

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
JULY 7, 2014**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 7, 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, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of May 19, 2014 and the regular meeting of June 2, 2014 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid noted a request had been made to move R118-14 from the consent agenda to new business and to move B172-14 and B186-14 from the consent agenda to old business.

Upon her request, Mr. Skala made a motion to allow Ms. Nauser to abstain from voting on B168-14, R115-14 and R116-14 due to a conflict of interest. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote. Ms. Nauser noted on the Disclosure of Interest forms that her family owned property involving B168-14 and that her family business involved alcoholic beverage sales.

The agenda, including the consent agenda with R118-14 being moved to new business and B172-14 and B186-14 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

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Eli Byerly-Duke – COMO Connect.

Mr. Byerly-Duke explained he was 18 years old and had recently graduated from Hickman High School, and urged the Council to make COMO Connect free of charge for students 18 years old and under. He noted one of the largest populations of those who did not have a car was those who could not drive, and not only could many teenagers and kids not drive, but cars were not cheap either. He pointed out a lot of teenagers, like him, did not have a car, so it was difficult for them to get around if they did not have a parent with the time

with a vehicle to drive or friends with cars. He stated he had frequently used the transit system in junior high school although it was fairly slow and unreliable in terms of when it would show up. As he entered high school, he saw how difficult it was for those without socioeconomic standing to get around town or participate in in extracurricular activities after school without access to a vehicle since the only way for most kids to get to and from school was the school bus. He noted the school bus was great, but it did not run at convenient times before and after school. He understood COMO Connect would run at more convenient hours and believed outreach for it was important. He pointed out teenagers did not listen well, did not listen at length, did not remember well, did not show up when they were told, and were always late, which were all bad characteristics of transit system users, but noted they were also excellent gossips. He explained they could only gossip about what they knew, and most high school students and almost all junior high school students did not know there was a transit system or that COMO Connect was happening, and that these opportunities existed. He felt outreach would be essential to convince the youth of Columbia that it was available to them, and that the buses were not inefficient or dirty. He reiterated his support for COMO Connect to be free for students 18 years old and under and for an outreach program to introduce the system to students.

PUBLIC HEARINGS

(A) To determine if the Tiger Hotel tax increment financing redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such project.

Item A was read by the Clerk.

Mr. St. Romaine provided a staff report.

Ms. Hoppe asked how the actual revenue had compared to the revenue projection. Mr. St. Romaine replied he did not have those numbers in front of him, but believed they were fairly close. He explained the clock started in 2009 when the project was approved and the maximum number of years for reimbursement was 23 years, so the developer had lost five years worth of interest. He now only had 18 years to collect the \$1.9 million. The project was completed in 2013, and the hope was that the numbers continued to increase. He understood they were collecting \$80,000-\$90,000 per year, and thought that would likely increase 4-5 percent annually.

Mr. Skala understood there was a \$1.5 million dollar cap in terms of the payout if the numbers were verified, and asked if that was correct. Mr. St. Romaine replied the maximum that would be paid out was \$1.89 million plus interest, which was 20 percent of the total project costs.

Mr. St. Romaine played a video about the Tiger Hotel.

Mayor McDavid opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was there on behalf of Glyn Laverick, the principal of the Tiger Hotel ownership, and offered to answer any questions.

Sid Sullivan, 2980 Maple Bluff Drive, understood this was the first tax increment financing (TIF) project the City had undertaken and was the reason the County was in the

process of denying the City future TIFs for the next 4-5 years. He commented that the TIF was approved in 2009 and its first assessment was in 2013, and in his reading of the TIF statute, he believed the assessor was required to make assessments annually and not wait for the completion of the project. As a result, the developer would have captured some dollars that were not included in the TIF. He explained the hotel was residential when it was established as a TIF project and became a new class of business when the residents were removed, so the tax rate should have gone from 16 percent to the 32 percent commercial rate. He thought it was important for the City to watch the Boone County Assessor with future TIF projects.

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

Mayor McDavid stated he presumed staff would determine if there was an increment in taxes in the interval and would ensure assessment, if necessary. Mr. St. Romaine stated staff would check into it.

(B) Consider the FY 2015 Capital Improvement Project Plan for the City of Columbia, Missouri.

Item B was read by the Clerk.

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

Ms. Hoppe commented that there were no stormwater projects included in the CIP Plan for the upcoming fiscal year even though there was a need for those projects. Mr. Blattel explained staff had moved those projects to the next fiscal year due to the lack of funding to complete significant projects at this time. Ms. Hoppe understood the City received \$1 million for stormwater annually. Mr. Blattel stated that was correct, and explained those funds tended to be saved for emergency situations. They would schedule a major project if the funding was built up and there were only a few emergency situations. Ms. Hoppe asked if the \$1 million from last year had been used. Mr. Glascock replied he thought the majority had been used, but did not have the exact number with him. He noted they had a project on Hitt Street identified for drop inlets that were caving in under the streets. In addition, they were looking at some rusted corrugated metal pipes (CMPs) they felt might collapse under the streets. He stated those situations would be corrected with maintenance when possible, but pointed out they did not have enough money to schedule major projects outside of the street right-of-way. Ms. Hoppe asked how much unused money the City had leftover from last year. Mr. Glascock replied he did not have that information with him.

Ms. Hoppe explained her concern was that they had more emergencies since they did not repair the little problems, and those problems turned into larger problems and emergencies. She understood there were stormwater needs and did not want the money to just sit in the fund. Mr. Glascock stated they were not sitting on the money and explained the money was moved to operations to allow problems to be fixed by the City's maintenance staff as it allowed the money to stretch farther. It was done through the maintenance process instead of the CIP process, which was why projects did not show up in the CIP Plan.

Ms. Chadwick asked if it cost the City more to wait to repair problems until they were emergencies. Mr. Glascock replied staff repaired holes in the street with that money.

