for 35 acres at the end of the airport runway in order to develop a park, and over the years the Cosmo Club members had put a lot of work and money into the park. In 1976, the name of the park was changed from Airport Park to the Cosmopolitan Recreation Area. The Cosmo Club had also been involved with other parks, to include the Cosmo-Bethel Park, which had been acquired in 1971 and named in their honor in 1976, the ARC, the Reichmann Pavilion and the skateboard facility, since that time. He explained the reason they were involved with parks was due to their dedication to the youth of Columbia and their desire to create activities for them. He commented that the Cosmo Club wanted to be involved with the Woodridge Park because it was near the Women's and Children's Hospital and the Ronald McDonald House. In addition, they wanted to be involved with an all-accessible park for the enjoyment of all children. Mr. Hanson presented a check to the City of Columbia for \$125,000 in order to help with the development of Woodridge Park.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF MECHANICAL EXAMINERS

Clithero, Philip, 4208 S. Wappel Drive, Ward 4, Term to expire June 17, 2017

Unger, Russell, 2001 Longstreet Drive, Ward 2, Term to expire June 17, 2017

COLUMBIA LIBRARY DISTRICT BOARD

Groshong, Lisa, 1201 Sunset Lane, Ward 4, Term to expire June 30, 2017

Schmick, Darell, 6G Broadway Village Drive, Ward 6, Term to expire June 30, 2017

Westerfield, Mary, 101 S. Glenwood, Ward 4, Term to expire June 30, 2017

COLUMBIA VISION COMMISSION

Wunderlich, Matthew, 1909 Waverly Court, Ward 6, Term to expire December 15, 2015

COMMISSION ON CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART

Witte, Joanna, 4745 Brandon Woods Street, Ward 5, Term to expire July 1, 2017

DISABILITIES COMMISSION

Fields, Hazel, 1304 Pearl Avenue, Ward 1, Term to expire June 15, 2017

McMahon, Cory, 1506 Anthony Street, Ward 6, Term to expire June 15, 2015

Peplow, Mike, 2908 Crawford Street, Ward 5, Term to expire June 15, 2017

Powell, Dawn, 1201 Paquin Street #402, Ward 1, Term to expire June 15, 2017

Spence, Sean, 604 West Boulevard South, Ward 4, Term to expire June 15, 2017

HISTORIC PRESERVATION COMMISSION

Fowler, Patricia, 606 N. Sixth Street, Ward 1, Term to expire September 1, 2014

PUBLIC TRANSIT ADVISORY COMMISSION

Haun, David, 1201 Paquin Street, Apt. 1308, Ward 1, Term to expire March 1, 2015

RAILROAD ADVISORY BOARD

Davis, Peter, 700 S. Greenwood Avenue, Ward 4, Term to expire July 15, 2018

Eiffert, Gregory, 2401 Cimarron Drive, Ward 5, Term to expire July 15, 2018

Fitzgerald, Jesse, 1215 Chadwick Drive, Ward 5, Term to expire July 15, 2018

WATER AND LIGHT ADVISORY BOARD

Conway, John, 4902 Thornbrook Ridge, Ward 5, Term to expire June 30, 2018

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B149-14 Authorizing extension of an electric distribution circuit from the Rebel Hill Substation located on St. Charles Road to provide additional load serving capacity to the downtown area.

The bill was given second reading by the Deputy City Clerk.

Mr. Johnsen provided a staff report.

Ms. Chadwick understood more electricity was needed in the central city area, and asked for clarification regarding this project and the possibility of a substation downtown. Mr. Johnsen replied there was not a substation in the downtown, and this circuit would bring capacity from one of the radial substations to the downtown area. He explained that planning a substation took a long time as they had to find a site, develop the site and connect it at the transmission level to supply electricity to it. He stated they might investigate the possibility of a downtown substation in the future, but they were currently working on the Mill Creek substation since it would free up some capacity at the Hinkson Creek substation, which was the closest substation to the downtown area. He noted this project would free up some capacity now, and in the longer term, they were working on the Mill Creek and Hinkson Creek substation issues. After that was done, they would then be willing to consider whether there was a need to build a downtown substation, but it would be quite a ways off in terms of time as it was a complicated process. Ms. Chadwick understood this project would assist in the interim. Mr. Johnsen stated that was correct.

Ms. Hoppe stated she was pleased staff had followed up with Boone Hospital regarding their plans to underground utilities, but noted the diagram with the staff report still showed wires on Ann Street, between Broadway and Anthony Street. She suggested an amendment by adding language to Section 2 of B149-14 indicating staff would coordinate with Boone Hospital to underground those wires. Mr. Johnsen explained the intent of staff was to find out what Boone Hospital planned and to coordinate with them to the extent possible with regard to Ann Street and Anthony Street. He explained that if coordination could not be done at this time, it did not preclude them from investing in overhead lines and undergrounding in the future when they were able to coordinate with Boone Hospital. He pointed out they wanted to cost share when possible, and the poles and wires associated with overhead lines could be reused. It was a better option than trying to dig up any underground wires because they were not located in the correct place.

Ms. Hoppe made a motion to amend B149-14 by adding language to Section 2 indicating staff would coordinate construction activities with Boone Hospital to underground the lines on Ann Street and Anthony Street adjacent to the hospital. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe noted interest had been expressed with regard to undergrounding on Anthony Street further west past William Street, and asked about the possibilities as part of this project. Mr. Johnsen replied the City was not required to invest in that section as part of this project, so that would be done outside of any normal plans. He pointed out it would take quite a while to wade through the process of obtaining easements, etc. In addition, all customers along the route would be impacted by the change so they would likely need consensus from those involved as well as an estimate of the associated costs.

Ms. Hoppe understood the tie-ins usually occurred over time as had happened with the Thilly, Lathrop and Westmount project. Mr. Johnsen commented that he thought the tie-ins typically occurred as part of an underground project, and explained they were trying to be accommodating with regard to the Thilly, Lathrop and Westmount project because it was a voluntary conversion. Mr. Clark stated the conductor on Anthony Street, between Ann Street and William Street, on the south side of the road was in good condition. The portion of

Anthony Street, between William Street and College Avenue, was a much older line and in poor condition, and needed to be rebuilt for operational reasons. The right-of-way on Anthony Street was pretty narrow as it was only 40 feet wide, and transformers on poles were up and out of the way. He explained pad-mounted or pedestal-mounted equipment could transition the line to underground, but easements would be needed behind the sidewalk so the equipment did not block the sidewalk or cause people to hit it with their car doors.

Ms. Hoppe understood staff had not pursued discussion with residents regarding whether they would be willing to grant the easements necessary to underground the wires. Mr. Clark explained staff usually had discussions regarding the possibility of placing a pad-mounted transformer in the corner of a lot when a building was being rewired because the discussions tended to not go as well when a property owner was not planning on doing any electrical work.

Ms. Hoppe stated the benefit of the utilities being underground were aesthetic and not having to trim trees, and asked if a project similar to the Thilly, Lathrop and Westmount project was being contemplated for the portion of Anthony Street, between William Street and College Avenue. Mr. Johnsen replied he was not aware of any similar project, and noted funding would have to be identified. He explained the estimated cost to underground the portion of Anthony Street, from Ann Street to College Avenue, was about \$500,000 so it would add a substantial amount to this project, which was already estimated at \$1.2 million. He pointed out there was nothing that prevented the undergrounding in the future and noted it would take time to coordinate the project. Mr. Matthes stated he thought the Thilly, Lathrop and Westmount project took about three years to coordinate, and recommended this be added to the Capital Improvement Project (CIP) Plan while they proactively talked to the residents because it was a smaller project. He noted there was a cost to the homeowner in terms of the connection and any needed rewiring. The process was complicated and needed to be reviewed on a house by house basis. Ms. Hoppe understood the estimate to underground that section would be \$500,000. Mr. Johnsen stated that was correct.

Mayor McDavid understood the City had an annual budget to underground utilities and asked how much was allocated to that budget. Mr. Johnsen replied about \$800,000 per year was budgeted, and explained the purpose was to take advantage of partnering with good projects during construction so it was cost effective to underground. He thought of it as an undergrounding opportunity account.

Mayor McDavid opened the public hearing.

Janet Hammen, 1844 Cliff Drive, stated she was speaking for the East Campus Neighborhood Association and noted 4-5 speakers had advocated for the burying of lines in the East Campus Neighborhood at the public information meeting. She understood Boone Hospital planned to bury lines on their property along Ann Street, but was unclear as to whether they would bury lines along the first block of Anthony Street. She explained those who lived in the East Campus Neighborhood and several residents who lived along Anthony Street had indicated they wanted to see the lines buried, and she thought this was a good time since there was a major project in the area. She understood the transformers for the Thilly, Lathrop and Westmount project would be placed in backyards, which she felt was a good solution. She encouraged the City to determine where there might be money to bury

these lines now at no cost to the owners, which she thought had been done in the past, or to put the lines in so residents could convert when they were ready. She noted there was a new building in the 1300 block of Anthony Street and assumed a transformer would be located there so one was in the vicinity. She encouraged the Council to move forward with the project and to bury the lines in the neighborhood as it was a stated objective of the Comprehensive Plan.

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

Ms. Chadwick asked if any new lines would be placed on Anthony Street or in the East Campus Neighborhood as part of the process of extending distribution from the Rebel Hill substation. Mr. Johnsen replied they were rebuilding existing lines or using the existing lines. He thought most of Anthony Street would be used as it existed now, and they would have to rebuild lines on Ann Street.

Ms. Chadwick understood any new lines in the First Ward would be placed underground. Mr. Johnsen stated most of it would be underground.

Mr. Clark pointed out a new pad-mounted transformer was located behind the new building on the 1300 block of Anthony Street to help serve it. He explained the approach of staff was to work with property owners when there was a change in a site plan in order to be less disruptive. Ms. Hoppe felt that approach was problematic for historic neighborhoods because it was not constructive for historic preservation in the East Campus area or in accordance with the comprehensive planning process to wait for redevelopment to underground utilities. She believed they should take the opportunity to make that improvement when the lines were rebuilt or added. She pointed out everyone paid for the cost to underground through fees, but usually only new development benefited from it. Mr. Matthes suggested a project be included in the CIP. He explained this required a lot of coordination with property owners and other utility providers as the City's wires were not the only wires on the poles. Mr. Skala stated he thought the suggestion of Mr. Matthes was a good idea.