Ms. Hoppe understood the money not used for emergencies was used in operations to make repairs not identified in the CIP Plan. Mr. Glascock stated the money was spent through operations.

Mr. Blattel stated staff would provide information to Council with regard to how the money was spent last year when the CIP Plan was discussed again as part of the budget process.

Mr. Matthes commented that stormwater was the most under-resourced utility in the City, and they were moving projects out a year because they could not afford to do them. He noted the same level of funding had been in this utility since 1993 so all they were capable of doing was chasing the emergencies, and that was done through the operating budget.

Ms. Nauser assumed that since the work was being done through the operating budget, they did not have to go out for bids, so the money was stretching further and the work was being done in a timelier manner. Mr. Glascock stated staff was trying to do it that way.

Mr. Glascock explained a 72-inch pipe that ran under Worley Street near the location of the old Biscayne Mall needed to be replaced, and it would cost several hundreds of thousands of dollars to fix. Ms. Hoppe asked why that project had not been included the CIP Plan. Mr. Glascock replied it was not included in the CIP Plan because staff would try to do the work itself. Mr. Matthes pointed out the CIP Plan included largely debt-funded projects, so those projects done with operating funds would not show up in the CIP Plan.

Mr. Skala commented that at the last Council Meeting they had discussed the potential for reprioritizing projects on the CIP Plan due to the downtown infrastructure exigency, and asked what needed to be done in order to ensure adequate infrastructure in the downtown. Mr. Matthes replied Council had taken two actions at the last Council Meeting to significantly improve the downtown situation, and they were the approval of the Rebel Hill feeder line and the reorganization of some sewer utility projects, which would result in the ability to complete two of the four Flat Branch relief sewer projects. He pointed out that if current rates of demand continued in the downtown, this capacity would run out as well. He explained the Downtown Community Improvement District (CID) had discussed energy efficiency programs for the downtown. In addition, staff was working on an electric ballot initiative, which would provide transmission lines in south Columbia and another feeder line to allow 14 megawatts to be delivered to the downtown. Mr. Skala understood the reprioritization of sewer projects discussed at the last Council Meeting was not an exhaustive list and the Council would have another opportunity to reprioritize the projects. He asked if they would see this again in terms of the opportunity to reprioritize. Mr. Matthes replied yes. Mr. Glascock pointed out the list provided at the last Council Meeting freed up some money so the City could begin the process to design the projects.

Ms. Hoppe pointed out the Council had not made a decision with regard to where the funds would come from and how the projects would be shifted. She noted some on the Council had expressed an interest in moving the Midway sewer project, and understood the Upper Hinkson Creek outfall project was very expensive and not as urgent as the central downtown area. She did not believe they should vote for some of the projects in the CIP Plan since they still needed to discuss deferrals and using that money for the Flat Branch projects. Mr. Matthes stated staff was comfortable that two of the four projects were funded, and would

be asking Council to appropriate funds at the next Council Meeting. One of the remaining two projects might be funded if the ACC project was approved, and staff would not be ready to begin the other project until 2019, which was when they would pay off a bond allowing the sewer utility to have the cash flow. In addition, they could not do the work on that project while the other projects were being completed due to the construction irritation impact on the downtown.

Mr. Skala understood this CIP Plan list was limited to the 2015 budget, and asked if any action taken by the Council tonight would preclude the consideration of reprioritizing projects in order to fix downtown infrastructure. Mr. Matthes replied nothing Council did tonight would preclude any option discussed, to include pushing out the two ballot-related projects.

Mr. Thomas commented that Mr. Matthes often referred to four downtown sewer projects and understood three of the projects involved short sections connecting areas of expected dense development to a point near Stewart Road and Providence Road. He asked if the fourth project was the \$5.4 million project going down the Flat Branch Creek. Mr. Matthes replied no, and explained the fourth project was the most northerly project that would go behind City Hall in the alley. Mr. Thomas understood none of the projects included a relief sewer going down the Flat Branch Creek and in a southwest direction from Stewart Road and Providence Road. Mr. Matthes explained Project 1 included that project. Mr. Thomas asked for its funding status. Mr. Matthes replied the Council had made the necessary decisions to fund it with the exception of the appropriation ordinance, which they would vote on at the next Council Meeting. He pointed out they had enough to start the design work. Mr. Thomas asked for the cost of that project. Mr. Matthes replied he thought it was over \$2 million.

Mr. Thomas asked if this relief sewer would achieve anything if the sewer problems were wet weather problems in that stormwater in the sewer system was causing the sewer back-ups in manholes and basements. He wondered if they should put all of the money towards inflow and infiltration instead. Mr. Glascock replied he could provide an answer if Council could tell him where development would occur. He explained they would have a dry weather problem as well if a 27-story building was constructed in the downtown.

Mr. Thomas understood Project 1 was for future developments and was not for the Opus, ACC, and CHP projects. Mr. Glascock stated that was correct. Mr. Skala understood it was all interactive as they were all connected. Mr. Glascock explained the inflow and infiltration would not be completed quickly enough, and additional capacity would be needed as the downtown developed. Ms. Chadwick noted 2,450 acres of the downtown area flowed into Project 1.

Mr. Matthes stated the inflow and infiltration fix was needed to keep rainwater out of the sanitary sewer. In addition, the City needed to replace the over 100-year old brick sewers, and the relief sewer involved that approach. Mr. Skala noted high-density residential housing posed unique impact problems on the sewer system. Mr. Glascock explained they were not adding a pipe. They were removing an older pipe and replacing it with a newer and larger pipe.

Mr. Thomas understood the Stewart Road/Ridge Road/Medavista and Thilly/Lathrop/Westmount PCCE projects were going ahead in Fiscal Year 2015. Mr. Glascock stated that was correct.