B149-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B153-14 Authorizing the construction of improvements at Woodridge Park to include an ADA accessible playground, concrete walking trail, trail connectors to existing walkways, a council ring and a one-table shelter; calling for bids through the Purchasing Division; authorizing a Land and Water Conservation Fund Grant Agreement with the Missouri Department of Natural Resources; appropriating funds.

The bill was given second reading by the Deputy City Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

Cheryl Price, 511 Parkade Boulevard, stated she was a member of the Disabilities Commission and commended the City for considering this park as an ADA accessible park. She noted she was happy to hear a rubber mat would be used instead of the chips since wheelchairs tended to get caught in the chips. She commented that everyone in the Parks

and Recreation Department was tremendous and thanked them for their work in terms of accessibility.

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

Mayor McDavid noted the Cosmo Club made this project possible due to its substantial contribution and he thought the community owed the Club a big thank you.

Mr. Skala commented that he thought it was hard not to be effusive in praising the Parks and Recreation Department, particularly in terms of ADA accessibility and the leveraged private donations. He thanked everyone that contributed.

Ms. Nauser thanked the Columbia Cosmopolitan Club for its donation. She believed this demonstrated the level of generosity of the community. She felt this also showed how the City wanted to be inclusive of everyone, which made her proud to be a Columbia resident, and noted she would happily support it.

B153-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B154-14 Approving the Norma Sutherland Smith Park Master Plan; authorizing the construction of improvements at Norma Sutherland Smith Park – Phase I to include a large shelter, restroom, fitness trail, wetland ponds and a 60-car parking lot; calling for bids through the Purchasing Division.

The bill was given second reading by the Deputy City Clerk.

Mr. Griggs provided a staff report.

Ms. Hoppe asked if staff had looked at pervious pavement for parking. Mr. Huffington noted they would look at this area as another option, but pointed out they were only proposing the first parking lot at this time. He thought it would be similar to Douglass Park where pervious and impervious pavers were used. He explained the project was in the Bear Creek watershed, which fed into the Perche Creek watershed, and biggest aspect of the project in terms of green infrastructure was the engineering study as it would help develop stormwater controls that would collect all of the water and treat it before the water traveled to the watersheds. Mr. Griggs commented that pervious parking had recently been installed at Fairview so they did not know how effective it was at this time, and explained staff wanted to wait another year before replicating it as it was very expensive.

Ms. Chadwick asked when this parking lot would be completed. Mr. Huffington replied the parking lot was in Phase I, and he hoped it would be in place by this fall or next spring.

Mr. Skala encouraged staff to consider constructing the tennis courts as quickly as possible, and assumed the costs would be in Phase 2 of the project.

Mayor McDavid opened the public hearing.

Jeremy Root, 2417 Beachview Drive, thanked the Parks and Recreation Department and community for being supportive of the parks. He commented that they enjoyed a community that cherished and treasured things valuable to them, and stated he believed the community parks and trails made Columbia stand out. He noted citizens were willing to donate their resources in terms of land and money, and this type of togetherness made him proud to participate in the community and this process of government. He explained parks

were for everyone, and not just for kids, and believed things that were for everyone should be valued for everyone.

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

Mayor McDavid understood this project would be funded with 2010 parks sales tax money, and noted he appreciated the rigor with which the Parks and Recreation Department handled a ballot initiative in terms developing of the detailed list of what they intended to do with the proceeds and following through with those intentions as he believed that added to the confidence the community had for the Parks and Recreation Department.

Mr. Trapp commented that he had mentioned to his brother that this park would have a fitness trail, and his brother had indicated it needed giant monkey bars for adults, which was actually in the plan. He believed the Parks and Recreation Department staff did a great job of looking ahead, identifying interests, and providing facilities quickly. He thought it positioned Columbia well as a destination, and stated he was looking forward to this park.

Ms. Nauser thanked Jeffrey Smith, a local developer, and his family for donating this 50-acre park. If the City was to purchase it today, the cost would be about \$1,500,000 or \$30,000 an acre. It was a considerable contribution as it allowed the City to use park sales tax for improvements of the property instead of the purchase of the property, which helped stretch these limited tax dollars further.

Mr. Skala thanked Jeffrey Smith and others that had contributed, and praised the Parks and Recreation Department staff for its strategy on how to use gifts given to the City. He suspected this regional park would be similar to Cosmo in terms of its tremendous use since the north side of Columbia was growing, and noted that there was tremendous dedication by staff to ensure this park fit the needs of everyone.

Ms. Hoppe understood the acquisition of Cosmo Park, Columbia's first regional park, had not been without controversy, and pointed out the 2000 parks sales tax had been controversial as well. She thought it was nice that they were at a point where people valued parks in terms what they did for quality of life, youth, families, exercise, economic development, and the character and quality of the community so it was not debated any longer.

Ms. Chadwick stated she recently attended a Missouri Municipal League meeting in Columbia, which involved 250 newly elected officials from all over the State of Missouri, and many told her Columbia was the cleanest, most vibrant city in Missouri. In addition, these leaders raved about the City's park system.

B154-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

OLD BUSINESS

B145-14 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.

The bill was given second reading by the Deputy City Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser understood the City received a letter from the Missouri Department of Natural Resources (DNR) indicating this property had been in compliance with the Missouri Clean Water Law, the Clean Water Commission Regulations, and the Missouri State Operating Permit at the time of their inspection in May. Mr. Teddy stated that was correct. Ms. Nauser understood the inspection was completed due to a complaint. Mr. Teddy stated that was correct. He explained DNR determined there were no violations and offered about six pieces of advice to those managing the site.

Ms. Hoppe understood pervious surfaces would be reviewed to determine a percentage of pervious as they would most likely not be 100 percent pervious, and would be more like 50 percent depending on the surface. She noted she was not clear as to whether a factor had been built in with regard to cleaning and maintenance of certain pervious surfaces as there was an increased deterioration over time if the systems were not maintained and cleaned, and asked if that had been built into the calculation. Mr. Teddy replied staff had not seen any specifications at this time, and did not anticipate seeing any until a house was built. If a builder requested a credit with the use of permeable pavers for a driveway for example, staff would ask for the specifications, evaluate the product, and make a determination on how it would be rated. He pointed out many factors had to be considered, such as the slope, size of void spaces, the product type, etc. He assumed the ratings incorporated maintenance considerations.

Ms. Hoppe asked Ms. Thompson to discuss the lawsuit regarding this property in terms of potential Hammerschmidt issues and the runoff created by this development. Ms. Thompson replied she could not comment on the specifics of the litigation because it was pending litigation that would effect the City, but noted it did not affect the ability of the Council to consider the final plat. The City was not under any kind of injunction, declaratory judgment, or temporary restraining order, and no stays were in place at this time.

Ms. Chadwick commented that she had previously voted against the final plat due to the confusion regarding pervious and impervious surfaces and how it would be accounted for, and she had since been provided an explanation with regard to the calculations. She asked Mr. Teddy to discuss the details of the preliminary plat since she was not on the Council at the time it was approved so she understood how it compared to the final plat. Mr. Teddy replied the final plat was consistent with the preliminary plat approved in September. The preliminary plat actually had more lots. It had covered the area extending all of the way from the southwest lot corner to the northeast and had indicated there would be five home sites to the east of the intermittent stream. He noted the final plat showed the location of a reservation for a driveway on a small lot, so those five lots could still be part of the build-out of the subdivision. The applicant had just chosen to not plat those lots at this time, so there could be a Parkside Estates Plat 2 at a later date. The land disturbance plans showed grading for the lots and the construction of the drive. He stated the area in the southwest had been left out of the final plat at this time, but noted that area could accommodate 5-6 additional lots. He explained another difference was that the final plat only included single-family lots even though zoning would have allowed some two-family residences on Route K. There would be 49 single-family detached home sites on this final plat with the potential for about ten more lots as mentioned earlier. There was 75 feet between the nearest lot line of a

private residence and Rock Bridge State Park and a 200 foot wide stream buffer, which was an upgrade to the 100 feet wide stream buffer standard required by ordinance, and those items complied with the preliminary plat.

Ms. Chadwick understood the Council had voted to approve the preliminary plat. Ms. Amin stated the Council had voted on the annexation which included the zoning and preliminary plat and PUD plan approval. She thought a variance was associated with the approval as well.

Ms. Chadwick asked if construction on the site had stopped due to the lack of Council action on the final plat. Mr. Teddy replied the City had not stopped them, and explained the applicant had a land disturbance permit that allowed them to proceed with the underground land improvements, grading, sedimentation control, erosion control, and stormwater management. This was in keeping with the practice that indicated improvements should be put in place or guaranteed prior to plat approval. He noted there was a performance contract indicating the applicant would finish all of the improvements if the Council approved this plat whereby lots were recorded and allowed to be sold.

Ms. Chadwick asked what action could be taken by the developer if the Council denied the final plat as she understood this was an administrative function of Council. Ms. Thompson replied this was a ministerial act by the Council if it complied with all of the subdivision requirements. Ms. Chadwick asked if the 45-day limit would be reached if this was tabled. Ms. Thompson replied the Council did not have the ability to table this without the developer's consent because it would be past the 45 days required for the Council to take action by the City Code.

Ms. Chadwick asked if this vote had any bearing on the lawsuit filed by the Friends of Rock Bridge State Park against the City. Ms. Thompson replied it did not. Ms. Chadwick asked if the lawsuit had any legal implications toward her ability to vote on this final plat. Ms. Thompson replied there was nothing in that litigation that would prevent her from voting on the final plat. She explained the litigation was against the City, developer, and the construction company performing the construction, and contained all sorts of allegations related to construction methods, which did not involve the City, and the manner of approval, which involved the City, but there were no stays in place.

Ms. Hoppe understood there had been erosion failure during construction and construction outside of the barriers. Mr. Teddy stated a significant rainfall in early April had triggered a complaint, and the DNR had cited the applicant on the follow-up inspection, but he had not yet heard the disposition associated with that citation.

Mr. Skala stated the Council had approved this by majority vote contingent upon a compromise based on pervious or impervious surface. He understood the issue was how the pervious and impervious amounts would be accounted for and calculated and the efficiency of pervious surfaces, and asked if the additional language and the spreadsheet had accommodated the problem. Mr. Teddy replied staff was recommending approval of this. He explained they had not anticipated discussion regarding the use of permeable pavement systems previously, and noted he still did not know how often that would occur. The covenants allowed for concrete or permeable paving, and future homeowners would make those decisions so that would unfold over time, but staff would have tracking in place and

would document any use of permeable pavers to either gain a credit or exceed the hard surfaces.

Mayor McDavid understood a typo in the ordinance required an amendment sheet.

Ms. Nauser made a motion to amend B145-14 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Cheryl Price, 511 Parkade Boulevard, asked if there was a variance for no sidewalks. Mr. Teddy replied yes, and explained that a variance had been granted in September when the project was approved. Ms. Price asked why the City would still allow developers to build subdivisions without sidewalks because the City would then have to find money to construct them later. She stated she had been under the impression the City would not do that anymore, and asked how a citizen could comment when they saw something of this nature. Mayor McDavid replied he thought she could contact her council member or speak at the council meeting. Ms. Price asked how someone would know there was a variance for sidewalks before the meeting. Mr. Skala replied the Council had taken up that issue during discussion of the plan and the variances were allowed. He thought the City generally had a policy of requiring sidewalks. He thought the variance was considered in this situation due to the pervious and impervious surface compromise offered. Ms. Price explained she had attended the council meeting when this had been discussed, and had not realized the sidewalk variance had been granted until after the meeting. She encouraged the Council to remain aware of problems with sidewalk variance. Mr. Teddy pointed out the sidewalk along Route K had not been waived or given a variance. Only the sidewalks for the interior streets were waived. He noted the Planning and Zoning Commission felt these would be very low-traffic streets that did not connect Point A to Point B and instead connected lots to Route K. A sidewalk had been offered for one side of the street, and one thing led to another and by the end of the Planning and Zoning Commission meeting, the sidewalk waiver had been recommended.

John Clark, 403 N. Ninth Street, stated he understood the solution for accounting for the 15 percent impervious limit was for staff to calculate the pervious and impervious surfaces once the builder and homeowner decided on the location, amount, and type of surfaces. He thought this meant there was the potential for only 39 lots to be developed if everyone chose concrete driveways or houses that were not reduced in size because the allotment would be used up, and asked if that was correct. Mr. Teddy replied the plan showed the streets would use 4.9 percent of the impervious total, and the remainder had been allocated to specific lots so every lot had an allocation of impervious surface. Staff would check this, and if it was over the allotted amount, staff would have to certify the product qualified as a permeable surface. Mr. Clark understood this development would be under the 15 percent limit even if they used concrete for all surfaces, and it would be monitored along the way. He wondered if staff needed to develop formulas in advance so they were not calculating it each time. He thought that tied into the question of Ms. Hoppe regarding maintenance as well.

Monta Welch, 2808 Greenbriar Drive, noted she was speaking on behalf of People's Visioning and understood the City did not have certain guarantees, which was a concern along with the sidewalk variance and pollution from sediment, herbicides, and pesticides that

could enter the Rock Bridge State Park system. She commented that although the City was in the process discussing development fees, this development along with any other future development should be reviewed in terms of what they were paying for hard and soft infrastructure costs. She stated many in the community wanted the Council to slow down in terms of approving developments as there would be requests of the public for increases in taxes and user fees, and they felt these costs should be more evenly bourn by developers. She thought 70-80 percent was a range people in the community felt was fair and noted Columbia was at about 33 percent. She believed Columbia was a desired community so she did not feel they should fear for continued development, and felt they should take their time with development to ensure citizens did not continue to be unfairly burdened.

Kevin Roberson, 7355 S. Bennett Drive, stated he was the President of Friends of Rock Bridge Memorial State Park and explained the Friends of Rock Bridge had joined the lawsuit against the City, developer, and contractor because what they feared would happen with this development had happened as there was outflow. He commented that the stewardship of the development did not protect the Park, and noted the developer put in a bunch of best management practices after the mud had flowed down and clogged the stream. The worse case scenario had occurred and damage had been caused to the Park so they felt they had to get involved. He noted this was the first time they had ever entered into a lawsuit against anyone so it was not something they took lightly. He asked if the streets would be left out of the impervious surface limitation calculation. Mr. Teddy replied the streets would not be left out of the calculation, and explained the current plan indicated 4.9 percent of impervious surface, which was essentially the streets.

Ms. Hoppe commented that she believed the sidewalk variance had been granted because they wanted to limit the built environment in terms of impervious surfaces and had not contemplated another built environment of pervious surfaces. She stated she would not have agreed to the sidewalk variance had she known about this pervious surface factor. She noted she felt tricked by the proposal. She explained the goal was to reduce the built area and to protect Rock Bridge State Park as they wanted to allow development while protecting the Park. She read a few of the allegations of the lawsuit, which indicated the Friends of Rock Bridge State Park were opposed to the land clearing actions by the Parkside developer because those actions had begun to alter a stream that ran from the development through the Park. The bank along the stream had been undercut on the west side due to runoff from the cleared land upstream, making that bank potentially unstable. The gravel and rock on the stream bottom and plants on the opposite bank had been covered with a layer of mud. This mud had also covered the Deer Run Trail where it crossed the stream. If the developer's actions continued, they could substantially alter the depth, width, and materials covering the bottom of the stream, and these changes could affect the stability of the Deer Run Trail where it crossed the channel and the habitats of plants and animals that lived in and around the stream. These changes would harm the use and enjoyment of the Deer Run Trail and undermine the purpose of preserving the Park's natural resources. She also read an e-mail from Jan Weaver, the treasurer of Rock Bridge State Park and a professor of Environmental Studies at the University of Missouri, which indicated she had been content to let the development proceed when the Council set a 15 percent impervious surface limit for this

development as she felt it was an important precedent. In addition, since it was usually the continued input of contaminated stormwater from developments after they were built that caused the most harm to streams, she felt long-term protection had been secured for Rock Bridge Memorial State Park, but had been dismayed to see the amount of mud that had washed off of the property in the land clearing phase. She believed at the very least a generation of stream plants and animals would likely disappear due to the sediment in the water cutting off light for photosynthesis and clogging the mouth parts and gills of insects and minnows, which would require young fish, frogs, salamanders, and snakes, who depended on them for food, to look elsewhere. These effects would percolate throughout the watershed, and while most would dissipate with no long-term effects, the balance might be tipped against certain species and the loss of one species could set up other species for disappearance that were dependent on the lost species the next time their environment was stressed. Ms. Weaver felt the approval of Council had been contingent on the developer's assurances there would not be any harm to the Park, but there had been harm, and wondered what would happen if a private landowner's property would have been harmed. Ms. Hoppe stated the concerns of Ms. Weaver were her concerns with regard to this development as well.

Mr. Trapp noted this was a platting matter, and the development had come before them when they had more discretion. The sidewalk variance was an attempt to lower impervious surfaces. He commented that pervious pavement was more than just the nature of the pavement as it involved the substrate, a sub-base, and retention underneath, and it was part of an innovative best management practice, which he did not think was necessarily inappropriate. Although he would have preferred a less dense development, the development was in conformance with the City's subdivision laws so he planned to support the plat.

Ms. Nauser commented that she did not believe any of them would have imagined a six-inch rain would have occurred the day the developer started to clear the land for the new subdivision. She understood everything had been in place at that time to preserve and protect the park from a normal rain situation. She stated she believed the developer had gone above and beyond the City's ordinances. They had increased the stream buffer, stormwater capacities and the buffer to the Park from development, and had added provisions to the covenants and restrictions to ensure property owners used organic fertilizers and planted native species. The developer had agreed to many things that had not been asked of any other development in the community. She believed the property around the Park would be developed unless someone purchased and placed restrictions on the property around it. She understood many wanted the development to be less dense, and felt that was unfair to middle-income people as only the rich would be able to afford the larger lots and homes on those lots. She commented that attractive and affordable homes for young families would be built. She did not believe the plat should have been denied previously, and noted she would support approval of this plat.

Mr. Skala commented that he agreed there was a such thing as a ministerial act, and the hands of the Council were tied to some degree with some exceptions for health and public safety, or when it came to uncertainty, such as the issue of pervious and impervious surfaces. He pointed out he had voted against the compromise for this development even

though he had been happy to see a compromise since it was better than the alternative, and the only reasonable approach he saw at the time of platting was to address the issue of impervious and pervious surfaces. He stated he felt terrible about the fact a generation of plants and animals in the stream were compromised, and noted this had occurred along the Hominy Branch as well due to The Links and other developments. He commented that he thought this was the best the Council could do at this point and apologized.

Ms. Chadwick asked for an explanation from Tim Crockett as to how they would account for total impervious surface.

Tim Crockett, an engineer with offices at 2608 N. Stadium Boulevard, commented that due to the different types of materials for pervious pavements, they would provide City staff specifications, which included the type of materials, construction, and the rates of permeability for the different applications. He explained there had been six inches of topsoil on the site prior to construction, and that topsoil would absorb a certain amount of water when there was a large rainfall event. Beyond the topsoil was claypan, and this area had a lot of wet clays, which were not very permeable, so water was not percolating through the clay material. Once the top six inches were saturated, the water flowed off of the site as the clay was similar to concrete. He noted they were proposing to put in a base layer of granular material that would absorb as much or more as the six inches of top soil in addition to pavement that would allow water the percolate through it. He stated they would install an underdrain system so the water would percolate through the pavement to be filtered and would discharge directly into the bioretention cells, which was another form of water quality treatment.

Ms. Hoppe asked Mr. Crockett if he would do all of the construction for all of the pervious and impervious surfaces. Mr. Crockett replied they would have specifications for any type of pervious pavement that would be installed in terms of how it should be constructed, etc. He noted it would be submitted to the City for review and approval prior to construction, and explained the stormwater design system had been designed to allow for these systems to connect.

Ms. Chadwick understood the 15 percent impervious surface limit was reduced by the roads first, and then a certain amount was allocated to each lot. Mr. Crockett explained each lot would have an allocated portion, so a builder would need to acquire an extra percentage from another lot owner if he wanted to go above and beyond that percentage, and a revision would then be made in the spreadsheet reflecting the change. He stated they would not be in a situation whereby the last 6-7 lot owners could not build because the 15 percent impervious limit had been reached.

Ms. Chadwick explained she was not on the Council when this project had been approved, and noted she was disappointed this would affect Rock Bridge State Park. She commented that a positive was the fact developers could no longer say they could not do a development such as this since they had a model, which involved a 15 percent impervious surface limit, a pesticide-free neighborhood, native plants, rain barrels, etc. She hoped these requirements moved forward throughout the entire community.