Mr. Thomas understood the Henderson/Midway sewer was listed in the CIP Plan at \$300,000 and asked if that was for just the design work. He also asked for the total project cost. Mr. Glascock replied the \$300,000 would help start the design, and there was an additional \$2.3 million in 2017 and 2019. Mr. Thomas asked why that project could not be deferred. Mr. Matthes replied that from the staff perspective this was a promise made, which needed to be fulfilled in terms of the ballot, but the Council had the authority to not complete the project or to defer it. Mr. Skala stated he thought it was important to stress that a deferral was not a broken promise, and that some exigencies could be just as important, if not more important, than completing ballot issue projects according to a particular schedule.

Ms. Hoppe pointed out that projects the Council had not approved or did not involve public input were sometimes connected to ballots, and the City was then forced to do projects that had not gone through the appropriate processes. She asked that this be looked into because she felt it was fundamentally wrong. Mr. Thomas understood the Council approved all of the ballot language. Ms. Hoppe agreed but felt it sometimes included projects that had not been vetted. She had a problem committing to a project that had not gone through the appropriate processes for public input, etc. Mr. Skala stated he felt the public participatory process was better now, but pointed out there had been organized opposition to the ballot in 2005 because the list of prioritized projects had not been vetted by the public.

Mr. Thomas noted a tremendous number of electric utility projects were listed as future ballot issues, which he presumed to be the proposed ballot in April of next year, and asked if there would be time to collect funds and build any of those projects in fiscal year 2015 assuming the ballot issue passed. Mr. Matthes explained this represented beginning the work as most of the construction would begin in 2016. Mr. Thomas noted the electric utility projects list totaled about \$32 million and almost all of that was identified to be funded by a future ballot. He understood those would likely not happen in Fiscal Year 2015. Mr. Matthes explained the design would only begin now.

Mr. Thomas asked if the Forum pedestrian bridge was expected to be constructed in Fiscal Year 2015. Mr. Glascock replied yes.

Mr. Thomas asked about the annual pedestrian bike and traffic safety item listed under streets. Mr. Glascock replied he thought that was the re-striping and re-painting program budget for GetAbout projects.

Mr. Thomas asked how many buses would be purchased with the \$1.89 million Federal Transit Administration (FTA) grant listed under transit, and how often the City received the grant. Mr. Glascock replied they could receive some grant funding, but did not normally receive a lot, and noted a bus tended to cost about \$400,000-\$500,000. Mr. Thomas asked if this assumed federal funding. Mr. Glascock replied yes. Mr. Thomas understood the City did not already have that money from a previous grant. Mr. Glascock stated that was correct, and pointed out the City set aside the local match in case they received funding.

Mr. Thomas understood the consultant discussed a sanitary sewer connection fee during the Pre-Council Meeting, and thought the City had a one-time stormwater connection or equity fee for new development. Mr. Glascock stated the City had a development charge for building permits. Mr. Thomas asked if that was already in place and whether the consultant had recommended changes. Mr. Matthes replied it was complicated. He explained the sanitary sewer connected directly to a house, but the stormwater was removed from the house and only connected to the property in a general sense. Since people benefited from it, they tried to capture it. Mr. Thomas understood the City currently had an impact fee that went into the stormwater utility and asked if that would be left as it currently existed. Mr. Glascock replied the development charge was part of the permitting process, and everyone paid the monthly rate, and he did not believe staff would propose anything different. Mr. Thomas understood staff had proposed it be left like it was for the moment.

Ms. Hoppe reiterated the need for a sidewalk on Carter Lane, which was a very busy and narrow side road along Providence Road, between Green Meadows Road and Campus View Drive, and asked if the project could be included in the CIP Plan without funding. Mr. Glascock replied the project was in the CIP Plan for the 2016 budget. Ms. Hoppe felt waiting two more years was too long and asked how it could be moved up. Mr. Blattel explained a project could not be included in the Fiscal Year 2015 budget as unfunded. Mr. Glascock pointed out nothing precluded it from being moved up if money was found. Mr. Blattel stated that was correct.

Mr. Skala understood the Clark Lane improvement project was supposed to be completed by the end of this summer and asked when it would begin. Mr. Glascock replied the project had been bid and he assumed the project would begin this month. He pointed out MoDOT had many streets in Columbia closed while they worked on them, and closing another would negatively impact circulation, so they needed to ensure that issue was addressed.

Mayor McDavid opened the public hearing.

John Clark, 403 N. Ninth Street, commented that he felt everyone agreed inflow and infiltration was a big source of the problem, and believed the inflow and infiltration project when completed would create capacity. He suggested the Council limit the rearranging of projects to only a few projects, and direct staff to complete the inflow and infiltration project schedule in three years. He did not believe projects should be rearranged for the trunk line as it would allow the construction of a 25-story development. He reiterated that he felt the focus of rearranging projects should be to accelerate the inflow and infiltration schedule as there were many benefits to it, to include the fact it would allow the already approved projects to be constructed. It would also allow the City to better plan for sewer replacements if they knew what they had after the inflow and infiltration was completed.

John McLeod, 2307 Ridgefield Road, provided a handout and stated he was the President of the Ridgefield Park Association. He asked the Council to re-evaluate postponement of repairs for the sanitary sewer line running under Ridgefield Park. He noted his concerns included the public health danger from sewage exposure on the County House Trail, the danger to the health of the children that played in Ridgefield Park, property values, and the large number of new sewer lines connecting directly to the old smaller sanitary sewer