Ms. Hoppe pointed out the City had other neighborhoods that were supposed to be pesticide-free, but those requirements had not been enforced by the City so she was not optimistic.

Mr. Skala stated he was reasonably satisfied the pervious/impervious issue they had discussed when the previous final plat had come before them had been addressed. He was not sure it would be effective, but he hoped it would. He commented that he was not a fan of a standing policy for 15 percent impervious or any other number as he believed the projects needed to be evaluated on a case-by-case basis. He explained he was the most disturbed by the land disturbance process in a sensitive area and believed they needed to ensure best management practices were in place to prevent this situation in the future as six inches of rain was liable to happen again.

Ms. Chadwick asked if there was a way Council could have protected the stream from contamination. Mr. Matthes replied he felt the Council had done everything they could, and thought the public expected the Council to do a lot that it did not have the power to do. He explained the Council had utilized the powers it had in terms of the zoning and annexation decision whereby it limited the developable acreage.

Ms. Thompson noted there was another enforcement mechanism in this particular agreement involving the Missouri State Parks as they were a third party beneficiary and had enforcement rights with regard to the commitments of the developer.

Ms. Hoppe commented that she thought the Council could beef up enforcement in order to improve the situation in the future, so she did not think they had done everything they could do as a Council. Ms. Chadwick asked if a policy was needed. Ms. Hoppe replied yes.

B145-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, MCDAVID, CHADWICK, TRAPP. VOTING NO: HOPPE, SKALA. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B150-14 Approving the transfer of customers and sale of facilities from Boone Electric Cooperative to the City of Columbia under the territorial agreement with Boone Electric Cooperative; authorizing a Customer Exchange Agreement with Boone Electric Cooperative; authorizing a Contract for Purchase and Sale of Distribution Facilities with Boone Electric Cooperative; authorizing the City Manager to make joint application to the public service commission and to take any other required actions with Boone Electric Cooperative for the exchange of customers.

The bill was given second reading by the Deputy City Clerk.

Mr. Johnsen provided a staff report.

B150-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B151-14 Amending Chapter 27 of the City Code to establish a non-standard electric meter option.

The bill was given second reading by the Deputy City Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid understood this bill would not authorize what was known as smart grid meters. Mr. Johnsen stated that was correct, and explained this would simply provide people

the option to opt out of the meters the City currently used. Mayor McDavid understood the City would continue to use the same technology that had been in place for awhile. Mr. Johnsen stated they were using the technology that had been in place the last 15 years. Ms. Hoppe asked when the switch had been made. Mr. Johnsen replied it had been a slow process that began in 1996 when the City first bought automatic meter read (AMR) meters so staff could drive by once a month with a handheld device for a meter reading. He noted meter reading was a skill because some dials went backwards while others went forward, and the AMR meters helped reduce the number of errors.

Ms. Hoppe understood it took 18 years to get all of the meters converted. Mr. Johnsen stated he was uncertain as to when all of the meters were converted, and thought they might still have a small number of the older meters on the system. He thought most were likely to have been converted to AMR meters within the last 5-7 years. He pointed out the AMR meters saved staff from having to traipse through yards and reduced the number of inaccurate readings or errors when transferring the readings to the billing system.

Ms. Nauser asked if these AMR meters were capable of interacting with other appliances for energy usage that would be able to report additional information. Mr. Johnsen replied no. He explained smart meters were two-way communication devices and AMR meters basically only provided information to the City.

Kelly Pascucci, 1107 Merrill Court, commented that it took time to build infrastructure and Burns & McDonnell had been hired to conduct studies. The City currently had smart meters in a broader sense as it had encoder receiver transmitter (ERT), AMR, and advanced meter infrastructure (AMI) meters. She understood the handheld device collected usage information once a month, but noted the meter was constantly transmitting and creating dirty electricity, and if it was a microwave device, it was basically a microwave transmitter on the house. She stated another concern she had was that it was creating more granular data instead of aggregate data. She asked the Council to take the time to review all of the input received on this issue, to include e-mails, and noted the City had engaged paid consulting firms to gather information with regard to setting City policy so she felt it would only be fair to consider comments from individuals outside of Columbia that resided in communities that had adopted policies in which these consultants had been retained to advise.

Michael Hueser, 306 Edgewood Avenue, stated he was uncomfortable with a device on his house that had not been demonstrated to be safe and secure in the areas of privacy, security, health, and safety, and felt it was unjust and unreasonable to require him to have a smart meter on his house until the City could prove demonstrably that they had done due diligence through study and research regarding the issues of privacy, health, and safety. He also felt requiring him to pay extra fees and charges if he chose to opt out of this smart grid/smart meter system and infrastructure was unreasonable. He asked the Council to look at the research out there and to not move forward with this only because the system was in vogue.

Susan Taylor, 4702 Shale Oaks Avenue, stated she had concerns about the charge for those who wished not to have this type of meter on their home. She commented that the rates had not gone down \$5.00 when the meters were installed so she did not believe there should be a \$5.00 increase to revert to the old meters. She also pointed out that the \$75.00

charge and the \$5.00 per month fee could be difficult for people with a limited income so they might not be able to make the change even if they had concerns. She stated she was glad to know the City only had AMR meters at this time, and wondered if a promise could be made to customers that this would not progress to invasive AMI meters, which allowed for two-way communication, as there was a lot of concern with regard to privacy issues. She also wondered if a promise could be made that the fees would not go up if technology progressed and more people wanted to opt out. She noted she would prefer the City remain at the AMR level. She commented that she believed some people were very sensitive to the waves emitted, and questioned whether they would want to put the burden of paying more in order to be exempt on those that had health concerns. She wondered if there could be an exemption for people who demonstrated a health concern so they would not have to bear the burden of an extended cost. She asked the Council to not approve this bill until some exemptions were put in place.

Ms. Chadwick asked what AMI stood for. Mr. Johnsen replied advanced meter infrastructure.

Anne Summers, 506 Redbud Lane, Ashland, Missouri, explained she had begun to have very bad headaches and her doctor suggested the smart meter be removed from her house. Within ten days the meter had been removed from the house, and within five days after the meter had been changed, she no longer had headaches. She stated she had asked if a special truck would need to be sent out to read the new meter and was told no as the information would be sent digitally to a reading center. She commented that she found the charge unacceptable and noted Ameren had not charged or threatened to charge her any extra fees.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and noted they were concerned about the health consequences of new items that had not been studied well. She pointed out there could be others that were sensitive to different frequencies, and explained there was the issue of a collective effect of frequencies from cell towers, smart meters, etc. that could affect someone's health. There was not yet a great body of study in these areas since this technology was rather new, but there were some documented instances. She felt consideration should be given to the fairness of the charge and suggested the issue be studied prior to moving forward.

Ms. Hoppe asked for a breakdown for the \$5.00 per month charge and the \$75.00 one-time charge. Mr. Johnsen replied it was partly dependent on the location of the meter. The cost to read the analog meters for 2-3 house that were together would be different than if they were scattered throughout the City. They determined an estimated cost and tried to keep it fairly low and manageable. As they gained more information on the costs, they could adjust the charges. Ms. Hoppe understood it was an estimated average as the cost would be higher for some and lower for others. Mr. Johnsen explained they came up with the amounts by running through scenarios on what they would expect in terms of time, truck rolls, etc. He reiterated that going forward they would track the numbers to make it cost-based and would recommend adjustments as necessary.

Ms. Nauser asked Mr. Johnsen if he thought a large number of people would request a change to their meters. She suggested they monitor the number of people opting out for a

six month period and determine a cost from that information. Mr. Johnsen replied he did not know how many people would elect to opt out if it were absolutely free versus it being based on the current cost structure. Ms. Nauser suggested not charging a fee for six months, and looking at the data collected during that time to determine if a fee was necessary for the future. Mr. Johnsen explained he was trying to avoid socializing the specific cost incurred for the analog meter and had tried to base the fee on the cost of the customer.

Ms. Nauser recommended everyone read the report to Council regarding smart grid technology from the prior Council Meeting and noted she understood at this time there was no discussion regarding the City changing its current technology by going to a two-way or more intrusive smart grid system. Mr. Johnsen stated that was correct. He explained Council involvement would be required to go down that path as a collection system or network would be required for a centralized computer to retrieve the data, and at this time, the City did not have that infrastructure. Ms. Nauser asked if Ameren had that technology. Mr. Johnsen replied he thought they did.

Mr. Skala pointed out they were not discussing smart meters, but understood the concerns of the potential for smart meters. He stated he believed there were essentially three issues, and those were the fee structure, privacy, and health. He was not sure there was much of a privacy issue with the City's current metering system. He explained he had been a researcher for the University of Missouri for about 20 years in physiologic psychology, and prior to that, he was an electronics technician in the Marine Corps and in charge of repairing a 10 megawatt radar site that used radiofrequency (RF) energy. He noted that although the studies were not conclusive, it had been determined there was no real adverse effect to livestock and humans when exposed to high-powered overhead lines, and these meters were tinier in terms of RF energy. He stated he had no reason to doubt some people were susceptible to the cumulative effect of microwave towers, but assumed the meters the City used were shielded in terms of RF energy or could be shielded. He explained he was relatively comfortable from a health perspective, but noted he was not as comfortable with the fee structure.

Ms. Hoppe asked if people had been allowed to stay on the analog meter if they had not wanted to switch to the AMR meter during the 18-year transition. Mr. Johnsen replied he did not believe there had been a permission process to change the meter to an AMR meter. Ms. Hoppe asked if people had been informed of the change. Mr. Johnsen replied the change required a disruption to service, and they typically informed people of disruptions to their service. He explained the goal had been to have a more efficient and accurate way to collect meter data, and those benefits had been incorporated into the rate structure.

Ms. Chadwick asked if an amendment could be made to this ordinance to ensure a change to an AMI meter system would not occur without the knowledge of the public. Mayor McDavid replied he believed this technology would be fairly expensive and would require an appropriation. Mr. Johnsen explained the collection network would be costly and would need to be an appropriated item. Mayor McDavid felt it would then be a very public process. Ms. Chadwick stated she wanted to ensure they would not move forward with AMI meters without a public process. Mr. Johnsen pointed out AMI meters would not have much of a benefit without a collection or communication network.