line beneath Ridgefield Park. He believed the two manholes at the Park tended to explode due the pressure of the sewer lines that connected to that main line, and that this was exacerbated by rainwater. He commented that the public health hazard posed by the failing sanitary sewer line that ran close to the County House Trail in Ridgefield Park and to the County House Branch, which flowed into the Hinkson Creek, was unacceptable. He noted the number of sanitary sewer overflows (SSOs) in Ridgefield Park had increased dramatically the last seven years, and based on a report by the City of Columbia, the two manholes at the Park were ranked fifth and sixth when counting the number of occurrences. He referred to the photos of the two manholes in his handout that had been taken by City employees, and pointed out SSOs had occurred there six times last year. He understood the 2010 rainfall at Sanford Field had been measured at 65 inches and the 2013 rainfall had been measured at 38 inches, but the number of eruptions had doubled in 2013 when compared to 2010. He believed the reason for this was a disregard for the ability to present sewer infrastructure to support new development. In the last 10 years two new single-family home developments were built on the bluff overlooking Ridgefield Park, and those developments were permitted to run sewage down the bluff and across the County House Branch into the older system that then began to fail. Today there was even more development on the bluff with the active building of a 150-unit assisted living facility. He understood the developers were told by City employees that sewer facilities below the bluff were adequate for their needs, and at this point, there was little they could do to change their sewer access plans. If they had known of these problems earlier, they could have made other arrangements. He believed the City should immediately undertake the necessary improvements to assure the sewage facilities were adequate for new development on the bluff. He hoped the severity of the problem in the Park was clearer and that it would be seen as a higher priority. He also hoped it was clearer that development was a major cause of the problem, and that inflow and infiltration were not the only issues. He commented that he was bitter the Ridgefield Park Association had been generous in granting a permanent easement to the City through their private park for a concrete trail, along with a free easement for the sanitary sewer line that ran the length of Ridgefield Park and serviced other neighborhoods, and not the members and owners of Ridgefield Park as their sewer line was downhill from the Park where there was a larger pipe.

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

Ms. Hoppe asked what it would take to add the Ridgefield Park sewer problem to the CIP Plan. She noted she would be interested in taking funds from the Midway or the Upper Hinkson sewer projects for this project. She thought this needed to be addressed this year as the City had allowed a lot of new development there, which had added to the problem. Mr. Matthes stated he believed this was an inflow and infiltration issue as rain caused the overflows, and pointed out the number of overflows at this location was significantly less than those in the Flat Branch basin, but greater than in other basins. He noted staff would provide additional information regarding when the City would get to the County House Branch basin in terms of inflow and infiltration.

Ms. Hoppe stated a speaker had suggested taking money from a project that was not urgent and moving those funds to the inflow and infiltration program, and asked if that could be done. Mr. Matthes replied it was within the purview of the Council to rearrange priorities.

He pointed out inflow and infiltration took a significant amount of time to do because a detailed house by house inspection and dye tests were done, and did not want to give anyone the false expectation that the problem could be fixed this year. Every house in the basin needed to be addressed and every connected pipe had to be checked in order to appropriately do inflow and infiltration. He thought many homes likely had gutters that flowed directly into the sewer system, which created many of the inflow and infiltration issues.

Mr. Skala commented that there was some agreement that inflow and infiltration needed attention and most of the bond issue was dedicated to that problem. He felt this discussion involved prioritization. He agreed the capacity issues needed to be addressed because they wanted the downtown to grow to some degree, but also noted that some people had been dealing with sewer problems for 8-10 years due to both inflow and infiltration issues and capacity issues. He pointed out the data indicated there had been less rainfall and a higher number of incidents, which implied a capacity issue. He thought the City needed to pay attention to the people that had been suffering for a while before they discussed the addition of capacity on an already overburdened system.

Mr. Thomas stated he agreed with Mr. Skala, and noted it was not clear to him whether the bigger problem was inflow or infiltration or the lack of capacity in different places, but it was clear that there were serious problems in different areas of Columbia. He did not believe some of the projects discussed, such as the replacement of the Flat Branch sewer, was a high priority as it was looking beyond the currently planned downtown development. He understood the Henderson Branch had \$300,000 allocated this fiscal year and the Upper Hinkson Creek outfall project had over \$7 million allocated, and wanted to hear the reason those projects were a high priority. He commented that a consultant had recommended tripling the current sewer connection fee of \$800 per dwelling unit as that would put more money into the sewer utility, and he believed it could then pay for additional sewer capacity for new development.

Mr. Thomas asked how many years out the Ridgefield Park sewer project was in the CIP Plan. Mr. Glascock replied it was not in the 5-year plan. Ms. Chadwick asked for the cost of the Ridgefield Park sewer project. Mr. Skala replied \$700,000.

Ms. Hoppe made a motion to remove the Upper Hinkson Creek outfall project from the Fiscal Year 2015 CIP project list, and suggested they hold a work session to prioritize projects based on the greatest need. Ms. Hoppe commented that it sounded like the City was allowing development in this and other areas, which added to the problem when the solution was many years out. She did not feel that was acceptable.

Mayor McDavid understood the CIP Plan was a plan, and the Council was not allocating or appropriating money, and asked for the implication of removing the Upper Hinkson Creek outflow project from the list. Mr. Matthes replied this list was the capital budget spending plan for Fiscal Year 2015, so this action would simply remove it from the list. Mr. Matthes thought there might be other impacts and asked Mr. Glascock for his thoughts. Mr. Glascock stated the City certified site would no longer be valid without this project. Mr. Skala asked if certification was dependent on the guarantee of the project. Mr. Glascock replied it needed sewer so the City was working toward getting sewer to the City site on Waco Road. He noted the landfill would need to hook up to the sewer as well because they

were receiving notices of violation with regard to polluting the creek. Mr. Blattel stated he believed the Upper Hinkson Creek outfall project was the last project promised on the 2008 ballot.

Mayor McDavid understood the CIP Plan could be modified, but it did not seem as though they could resolve the issue in the next ten minutes as more study would be required. He asked if staff could provide an evaluation of the possibility of delaying the Upper Hinkson Creek outfall project so those funds could be used for more urgent problems. Mr. Skala agreed more study was required and stated he thought the Council needed to consider deferring the Upper Hinkson Creek project and the sewer extension project that was beyond the urban service area to Midway. Mayor McDavid understood the CIP Plan could be approved, and staff could provide a report regarding the possible deferment of some extension projects. Mr. Matthes understood the goal was determine what they could do to attack this problem, and as a result, staff would include in its analysis the idea of deferring the Upper Hinkson Creek outfall project as well as other scenarios that might work to free up funds for this project.

Ms. Hoppe withdrew her motion to remove the Upper Hinkson Creek outfall project from the Fiscal Year 2015 CIP project list. She understood they were not locked into doing the project this fiscal year. Mr. Thomas understood this was a draft and that the Council would not vote on this tonight. Ms. Peveler stated that was correct. Mr. Thomas understood they would really vote on this in September. Ms. Peveler stated that was correct. Mr. Matthes explained this was the public hearing for this draft.

Ms. Nauser stated she was sympathetic to the Ridgefield Park situation, but understood there were other problems that were worse, which she thought needed to be considered when moving forward in terms of reprioritizing projects. She understood the inflow and infiltration issue was largely attributable to people that had gutters that went directly in the storm sewers, and asked why the taxpayers should have to take care of something directly attributable to a flaw within the development of someone's personal property. She suggested requiring those people that had gutters going into the storm sewer to correct the situation since it would solve part of the problem. Mr. Matthes explained that when they found that situation, they required it to be addressed. Ms. Nauser suggested penalizing people for not addressing the problem after a grace period. Mr. Thomas asked if systematic inspections could be done. He understood the City knew the locations of sewer overflows and thought the residential areas needing inspections could be narrowed based on that information. Mayor McDavid thought staff was already doing this. Ms. Nauser suggested putting the public on notice by stating they had two years to address the problem, and a fine of \$500 or \$1,000 would be issued if it was not addressed. Mayor McDavid asked if it was possible to put the responsibility on the homeowner to certify their gutters were not putting stormwater in the sewer system.

Mr. Skala understood the gutters were not the only inflow and infiltration problem as another part of the problem was the deterioration of some of the pipes that had been underground for a long period of time. He asked if staff had an estimate of the relative contribution of gutters directed toward the sewers, deteriorated pipes, etc. in terms of the inflow and infiltration problem. Mr. Glascock replied that he understood other communities

had found that it was about 50 percent public and 50 percent private. He thought it was likely higher on the private side than the public side. He pointed out that a smoke test needed to be done to determine if the gutters were connected to the sewer system. Mr. Thomas asked if there was a way to do a visual inspection from the outside. Mr. Glascock replied no because they could not see it once it was underground, and they had to verify whether it was connected to the lateral or storm drainage pipe. He pointed out connection to a storm drainage pipe was legal. Mr. Thomas understood the City was conducting smoke tests. Mr. Glascock stated that was correct, and pointed out that was how they decided which pipes needed to be lined. Ms. Hoppe suggested they determine whether they had sufficient staff to do the work or if additional staff was needed to make headway. Mr. Matthes commented that it would need to be included in the project cost if priorities were reallocated and they focused on this particular basin.

Mayor McDavid pointed out this discussion was not relevant to approving the CIP Plan, and noted he thought there was a consensus of the Council to know what could be done to correct some of the sewer problems more efficiently and quickly. He thought staff should provide an analysis of the inflow and infiltration work and how that work could be expedited. Mr. Thomas noted he had been asking for an analysis of the inflow and infiltration program for the last six months. He wanted data that showed the before and after measurements of a particular basin or area that had been lined because there were some concerns regarding the effectiveness of inflow and infiltration programs. He stated it would be comforting to see the City was making progress, and hoped they could then project how long it would take to address all areas.

Ms. Chadwick commented that she felt the priorities should be based on the data included in the wet weather sanitary sewer overflow map from 2008-present. Mr. Matthes pointed out most of the dots on that map were in the Flat Branch basin, but all of the basins had some problems. He thought the County House Branch basin was second or third. Mr. Glascock noted the County House Branch basin was second in terms of the inflow and infiltration program.

Mr. Trapp cautioned the Council to look at the money already put into projects when discussing the reprioritization of projects as the City had already spent \$491,217.30 on the Upper Hinkson Creek project. He did not believe they wanted to lurch from crisis to crisis. He understood they had to do that with stormwater in order to keep roads from collapsing, but with other utilities they had long-range plans. He noted the Upper Hinkson Creek project was part of the 2008 ballot and they had already moved it to the end of that ballot issue. He commented that the City was currently addressing inflow and infiltration in the Flat Branch basin, and had already put a lot of resources towards it. He believed they needed to consider plans already in place, promises made to voters, and resources already allocated.

Ms. Hoppe pointed out that circumstances and facts changed so the Council should continue to re-evaluate the plans as they moved forward.

Ms. Chadwick understood the City had a process to determine which gutters were connected to the sewer, and asked if the City had a process to fine people that did not address the problem. Mr. Matthes replied he thought the City's approach was to order it to be disconnected from the sewer. Mr. Glascock explained the City had a program that had

been adopted by Council to help pay some costs in terms of sump pumps and fixing gutters, and residents with these situations were informed of the program when they were told the problem needed to be corrected.

Mayor McDavid stated he thought they had heard the concerns of the community, and suggested they approve the CIP Plan as a broad plan and address the issues and priorities in the near future.

Ms. Nauser made a motion to approve the FY 2015 Capital Improvement Project (CIP) Plan. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

(C) Voluntary annexation of property located on the southeast corner of Route K and Old Plank Road.

Item C was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala commented that there was more to the urban service area than just hard infrastructure as police and fire coverage was needed as well, and asked if there was any additional cost to this project since it extended beyond the urban service area. Mr. Teddy replied he did not believe there was an additional cost to the City. He explained the development that would occur on this tract would be an extension of the tract directly to the west, and would involve local streets, cul-de-sac streets, low density development, etc. There would be the incremental cost of maintaining and patrolling the streets, but the streets were local and an extension of the streets originating from the west.