Ms. Chadwick suggested they consider a six month grace period so the actual costs could be determined. Ms. Hoppe asked if a three month period was reasonable as six months was a long time. Mr. Johnsen replied the staff felt they provided a good estimate as they knew there would be a cost. He thought there should be a charge, and that charge could be studied for six months to determine if there should be an adjustment. He stated he was hesitant to not charge something as they would then potentially have an unrepresentative sample.

Mayor McDavid commented that everyone on the utility paid for the cost of the utility. He noted he personally felt utility bills were high and wanted to see them lowered, and one way to lower utility costs was to implement processes that were consistent and repeatable. He thought one data collection system was preferred because it would cost more to do something different. He suggested they ask for a report in six months to find out how many people were availing themselves of analog meters if they approved this ordinance. He also thought they could conduct a survey through the utility bill to determine how people felt.

Mr. Johnsen explained the City's fees were typically structured on the cost of service, and there was obviously a cost to provide this service. Staff felt it was important from a municipal perspective to make this service available and had tried determine a reasonable cost.

B151-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NAUSER. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B161-14 Amending the FY 2014 Annual Budget to add a 0.75 FTE assistant city counselor position in the Law Department; appropriating funds.

The bill was given second reading by the Deputy City Clerk.

Mr. Matthes provided a staff report.

Jeremy Root, 2417 Beachview Drive, explained he had asked for this to be removed from the consent agenda because he wanted to know why it was necessary to hire a full-time attorney dedicated to land use issues now when the City had gone for so long without a such a staff person in the Law Department. He commented that he was generally in favor of a robust Law Department capable of advising the City on important issues, but feared the City might be girding itself for war with the citizens instead. He stated he wanted to see fewer lawsuits against the City, for City policy to be grounded on sure footing and the law, and for the Council to remain true to the visions of citizens so no one felt compelled to take a dispute to the courts.

Ms. Hoppe commented that the Law Department was very busy and noted the City had contracted out legal issues in the past. She stated she did not see this as an attorney to handle more lawsuits, but as someone who would avoid and troubleshoot problems based on research and knowledge, which she thought was the best type of lawyering. She believed additional staff was needed as the City was growing in a more complex way and as they had more difficult infrastructure issues. She stated she viewed this as a way to get good solid advice and analysis. Mr. Matthes noted that was the intent of this added position, and pointed out it was really about a workload volume, and not a litigation volume.

Mr. Skala commented that he saw this as the bulwark for a more comprehensive look at some of the land use issues the City was facing. He noted the City had probably grown 20-30 percent in the last 15 years, and it did not appear to be slowing much. He stated he was sympathetic to Mr. Root's view about a potential adversarial relationship with the citizens, and noted he would do his best to restore faith.

Ms. Chadwick stated it was important to her that the Council make good policy moving forward, and she believed it was time to make some policy changes in terms of land use and zoning for which she wanted a strong legal staff to advise her.

B161-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B162-14 Authorizing the repeal of Ordinance No. 022010 which approved a development agreement with Opus Development Company, L.L.C.

B163-14 Calling a special election in the City of Columbia, Missouri, to be held on Tuesday, November 4, 2014, for the purpose of approving or rejecting Ordinance No. 022010 which authorized the City Manager to execute a development agreement with Opus Development Company, L.L.C. as it relates to property located on the north side of Locust Street, between Seventh Street and Eighth Street.

The bills were given second reading by the Deputy City Clerk.

Mr. Matthes provided a staff report.

Josh Wexler, 801 Martin Drive, stated he was confused because the City Counselor had indicated there was a potential for personal liability, but the agreement had a clause indicating the representatives would not be personally liable. He also thought the Council should try to remain more neutral since the citizens had an issue with the project, but it appeared as though the Council really wanted this agreement with Opus, who still did not own the land per the Boone County Assessor's Office. He wondered why the City would enter into an agreement with a company that did not own the land or had not paid any taxes or why the City would consider diverting money from promised projects to get this project moving. He questioned why Opus would only be required to purchase 118 bus passes when it had 256 beds. He also understood Mayor McDavid was concerned that a potential legal action would take away from policemen and firemen, and questioned the hiring of another attorney instead.

Jeremy Root, 2417 Beachview Drive, read a portion of the Twin Cities Business Journal from September 13, 2012, which reported Opus had sold Stadium Village Flats, a 120-unit student housing development anchored to a CVS pharmacy in Minneapolis, to Chicago-based Harrison Street Real Estate Capital about a week after completing construction. The Opus Development Corporation Senior Vice-President and General Manager Dave Menke had indicated both residential and commercial portions of the development were fully leased and that Opus typically followed a "merchant builder model" meaning it built, leased, and then sold properties. Mr. Root stated this developer wanted to come to Columbia because it was a wonderful town and community, and wanted to take a whole block of the inclusive and marvelous downtown for luxury student housing with no public amenities while deepening the sewer infrastructure crisis. He noted the Council would

vote tonight on whether to repeal the rushed first development agreement with Opus that was introduced and read at two improperly called Council Meetings and passed by a 4-3 vote. In the three weeks that followed, citizen used a process under the Charter to obtain signatures to challenge that decision because they felt there was enough student housing and an infrastructure crisis in that there was not enough capacity to serve the development now or by August 2015 when Opus proposed to be building. He pointed out they had obtained more than 3,700 signatures the first time, and that the petition also enjoyed the support of people who were not registered to vote and from people who lived in the county. He stated the public was comfortable with the Council voting to repeal this issue or voting to sending it to the voters, and noted he would enjoy a public debate on the merits of this process that waged until November. He understood they would be outspent in the election campaign as they had been outspent to date, but they were ready and did not fear it. He stated they were ready for the discourse and to restore the faith and trust of the community and the treasure of the downtown.

Mr. Skala commented that he felt the way the process with the first development agreement had unfolded was peculiar, even though it was legal, and thought it was strange that his attendance was an endorsement for the legitimacy of the process. He explained he had voted against the first development agreement because he did not want to overburden a failing system without providing relief to those that had sewer problems for 10-15 years and because he did not believe it made sense to guarantee a solution that was not in hand and not likely to eventuate given the timeframe of the commitment through a development agreement. He stated he intended to vote to the repeal of this first development agreement.

Ms. Hoppe explained she also voted against this agreement due to many of the same concerns mentioned by Mr. Skala. She noted she was also very concerned about the cost of the infrastructure, the fact the City had other sewer needs, and this project being prioritized above other projects without obtaining adequate compensation to serve the new development and improving existing sewer deficiencies. She understood this project would cost roughly \$10 million with the road improvements that would need to be made, and Opus would only pay \$200,000, which was two percent of the cost. In addition, she understood Opus would consume 3.24 percent of the overall trunk capacity, so she did not feel the City had charged enough. She felt a long-term solution was needed. She noted she also had concerns relating to the Comprehensive Plan, retail, and equity in terms of bus passes. She believed developers that could meet the standards, desires, goals, and visions of other communities could meet those items here if they wanted to do business in Columbia. She commented that she had heard smaller developers had been told they could not proceed with developments, and felt the City was picking and choosing who could develop without consideration of Council priorities or the priorities of the public through its comprehensive plans. She stated she would vote to repeal the development agreement.

Ms. Nauser stated she found it disheartening that there were people that felt a company that wanted to invest in property in Columbia to make a profit or sell the property at a later date was against the community. She commented that personal property rights allowed for the owning and selling property at a profit, and it did not mean someone was evil or bad. She pointed out the property was zoned C-2 so Opus could build what they wanted.

In addition, they had done everything that had been asked. The issue was infrastructure, and the same formula had been used for the other two projects that had recently passed. She wondered why it had been acceptable for those two projects, and not this project. She stated the development agreement called for \$450,000 to be paid for by the developer for infrastructure, and this was above and beyond the fees the City would normally receive from a development. She noted she would vote to repeal this ordinance, but not for the reasons stated by the people that previously spoke. She pointed out Opus had the zoning and the City had the obligation to provide utilities.

Mayor McDavid commented that notwithstanding his vote to repeal the development agreement, he remained an advocate of the University of Missouri and quality student housing adjacent to campus.

Mr. Trapp commented that due to his respect for the Charter he planned to vote for the repeal of the development agreement. He clarified his comment about 50 people was in regard to number of people that had been devoted to gathering signatures and noted he understood more than 3,000 people had signed the petition. He recognized there was a committed group of activists that had a vision and organizing capacity, and believed Council had to take that into account in its decision. He thought it was unfortunate the City would not be able to ask Opus to contribute additional funds for its infrastructure and transit needs.

Ms. Chadwick commented that the citizens had the right to petition by referendum per the Charter, which the Council was sworn to uphold so the ordinance that was petitioned would be repealed. She pointed out the City had the right and obligation to uphold all laws and policies equally and fairly, and explained the ordinance allowed the City to receive extra infrastructure funding from a developer, which was above that required by current laws and policies. She noted the Opus project was in full conformance with the current zoning laws and policies in place in the area they planned to build. She commented that she would disappointedly vote to repeal the ordinance and uphold the will of the people. She explained she expected staff to uphold the laws and policies of Columbia, so this project would be treated like any other project as it moved forward. She noted the Council would discuss a report later in the evening that would potentially allocate the financial resources needed to replace the main trunk line and other aging infrastructure in the downtown, and pointed out this main trunk line served 2,450 acres of the central city, so it did not just serve this development and was the reason the development agreement was necessary. She urged the citizens to look at the big picture and focus their energies on changing the laws and policies to better express what they hoped to see for Columbia.

B162-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bill declared enacted, reading as follows:

B163-14 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. ABSENT: THOMAS. Bill declared defeated.

CONSENT AGENDA

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

- B144-14 Amending Chapter 6 of the City Code as it relates to occupancy classifications, frost-protected shallow foundations and limiting the time for filing an appeal for building construction code violations.
- B146-14 Approving the Final Plat of Joann Subdivision Plat 1 located on the northeast corner of Joann Street and Mills Drive; authorizing a performance contract.
- B147-14 Approving the Final Plat of Farley’s, Plat No. 4, a Replat of Part of Lots “O” and “P” of Farley’s Second Addition, located on the west side of Sexton Road and north of Mikel Street (7080 W. Sexton Road); authorizing a performance contract.
- B148-14 Authorizing an administrative services agreement with the Mid-Missouri Solid Waste Management District for administrative and grant coordination services.
- B152-14 Accepting conveyances for utility purposes.
- B155-14 Authorizing a license agreement with the Missouri Highways and Transportation Commission for the Grindstone Creek Trail connection under U.S. Route 63.
- B156-14 Authorizing an agreement with the Columbia Public School District to substitute a playground improvement project at David H. Hickman High School in place of the New Haven Elementary School, Parkade Elementary School, Fairview Elementary School and Russell Boulevard Elementary School playground improvement projects.
- B157-14 Authorizing an internship program agreement with the Society of Municipal Arborists to sponsor an urban/community forestry intern at the Parks and Recreation Department; appropriating funds.
- B158-14 Amending Chapter 6 of the City Code to change the membership requirement for the Board of Plumbing Examiners.
- B159-14 Authorizing Amendment No. 5 to the program services contract with the Missouri Department of Health and Senior Services for Maternal Child Health Services.
- B160-14 Amending the FY 2014 Annual Budget to add a 0.10 FTE health educator position in the Department of Public Health and Human Services.
- R109-14 Setting a public hearing: construction of sidewalk improvements along Manor Drive, from Rollins Road to West Broadway.
- R110-14 Setting a public hearing: consider the FY 2015 Capital Improvement Project Plan for the City of Columbia, Missouri.
- R111-14 Setting a public hearing: voluntary annexation of property located on the southeast corner of Route K and Old Plank Road.
- R112-14 Authorizing the temporary closure of portions of the sidewalk and non-metered on-street parking lane on the south side of Conley Avenue, near 700 Conley Avenue, to allow for construction of an outdoor amphitheater at the north end of the Carnahan Quad.

- R113-14 Authorizing an extension of the periodic closure of a portion of Orr Street between Ash Street and Walnut Street, and the temporary closure of sidewalks along portions of the east side of Orr Street (104 Orr Street) and the north side of Walnut Street (1101 East Walnut Street), to allow for construction activities at 104 Orr Street and 1101 East Walnut Street.
- R114-14 Authorizing the temporary closures of a private alley running north/south located between Ninth Street and Tenth Street and a public alley running east/west located between Cherry Street and Locust Street, and installation of a 42-inch construction gate at the alley entrances during the temporary closures, to allow for construction activities at 114 S. Ninth Street.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

- B164-14 Approving the C-P Plan of Columbia Safety and Industrial Supply located on the northeast corner of Highway 763 North and Bodie Drive, extended; setting forth a condition for approval.
- B165-14 Approving the C-P Plan of Lot 6 of Red Oak South, Plat No. 1 located on the southwest corner of Grindstone Parkway and Grindstone Plaza Drive.
- B166-14 Approving the Lake George PUD Plan located on the south side of Richland Road, west of Grace Lane.
- B167-14 Approving the Minor Plat of CPS Southwest Elementary Plat 1 located on the northwest corner of Route KK and Scott Boulevard; authorizing a development agreement.
- B168-14 Vacating a telephone and electric easement on Lot 1 within Middle Market Subdivision located on the east side of the intersection of Route B and Chateau Road (6000 Paris Road).
- B169-14 Amending Chapter 29 of the City Code to establish standards for an accessory dwelling unit (ADU).
- B170-14 Authorizing the construction of pavement improvements on Keene Street, from I-70 Drive SE to East Broadway (Route WW); calling for bids through the Purchasing Division.
- B171-14 Amending Chapter 14 of the City Code to temporarily relocate a designated taxi stand on Tenth Street.
- B172-14 Authorizing a right of use permit with Level 3 Communications, LLC for the installation and maintenance of fiber optic telecommunications cable within portions of the Lemone Industrial Boulevard and Maguire Boulevard rights-of-way.

- B173-14 Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. to conduct an aeronautical obstruction survey on the proposed new alignment of Runway 13-31 at the Columbia Regional Airport; appropriating funds.
- B174-14 Appropriating funds for transit division advertising.
- B175-14 Accepting conveyances for sewer, drainage, utility and sidewalk and pedestrian purposes.
- B176-14 Accepting Stormwater Management/BMP Facilities Covenants.
- B177-14 Accepting conveyances for utility purposes.
- B178-14 Appropriating funds for parks projects at Rock Bridge Park, Stephens Lake Park, Albert-Oakland Park and Waters-Moss Memorial Wildlife Area.
- B179-14 Appropriating funds for payment to Tele-Works, Inc. of convenience fees collected from utility bills.
- B180-14 Authorizing a program services contract with the Missouri Department of Health and Senior Services for public health emergency preparedness services.
- B181-14 Authorizing Amendment No. 2 to the program services contract with the Missouri Department of Health and Senior Services for the Teen Outreach Program (TOP); appropriating funds.
- B182-14 Authorizing an intergovernmental agreement with the County of Boone relating to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the allocation of FY 2014 funding.
- B183-14 Appropriating Law Enforcement Training funds for police officer training.
- B184-14 Accepting the 2014 Enforcing Underage Drinking Laws grant from the Missouri Department of Public Safety; appropriating funds.
- B185-14 Authorizing an extension of a real estate lease with The Wardrobe, Inc. for property located at the northwest corner of Park Avenue and Eighth Street.
- B186-14 Amending Chapter 20 of the City Code as it relates to appointments to the Planning and Zoning Commission.

REPORTS AND PETITIONS

REP58-14 Downtown Sewer Funding Strategies.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to accept Option No. 1. The motion was seconded by Mr. Trapp.

Mr. Skala understood these recommendations assumed contributions from Opus and ACC, which were questionable, and asked if this list still included a few projects that had been in the CIP Plan and would provide relief for long-standing sewer problems in residential areas. Mr. Matthes replied no, and explained they had tried to balance all of the concerns of Council. He noted they did not postpone any neighborhood sewer projects, so the projects listed were projects that could be deferred without a lot of pain.

Ms. Hoppe understood \$683,000 would come from Annual Sewer Improvements (Enterprise Revenue), and asked if there were no existing sewer problem areas that money

could go towards. Mr. Matthes replied that money had not been programmed for projects at this point. Ms. Hoppe commented that there were still outstanding sewer problems this money could be used to address so she was reluctant to utilize the funds.

Ms. Chadwick understood this problem had existed for quite some time. Mr. Matthes stated that was correct and noted the Flat Branch relief system had been on the CIP for a longer period of time than he had been the City Manager.

Ms. Hoppe pointed out the Council was currently in a robust discussion regarding development costs and fees related to sewer, and understood the Council could set policy to require new development tying into the sewer to reimburse the City for a portion of the expense of the new line. Mr. Matthes stated that was correct. Ms. Nauser stated she thought developers already paid toward those costs as they paid a tie-in fee. Mr. Matthes noted the City currently had a connection fee, but pointed out the cost of service study recommended an increase to that fee. He explained staff would come to Council with those recommendations as part of the budget. He stated that funding this plan would not preclude Council from making changes in the future.

Mr. Skala stated he assumed this was being discussed in the context of a report for potential solutions to this problem, and suggested they consider deferring the sewer extension to Midway, which was beyond the urban service area. He noted a deferral was not a broken promise. It was simply a deferral. He understood it was a bond issue, but that bond had been passed before they had really considered the Comprehensive Plan, which established an urban service boundary. He thought it should be candidate for deferral along with these other projects. Mayor McDavid asked for a staff response. Mr. Matthes replied the staff response to that concept was more generalized in that they tried to find a use of the ballot they could utilize to benefit the particular shortcomings in the downtown, so they looked at the annual sewer system improvements. It was a smaller number at \$1 million, but it recurred annually and was not programmed specifically to a project. It was for items that would come up throughout the ballot plan.

Ms. Hoppe asked if the \$10.72 monthly increase under Option 2 was in perpetuity and whether it would ever be reduced. Mr. Matthes replied the increase would only be applicable until the money was raised so it was a one year increase.

Ms. Nauser asked for clarification regarding Option 3. Mr. Matthes replied Option 3 was a mixture of both Options 1 and 2. Ms. Nauser understood the \$6.15 would be for a one year period. Mr. Matthes stated that was correct.

Ms. Hoppe agreed with Mr. Skala with regard to considering the Midway sewer project, and noted she had received an e-mail from Mr. Thomas who had conveyed his interest in that approach as well.

Mayor McDavid commented that the City had over \$150 million worth of sewer project in the CIP Plan, and about \$90 million was funded so a lot of work had either been done or was in the pipeline to be done. He understood the issue with Midway being outside of the urban service area, but noted he felt the Comprehensive Plan was lacking in terms of planning even though it had been great in its historical perspective and its current conditions analysis. If Columbia grew at the rate it had since 1960, it would have 200,000 people by 2040, and he did not believe 200,000 could be squeezed into the urban service area

boundary. He thought the natural boundary should have been considered, and that was the sewer basin boundaries. He did not want to jump watersheds and thought they should stay within the existing watersheds. He also did not believe the urban service area should be an ironclad boundary. He commented that he had wanted the Midway industrial area in the City for some time as there were some large industrial units there that could dramatically add to the City's property tax and sales tax base if annexed. He did not know if it could be deferred for a year as he did not know how the principles would feel as he understood they were under an order address their sewer issues as they were on a lagoon, and would prefer to keep the Midway sewer extension project on the list. He thought it was a very important extension in term of the tax base and jobs.

Mr. Skala stated he did not believe the urban service area had to be ironclad, but noted he disagreed with Mayor McDavid in terms of not deferring that sewer extension. He commented that one of the reasons they were in this predicament was because they had grown into it, and noted it had not been a sustainable path. They had an exigency downtown in terms of infrastructure, and he felt some of that was due to rapid growth. He stated the idea that the benefits of growth would outweigh the costs of growth were simply not borne by history. He felt they needed to be responsible. He agreed some growth was needed because they would wither and die without growth, but noted they needed healthy and sustainable growth. He thought they needed to accommodate the people that had been here a while before allowing more impacts the City could not accommodate.

Mayor McDavid asked staff if Option 1 would need to be amended for the Midway sewer extension. He understood this would allow for a transfer of money. It would not authorize any construction. Mr. Matthes replied it was really about adopting an approach. He noted he thought of Option 1 as not raising rates and using the money from deferred projects, and suggested including the Midway sewer extension as an option. He explained that when staff came to Council to build projects 1 and 3, the details of how it would be funded would be included in the fiscal impact on the council memo for Council consideration. He suggested the Council approve an approach tonight so they had a funding plan and could move forward with the design phase. He reiterated the action of Council tonight would result in the ability of staff to shuffle funds when necessary. Mayor McDavid understood they would not authorize any construction with that action. Mr. Matthes stated that was correct.