Mr. Thomas understood Mr. Skala was wondering if there was a cost to the developer. Mr. Teddy stated the City did not have a system in place to assess anything higher.

Mr. Thomas understood Mayor McDavid had suggested charging a higher sewer connection fee earlier tonight. Mr. Teddy stated he took that to be for property outside of the City limits that would remain outside of the City limits. Mayor McDavid suggested they discuss that later.

Mr. Skala asked if The Gates was a gated community. Mr. Teddy replied it was not a gated community.

Ms. Nauser commented that the urban service area meandered around the perimeter of the property, which she did not understand as this property abutted Route K, which was a state highway. She understood the urban service area concept was to stop parcels that were not surrounded by other infrastructure from coming into the City even though they might minimally touch the boundaries, but this property was clearly surrounded by development. She did not believe this would create an extra impact on police or fire service because they would already have to travel this route to get to other subdivisions within the City boundaries and the urban service area. She stated she would not consider the urban service area for this property.

Mr. Thomas asked Mr. Teddy to outline the parameters that determined the urban service area. Mr. Teddy replied it was first based on where a sewer investment had been made, so it included the major sewer basin areas where sewer already existed or was in the process of being installed. He explained the idea was that as users connected to the system, the City would begin to recoup capital costs of the major trunk line instead of starting a new

effort. The concept had been to differentiate areas according to the investments. He pointed out it did not mean they would shut out development outside of that area. It only meant the City had less of an appetite to make those kinds of major investments to stimulate and facilitate development, and that they would concentrate more on the basins where sewer had already taken the lead and had been funded. It placed the broad perimeter around the City into growth tiers of a higher priority, a lesser priority, and an area that ought to remain rural.

Mr. Thomas asked why this property had not been included in the urban service area. Mr. Teddy replied the urban service area had been defined at a fairly high level of generalization. Mr. Thomas thought the City was trying to follow the sewer basin ridges. Mr. Teddy stated that was correct. He explained a lift station and force main were nearby so it would look different in the analysis of the topography. He noted sewers generally mimicked surface topography in the sense that it would be fairly easy to model by showing surface drainage patterns if it was a pure gravity system, but there were occasions where development was enabled by the construction of pump stations. He stated there was a system within the urban service area to which this development could connect.

Mr. Thomas understood the line should essentially follow the ridges. He also understood this property had been excluded from the urban service area because it was in a different basin and the property owners or the City would have to build a pump to pump the sewage over a ridge into the urban service area. Mr. Teddy thought they could clarify how the sewer worked when this issue was discussed at the next Council Meeting.

Mr. Thomas asked how the pump project would be funded. Mr. Teddy replied he thought there was a gravity system that took the sewage to a major sewer. Mr. Thomas stated he thought Mr. Teddy had indicated this development needed a pump. Mr. Teddy clarified a pump station had already been built in the area, and a basin had been defined by the Sinclair Pump Station. Mr. Thomas understood Mr. Teddy thought there was a pumping system this could tie into which would push the sewage over the ridge. Mr. Teddy stated it was possible to sewer this tract without extraordinary effort.

Mr. Thomas commented that he felt that meant there was no end to development because it would rationalize the development of future properties. Ms. Nauser stated she understood the pump station could only handle a certain number of houses in terms of capacity, and that it could handle this tract.

Mr. Teddy explained what he meant by a level of generalization was that staff did not do a parcel by parcel evaluation of the urban service area boundary because there were too many parcels.

Mr. Thomas asked if there were a lot of pump stations at different points around the City that were pumping sewage into basins within the City or urban service area. Mr. Teddy replied he did not have a count, but noted it was not surprising given the topography in Columbia. Mr. Skala understood the pump stations needed due to topography were a part of the City's infrastructure and had been originally paid for by taxpayers. Mr. Teddy stated he was not familiar with the agreement as it had been a fairly old arrangement, but he believed there had been some developer participation. Mr. Skala wondered who had initially been responsible for the cost of the pump station and understood the City was responsible for maintenance. He thought the cost due to topography should be assumed by the developer

and not the taxpayer, and that it was associated with the urban service area. Mr. Teddy stated he did not believe it was as automatic as something outside of the boundary of the urban service area, and thought they needed to look what it was connecting to, whether there was a need for major facilities, or if it was just an incremental change.

Mr. Thomas asked Mr. Teddy if he thought the urban service area would make any difference to the growth of Columbia outward. Mr. Teddy replied he thought it would, and noted the ability to concentrate investments in terms of infrastructure existed if they looked at circular areas around the perimeter of the City. He pointed out there had already been a trend of development and growth in the southwest area. Mr. Skala understood Mr. Teddy was stating the City was essentially trying to fill that circle. Mr. Teddy clarified he meant they should not go in all directions at once. Mr. Thomas understood the urban service area was porous in a couple of areas where more focused development was occurring and creating some density, but that there was a stronger limit to growth in other areas. Mr. Teddy stated that was correct.

Mayor McDavid opened the public hearing.

John Clark, 403 N. Ninth Street, commented that he believed the point of the urban service area in part was to say the City was responsible for everything inside the boundary and was not responsible for anything outside of the boundary except in extremely unusual circumstances. When the City annexed property, it took on massive short- and long-term fiscal responsibilities, and he did not believe there was any reason to do it since the County was capable of dealing with zoning, etc. He did not feel it was about development. He thought they should decide whether it needed to be in the City, and noted he had not heard a good reason for it to be in the City. He was not sure why the Community Development Department had recommended approval since it was in direct contravention with the basic notion of an urban service area. He suggested the Council not annex this property as there would be problems due to the topography, cul-de-sacs, etc. He thought a 20-year analysis was needed in terms of the fiscal responsibility and revenues. The only reason he had heard to annex property was that the City would then not have control, but he believed the County had plenty of controls. He did not believe this development was needed in the City at this time.