Ms. Chadwick commented that the sewer fixes needed in the downtown were not only due to growth. They were needed due to aging infrastructure as some of the infrastructure was over 100 years old. She pointed out the Council approved a \$2.5 million sewer project involving 87 houses in the Fourth Ward at the last Council Meeting, and noted the Flat Branch main serviced 2,450 acres or six percent of Columbia. It also served the central city area, which likely had the highest density in terms of population in the City. The Flat Branch main was more than just the downtown as it involved a large part of the First Ward. She stated it was an infrastructure and public health issue and she was in full support of reallocating funds to make this main a priority. She asked if Council needed to make an amendment to utilize the million dollars of infrastructure funding from the bond. Mr. Matthes replied yes, if she meant using another year of annual sewer system improvements.

Ms. Hoppe commented that she did not believe the options included the cost of pavement replacement. Mr. Matthes stated the pavement replacement for Projects 1 and 3 should have been included. He explained Options 1, 2 and 3 would not build Projects 2 or 4, so the amount was lower. He noted Council would make a decision on Project 2 later and recommended waiting on Project 4 until the cash flow improved and the utility could afford it.

Mayor McDavid asked Mr. Skala if he would be amenable to keeping open the idea of reshuffling the CIP. Mr. Skala replied yes. Mayor McDavid suggested Mr. Skala look at the CIP and decide where to move the Midway extension down the list and what to move up in its place. Mr. Skala understood the Midway extension was a more than just a placeholder on the CIP as it was a bond issue. He agreed they needed to keep their promises, but thought it should be a candidate for deferral and on the list of options. He asked why it was not included on the list of potential projects to defer and if there would be a penalty for not including it. Mayor McDavid replied he did not feel they were appropriating money for anything right now, and that they would only be acknowledging they had a partial solution in place to fix the trunk line. Mr. Matthes commented that in one respect it was not needed for the two projects as staff had identified funding for those, but other fixes were needed.

Mr. Skala stated he disagreed with Ms. Chadwick's characterization that this was not all a function of growth because he believed aging sewers were a function of growth since the City had devoted a lot of funds to new capacity for growth in place of rebuilding the aging infrastructure. Ms. Chadwick noted this would be done in the central city and would not expand out any further. Mr. Skala stated the Midway extension was an expansion.

Ms. Nauser pointed out that many citizens had benefited from infrastructure without contributing to the infrastructure. Mr. Skala felt that was a dilemma they would always face. Ms. Nauser stated she thought it was unfair to blame new development for the problem, and noted they were coming into a situation where there was already a problem. Mr. Skala commented that sustainable growth was needed. Growth in general would not provide the funding necessary to solve the problem as the numbers were not there.

Mayor McDavid understood staff was asking for a broad acknowledgement that there were ways to move projects within the CIP to partially fix the downtown infrastructure problem. He noted it was not a total solution. Mr. Matthes stated that was correct. Mayor McDavid understood there was a trunk line and three tributaries, and they had a solution for the trunk line, which he thought was the most important as it was 110 years old and brick. He believed that would need to be replaced even if there was not any growth. He understood they did not have a solution for all of the tributaries. Mr. Matthes stated there were identified solutions, but it would be farther in the future. He explained staff was asking Council to endorse this approach with the understanding details could change when the projects came forward for public hearing, and this approach basically listed the projects staff thought would have a low-impact if they were to be deferred for a year and would not involve a rate increase. Mayor McDavid stated he would endorse not raising rates.

Mr. Trapp commented that he believed this was the least harmful list they could create as it included projects that were not ready and savings from projects that had been completed or were operating now, and it allowed them to keep their promises to the voters. He pointed out that when they defeated the TIF proposal, they had all indicated they felt the

trunk line could be funded, and no one had indicated the trunk line should not be built. He explained one project he was eager to see completed was the North Grindstone bank stabilization project, and he felt that project would be worth raising rates to complete, but he understood it was not ready per conversations with staff. He thought it was perfect for delay since it was not ready to move forward. He appreciated an option that did not involve raising rates while addressing the trunk sewer issues. He noted there were so many moving pieces so they needed to stay abreast of new information and on how one decision would affect other decisions. He noted they all shared the common goals of a clean environment, economic prosperity, low rates, and preserving affordability, and they all loved Columbia. He commented that they all had their own priorities, and some of them prioritized economic development while others prioritized social welfare or the physical environment even though they all wanted all of those things. He noted the differences they had on the Council with regard to growth and how it was managed reflected the differences in the community, and he believed it was important to stay within the bounds of at least the supermajority as they would likely never reach 100 percent community consensus. He stated he did not believe this was a disservice to anyone, and explained they were doing what big complex companies did in terms of moving things around and deciding how to move forward. He pointed out this approach would move them forward, and noted he looked forward to putting the infrastructure issue behind them.

Ms. Hoppe stated she believed it was important to make sure the numbers worked so the City had enough funding for long-term maintenance as well as new development, and that the approach was equitable. She suggested they stay abreast of best practices so they could continue to create a city that had character and history and functioned well, which was not an easy task.

Mayor McDavid reiterated that the Council was not appropriating any money, and that the Council was only acknowledging the fact that downtown infrastructure was a priority. He suggested they vote on the motion to accept Option 1 as a broad statement of their approach.

Mr. Trapp made a motion to table the motion made by Mayor McDavid and seconded by Mr. Trapp to accept Option No. 1 until the council comment portion of tonight's meeting so public input was considered during the public comment portion of tonight's meeting. The motion was seconded by Ms. Chadwick and approved unanimously by voice vote.

REP59-14 North 763 Community Improvement District (CID) Annual Budget - Fiscal Year October 1, 2014 through September 30, 2015.

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

REP60-14 Columbia Area Transportation Study Organization (CATSO) 2040 Long Range Transportation Plan (LRTP).

Mr. Skala asked staff if they knew what MoDOT had in mind for Highway 63 and I-70, and whether it would affect the Conley Transportation Development District (TDD), which had not yet been connected. He wondered if they were thinking about a double diamond or cloverleaf design. Mr. Teddy replied did not know, and explained staff had heard MoDOT wanted to do it as a design-build project, which meant they would advertise a set of goals and

bidders would then try to meet as many of those goals as possible, so they would do the design and build it. Since it was performance driven, he thought they could end up with any number of possibilities.

Ms. Hoppe understood the 2040 Long-Range Transportation Plan projected a population of 210,348 and 32,946 new housing units over 12,672 acres, and she assumed those projections were based on the old sprawl model instead of the dense model. Mr. Teddy explained they looked at the existing zoning framework as a guide, and they did not assume any new sources of revenue or a new zoning framework as they did not yet have those details. They also looked at land consumption, and land consumption for housing required more than just the area for the lots as there would be greenways, park sites, school grounds, etc., so for every so many homes they had to account for support facilities that were considered part of the residential environment. He noted the acreage figure represented an average, which would include downtown densities along with traditional estate lot densities.

Mayor McDavid commented that Mr. Teddy raised a great point in terms of whether they would live differently in the future. He viewed this as a long-term trend line, and did not view it as a guideline. He felt this only indicated what the City would look like if it continued to grow the way it had the last 50 years. Mr. Teddy pointed out they could aspire to do more with less in terms of land consumption.

REP61-14 Vision Commission Media Mention Report.

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

REP62-14 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Pat Fowler, 606 N. Sixth Street, stated she appreciated the Council postponing the vote on which option to move forward with in regard to REP58-14 until the public had an opportunity to speak. She commented that she wanted to believe the City could have a functioning system without raising rates, but knew that was not possible, and felt the Council knew that was not true as well. She noted the Council had the opportunity to raise rates by the modest amount of \$10.72 per month to fix an urgent problem that benefited everyone as an investor in the City in terms of having a vibrant downtown and a vibrant neighborhood adjacent to the downtown. She was not sure why they would pass on that opportunity when she had heard over and over for the past ten years, the City did not have enough money for a functioning sewer or stormwater system, and urged the Council to reconsider this decision. She understood the concern for low-income citizens, and suggested they be exempted from the increase. This would allow the City to start to build a sustainable revenue stream to address the 35 years of neglect. She asked the Council to reconsider this before giving up on the option to increase rates.

Ms. Hoppe agreed a sewer increase for existing sewer maintenance might be needed, but noted she would hesitate to move in that direction without examining a new development contribution to the new development portion of sewer costs. She explained she did not want to increase the rates without simultaneously having a new development contribution. Ms.

Fowler appreciated that thought. She noted the community was debating shifting more costs to the developers, but felt they should also shift more costs to all ratepayers because they would benefit from a functioning sewer system. She also felt it would show good-will to the development community for the citizens to say they were willing to pay an increase while the appropriate formula was worked out. This would also remind the citizens that they had the same responsibilities for a functioning sewer and stormwater system as the developers. She believed both should be done, and reiterated it would show the developers they were all in this together.

John Clark, 403 N. Ninth Street, stated he did not think it was a good idea to postpone a vote on REP58-14 to the council comments section of the meeting because he felt it was just as offensive for Council to vote on motions during that portion of the meeting as it was during reports since it would not have the appropriate notice on the agenda and there was not an opportunity for the public to participate. He believed this report could have been under new business, and suggested placing this as an old business item on the next agenda to allow the public to comment on the approach.

Mr. Clark commented that during the zoning or platting process, the Council could require a delay in developers applying for a land disturbance permit. What had happened to Rock Bridge State Park due to the Parkside development had been happening for years throughout the community. He stated the Council had the absolute power to restrict this through a contract or as part of the plat, and it was a simple solution to many of the problems.

Mr. Clark stated he would support the Midway extension except for the fact that the development would never pay for itself as indicated by Mr. Skala. If Boone County had a \$5.00 per hundred dollar assessed valuation system, there was a chance the property would actually pay its own fair share, but they were not anywhere near that amount.

Mr. Clark commented that the real issue was inflow and infiltration, and all kinds of problems would go away if that could be resolved. He suggested the money be shifted to accelerate fixing the inflow and infiltration problems, so it was done in three years instead of ten years. They would then know where they were in terms of the various sewer needs, such as the trunk line, etc.