John Williamson stated he was the current property owner and noted the property was under contract for sale to the developer of The Gates. A sewer pump station was located in the northeast corner of this tract, and it was built by him and the developers of The Cascades subdivision in 2003 to ensure the capacity would be there for his property. He noted all of the necessary infrastructure was in place in terms of water, natural gas, sewer, and electricity, and reiterated no City money had been put toward the building of the pump station, which he helped fund.

Ms. Hoppe pointed out the plan was a part of B187-14, and it restricted the use of the property to a small area of the property. Mr. Williamson explained the areas to the south and west were outside of the Little Bonne Femme Creek floodplain. The majority of the property was in the Little Bonne Femme Creek floodplain, so it could not be residentially-developed, which led to the discussion for a City park.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and felt the City should give pause to constantly annexing property because with it was the obligation for schools, fire, police and other infrastructure. She pointed out they were concerned with who paid and how much they paid as well, and wanted new development fees put in place as quickly as possible.

Sid Sullivan, 2980 Maple Bluff Drive, commented that once the Comprehensive Plan had been adopted by the Council, he thought it would create more drama for the City, and felt the Council needed to develop policy that would back up the urban service area if it was serious about the Comprehensive Plan. He was not sure how the Council would be able to enforce the urban service area, but since they had it in place, he thought there needed to be incentives and disincentives. He understood the scribes of the Plan were City employees, and as a result, he felt they had some input. He pointed out this was the third or fourth time the City had gone outside of the urban service area since the Plan was adopted, and the first time was for an elementary school at the intersection of two arterial roads. He understood the Community Development Department staff had not followed the Plan and had encouraged the School District to place the school at that location. He noted they had also indicated there would not be any development on the other side of Route K, which was false since elementary schools were magnets for development per the Plan. He did not believe any comments from the public would impact this particular issue because the City eschewed any form of planning, and understood the City had to protect its boundaries, but felt a policy with incentives and disincentives was needed to enforce the boundary or deter people from violating the boundary.

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

Ms. Hoppe stated there had been some good points made about the urban service area boundary, and suggested the Council establish criteria for going outside of the urban service area boundary. She explained she had done that for herself in looking at this property, and thought anything outside of the urban service area should be reviewed with higher scrutiny. She noted this tract was adjacent to very developed areas, the plan seemed to be appropriate for the area, and the majority of land would hopefully be a park as the plan did not call for development in that area, and that area had restrictions in terms of development. As a result, she was in favor of annexing the property.

Mr. Thomas stated he believed a set of criteria for when Council would consider going outside of the urban service area would be helpful. Mr. Teddy explained staff planned to provide a general report for the Council to review, and staff would apply it to each case once the Council was comfortable with it.

Ms. Nauser thought this was a good property to annex as the water would be supplied by Consolidated Water District No. 1, the electric would be supplied by Boone Electric, fire service would be provided by the Boone County Fire Protection District, the sewer had already been installed by the property owner, and Route K was maintained by the State of Missouri. The developer would provide the infrastructure within the development, so the City would not have to invest in the development, but would benefit from it in terms of property taxes, etc. This part of the community did not have any large parks so the potential for the park was a benefit as well. She felt they would need to look at the urban service area

boundary issues as projects came forward, and noted this was contiguous to the urban service area and not far removed. She planned to support the annexation.

Mr. Skala stated he believed the City needed to take a more systematic approach to the urban service area boundary. He noted growth had its benefits, but it also had tremendous costs. He appreciated the fact the property owner had put in much of the infrastructure as his own cost, but as they got further and further from the central city area, costs tended to increase exponentially. He agreed policies with incentives and disincentives were needed along with a rationale for deciding what properties were good candidates for annexation as he was not sure the City would receive its return on investment from the property taxes, etc.

Mr. Thomas agreed the City would not have to build new infrastructure to serve this property, but the residents of this property would use some of the capacity of the City's infrastructure in terms of roads and the sewer, and as more development occurred, the City would have to increase its infrastructure capacity, so there was a cost to the City, which was supposedly covered by connection fees and development charges. He commented that he did not see any net benefit to the City of new residents paying property and sales taxes because the City would supply additional public services in return for those property and sales taxes.

Mayor McDavid commented that he believed there was a substantial gap on the Council as there likely was in the community as well in terms of the value of economic growth. He noted he had been skeptical of the Comprehensive Plan's ability to sufficiently allow for the population growth pattern of Columbia. He stated the City had control over who lived within its limits, but it did not have control over who lived in the metropolitan service area. As a Council, they were capable of changing policy, so they could serve developments with sewer without requiring them to be within the City limits. If they did that, he felt they would be surrounded by people who would use City services without paying City property tax or sales tax to the City from the purchase of a car. He believed this would close off growth to Columbia. He commented that in his review of the development fee proposal, he had looked at the history of single family housing as the Federal Reserve had information on the average monthly housing starts over the last 25 years in the metropolitan service area, which was Boone County, so it was about 40 percent higher than Columbia if based on population. The average number of housing starts per month over the last 25 years was 75, and it had been fairly consistent. Currently, they were below 75 housing starts, and it had been 130-140 per month during the housing bubble and 40 per month during the housing collapse. He stated his point was that the single family housing had continued at the same pace over the past 25 years, but they did not know how many were in the City. He wondered if they wanted to limit the City limits or if they wanted to encapsulate as much as they could so they could regulate it. He did not believe the urban service area could accommodate the rate of housing identified for the metropolitan service area, and thought they would be forced to decide whether they would force development in the County. He pointed out an 88-lot development east of Battle High School had been approved by the County recently, and he thought they would want to avoid being surrounded by development in the County that utilized City services without contributing to them.

Ms. Hoppe pointed out the Council would look at accessory dwelling units later tonight, and noted it could provide another way to accommodate additional residents without expanding the border.