Josh Wexler, 801 Martin Drive, understood Ms. Nauser had indicated a formula had been used to determine the contributions for the recent downtown developments, and noted he did not believe there had been a formula because the development at Broadway and Tenth Street, which had 36 beds, would contribute \$50,000 while Opus was only paying \$250,000 for 256 beds. Mr. Trapp stated the formula was based on the length of the block. Ms. Nauser agreed it was based on the length of the block, the impact, and what needed to be done. She understood that same philosophy had been used for the Opus project as well as the Mendenhall project and the other student housing projects. It was not in written policy though. In addition, the Opus development included contributions for other utilities as well. Mr. Wexler understood it was a case-by-case approach. It would be based on footage, but it was not codified. Ms. Nauser stated that was correct. Mr. Wexler suggested the City develop a formula as he was concerned about the message being sent to developers. Mr.

Skala noted the Council would be discussing infrastructure issues this November. Ms. Nauser pointed out the Council appreciated community input.

Eugene Elkin, 3406 Rangeline, commented that he believed democracy took place tonight as the Council repealed the ordinance involving the Opus project. He suggested a press release be issued explaining the action of Council tonight as it was a bit confusing.

Mr. Elkin agreed with Ms. Hoppe that the Council put policies, restrictions, etc. in place, but no one was enforcing it, and provided the Regency Mobile Home Park as an example. It had multiple repeated violations without any enforcement and follow-up.

Mr. Elkin commented that he had worked with a homeless lady with four children in the past, and two of her children were now overseas operating drones. He noted none of them knew the potential of homeless people, and there needed to be less violence against the homeless.

Monta Welch, 2808 Greenbriar Drive, stated she believed there had been some positive outcomes tonight, and noted the public appreciated it when the Council listened. She commented that there was some distress by the public when Council made decisions in the reports section of the meeting as they did not have the opportunity to comment and were not given proper notice that they had the opportunity to comment, so she agreed with the suggestion of Mr. Clark to place REP58-14 under the old business section of the next meeting to allow more input. She explained they recognized the City had an old sewer system problem, but felt this problem had been created in part because the approach had not included long-term maintenance. She believed the development fees should include long-term maintenance and encouraged the Council to come up with a faster solution as new development continued to come before the Council. She was glad the issue was being discussed, but felt something needed to be done prior to November.

Mayor McDavid commented that he was not as sanguine as Ms. Fowler about raising rates as multiple jurisdictions in Missouri and Columbia were making some huge requests of their citizens and ratepayers, and he thought the pipeline was close to being full. He explained they all had priorities, and his priority was public safety as he did not believe the revenue stream was sufficient to keep up, and sales tax was not stable enough or sufficient. He noted another priority was the capital improvement sales tax, which the City would need to ask the citizens to renew next year. He was not sure what they would do with their road if that did not pass. He pointed out his third priority was for the City's parks tax to be renewed. He stated he would support what staff had offered tonight as a broad construct to fix the downtown sewer problem by getting as much out of the reserve funds as possible while reprioritizing the CIP, and understood there were differences of opinions with regard to which projects to move.

Mr. Trapp noted the Mayor's Task Force on Community Violence had made their third recommendation, and it was for the City to provide more robust support to the Missouri High Steppers as they were a great community asset that had the ongoing issue of finding a permanent home. He commented that he was becoming more and more convinced that

there was not just one solution to violence in the community, but many solutions, and that the City needed to unleash and grow the solutions they already had. He explained staff had inventoried parks facilities to determine if any of those facilities could be used, and had reached out to the Convention and Visitors Bureau for a list of other facilities that might be available. They were also reaching out to community-minded organizations in hopes of a partnership of some sort. He noted he might come back to Council with a request if the City needed to resource something, but at this time he only wanted the Council to know of the Task Force recommendation and what staff was doing to try to implement the recommendation.

Mr. Trapp stated he had met with Gary Ward of the University of Missouri, who thought the City and University should better communicate and more closely coordinate efforts, which he applauded. During their communication, they found they had a shared concern and passion for alcohol enforcement, especially with regard to underage drinking in downtown bars during the first two weeks of school. He noted there was a clear connection between alcohol consumption by young people and sexual assault, and the University was highly motivated to address the issue. He explained his first job in Columbia was as a case manager for a domestic violence and sexual assault shelter, and extra staff was brought in during the first two weeks of school as it was a tough time with regard to sexual assaults. He asked staff to develop a plan to coordinate alcohol enforcement efforts during the first two weeks of school, and hoped this would be done before the start of the new school year as it was an ongoing issue. He felt they could really impact patterns of behavior with this effort. He explained he tried to look for low-cost and high-impact issues, which he felt this was, and asked the Council to keep it in mind.

Mr. Trapp felt the Council had already had a robust conversation with regard to sewer priorities. He liked the idea of a rate increase and appreciated the comments of Ms. Fowler, but he had only heard those comments from Ms. Fowler. He stated he thought Mayor McDavid made a good argument that there were a lot of items in the pipeline, and noted he wanted to see the Council move forward with the priorities recommended by the Mr. Matthes.

Ms. Chadwick stated she had also talked to Mr. Ward, and thought it was important they recognized there was an alcohol issue and that they needed to collaborate with the University of Missouri to address it. She noted the data from the University showed students were drinking more and heavier, and that the levels of intoxication and frequency had increased over the last ten years. She thought they needed to determine what the City could do to work with the University to address the issue as it was a public health concern. She thanked Mr. Trapp for bringing up the issue.

Ms. Hoppe asked that the undergrounding of the wires on Anthony Street be added to the CIP, and for the City to coordinate with other utilities in that process.

Ms. Hoppe commented that she understood the Police Department had increased its efforts at the beginning of the school year to train servers so they were more educated about not serving people who were intoxicated and checking IDs, but agreed more could be done.

Ms. Hoppe understood Mr. Thomas was not present tonight, and Mr. Skala had missed a meeting last month due to a vacation. She noted she had been on the Council for nine years, and it was difficult to find a window of time to take a vacation. She understood Dearborn, Michigan only held one meeting a month during the summer instead of two meetings. This allowed the Council and staff the opportunity to take a vacation and not miss making important decisions. She asked staff to provide a report for Council consideration. She thought one month where there was one meeting would be sufficient in providing an opportunity for people to take a vacation.

Ms. Hoppe commented that she was concerned with the project lists associated with ballot issues because those lists included items the public had not vetted through a public approval process. She suggested a pre-council meeting to examine the types of projects that would be placed on the ballot as they discussed future ballot issues so they were not forced to move forward with a ballot issue project that the public might not want.

Mr. Matthes asked Ms. Hoppe and Ms. Chadwick how they felt about the sewer report.

Ms. Hoppe replied she was comfortable with the general approach of Option 1 with room to fine-tune it.

Ms. Chadwick replied that moving forward with the downtown sewer main fix was very important to her. She wondered if the Council needed to reallocate or shift funding since the ordinance which allowed the development agreement with Opus had been repealed, and stated she was supportive of Option 1.

Ms. Nauser stated she preferred Option 3 as she agreed with Ms. Fowler that there should be some form of buy-in, and it was a temporary one year fee, but understood consensus appeared to support Option 1, and since she thought it was important to move forward, she would support Option 1 as well.

Ms. Nauser explained she had conversed with representatives of Keep Columbia Safe today, and they were requesting a report from the Columbia Police Department with regard to the effectiveness of the downtown cameras. Since she had been a staunch opponent to the installation of those cameras, she also wanted to know whether they were effective and whether any crimes had been solved due to their use. She wanted to know if the cameras were still useful or if it would be more beneficial to hire a new police officer. She felt the report would be helpful to the Mayor's Task Force on Community Violence as well since they were now formulating recommendations.

Ms. Nauser asked for a staff report with regard to how the contributions to downtown infrastructure had been calculated for the various downtown projects. She also wanted to know if staff felt that should be considered when they discussed development fees and whether a formal policy was needed. She thought it should be a part of the conversation on development fees.

Ms. Nauser stated she had also met with Mr. Ward, and that was the first time she had been invited to speak to someone from the University of Missouri in all of her years on the Council. She thought it was important for the City and University to have collaborative conversations on issues common to the community. She noted she was willing to take some responsibility for not reaching out to the University in the past. She thanked Mr. Ward for reaching out and meeting with the individual Council Members.

Mr. Skala stated he was meeting with Mr. Ward on July 1 and wanted to thank him in advance for reaching out.

Mr. Skala commented that he endorsed the idea of supporting the Missouri High Steppers as it was a very valuable group.

Mr. Skala stated he believed they had made tremendous progress tonight in terms of accommodating the relationship between the public and its government as it related to the Opus project. He hoped they continued to make progress on the relationship as he felt it could affect bond issues, rate increases, the CIP, etc. He felt reasonable people could disagree if it was done the right way, and not through an adversarial relationship.

Mr. Skala explained he agreed the City needed to increase funding for public safety, but noted he had a more minimalistic approach than Mayor McDavid. In addition, he wanted to see the increase in police officers dedicated to community policing, and not just reactive policing. He was not sure there would ever be enough police officers, and noted he thought the Police Department had done an amazing job catching the bad guys.

Mr. Skala pointed out there would a discussion in November about public/private contribution to infrastructure, particularly as it related to road infrastructure, which was the first step. He noted he was interested in changing the model and felt there was a good deal of support for it even within the development community.

Mr. Skala asked for a report on the status of the Albert-Oakland Park sign to be placed on Blue Ridge Road.

Mr. Skala understood Development Strategies provided a report regarding TIF, and asked for a copy so he could review it.

Mr. Skala stated he had been told the City was operating on student occupancy statistics based on a 2011 report by Moore & Shryock, and asked for the latest updated copy of that report if one existed.

Mr. Skala commented that he wanted to be prepared for the discussion regarding the interim C-2 zoning with a review of the recommendations made thus far, so they could move forward when the Planning and Zoning Commission provided its recommendation as he did not want a further delay in the process. He thought they might want to discuss this at a work session.

Mr. Skala stated he did not object to reconfiguring the priority list in terms of the CIP Plan as long as it did not preclude the option of considering the extension of the sewer to Midway.

The motion made by Mayor McDavid and seconded by Mr. Trapp to accept Option No. 1 was approved unanimously by voice vote.

The meeting adjourned at 11:19 p.m.

Respectfully submitted,

Sheela Amin
City Clerk