OLD BUSINESS

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

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

The bills were read by the Clerk.

Mayor McDavid understood the applicant had requested B45-14 and B63-14A be tabled to the August 4, 2014 Council Meeting.

Mr. Skala made a motion to table B45-14 and B63-14A to the August 4, 2014 Council Meeting. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

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.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser made a motion to amend B167-14 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Tom Trabue, an engineer with offices at 1901 Pennsylvania Drive, stated he was representing the Columbia Public Schools (CPS) with regard to platting and site development for the construction of the new elementary school at this site. He explained in the fall of 2012, CPS began to evaluate sites for a new school in the southwest part of town, and two sites were identified as available and meeting the criteria of CPS. They then began working formally with City and County staff in February 2013 with a concept review to flush out any planning and infrastructure concerns, and this site was subsequently selected by CPS as the best site. They had continued to work with City staff over the last 12 months to develop the parameters of this plat and the accompanying development agreement. In addition, CPS had met with the Thornbrook Homeowners Association, and while they were not able to please everyone, many parts of the original plan were enhanced based on their input. He pointed out that they commissioned a traffic study, and as a result, CPS would provide roadway and pedestrian infrastructure at or above that identified in the traffic study. He stated he believed they had developed a plan that would provide a first-class school for this area, and would appreciate the Council's support of the plat and development agreement.

Mr. Thomas understood there was a direct pedestrian entrance to the school from the Thornbrook subdivision on the northern part of the property and a crosswalk across Scott Boulevard, which would create pedestrian access from the subdivision on the east side of

Scott Boulevard. Mr. Trabue stated that was correct. Mr. Thomas asked for the percentage of the attendees of the school that would live in those two areas and have direct pedestrian access. Mr. Trabue replied he did not know.

Peter Stiepleman, the Superintendent of the Columbia Public Schools, commented that currently about 240 students in the Thornbrook area would attend this school, but he was unsure as to how many students would actually cross Scott Boulevard as it was likely Scott Boulevard would become a boundary for the new school. He thought students east of Scott Boulevard would stay at Mill Creek Elementary School and students west of Scott Boulevard would likely go to the new school, but pointed out that was not set in stone.

Mr. Thomas noted that plan would reduce the usefulness of the crosswalk. Mr. Stiepleman stated he understood, but pointed out there would still be crossover due to the use of the park and fields, and it was important to have a dedicated space for that purpose.

Ms. Nauser commented that the residents of the Thornbrook subdivision had a lot of concerns at the beginning on this process, and many of those concerns had been addressed through the many meetings held with residents as no one from the Thornbrook Homeowners Association was present tonight. While not everyone was happy, the vast majority was satisfied with the process and end product. She stated she would happily support the addition of this new elementary school.

Mr. Thomas agreed it was significant not a single person from the Thornbrook subdivision was in attendance this evening as he understood there had been concerns about parents driving through the neighborhood and dropping their kids off at the entrance on the north side. He noted he was excited that 240 kids could potentially walk to school from the Thornbrook subdivision, and stated he was in support of this proposal as well.

B167-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B169-14 Amending Chapter 29 of the City Code to establish standards for an accessory dwelling unit (ADU).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked if a lot size of 5,000 square feet was a typical number in other communities with accessory dwelling unit (ADU) ordinances. Mr. Teddy replied yes. He noted these were seen in coastal communities where land values were high, and areas with urban lots, short on the street side with a deep rectangular configuration, tended to accommodate accessory dwelling units well even if the lot size was 5,000 square feet. He pointed out he did not have data to provide a percentage above or below 5,000 square feet, but stated it was by no means unusual.

Ms. Chadwick understood the ordinance read that only R-2 zoned properties would be included, so it excluded many R-3 lot owners that had been excited about this proposal in the First Ward, and asked for clarification. Mr. Teddy replied all uses under the R-2 zoning district were also a part of the R-3 zoning district, so ADUs were allowed for R-3 zoned lots

provided the lots met the criteria. Mr. Thomas understood the ordinance as presented would make ADUs eligible in R-2 and R-3 zoning districts. Mr. Teddy stated that was correct.

Mayor McDavid commented that he was interested in how the public would react to this as a rezoning on Bouchelle Avenue to allow only a fourth person to reside in the house had been contentious in the recent past. He understood this would apply to almost 1,800 properties, and wondered if this should first be done incrementally as a pilot project. Ms. Chadwick pointed out those lots were already zoned R-2, so in theory those lots could already have two units on them.

Dylan Powell, 104 Heather Lane, stated he was speaking on behalf of Expanding Columbia Housing Options (ECHO) and noted they felt the Planning and Zoning Commission had done a thorough and considerate job with the proposed amendment. They also felt it was in the best interest in the community for ADUs to apply to the most lots possible because research indicated the actual number of ADUs built would likely be low. He understood only one per 1,000 units had been developed in Portland, Oregon, and they had allowed ADUs for quite some time. He explained a recent study published by the Oregon Department of Environmental Quality on July 1, 2014 indicated ADUs were typically created, owned, and managed by everyday homeowners instead of developers and investors. It also indicated 80 percent of ADUs were actual long-term residences and 64 percent of properties with ADUs were owner occupied even though that was not a requirement. In addition, ADUs were more likely to have a lower environmental impact than standard dwellings and had lower average cars associated with the dwelling. He noted ADUs supported the community economically through one-time construction costs and annual property taxes, and the two most common motivations for homeowners to develop an ADU was financial gain through rental income and creating housing for a family member or live-in helper. He thanked the Council for its consideration of ADUs in Columbia.

Mr. Thomas asked for clarification regarding the statistic indicating the average number of cars owned was lower for residents of ADUs. Mr. Powell replied the study found ADUs had an average of 0.93 cars per dwelling unit, which was significantly lower than the average of 1.31 cars in Portland for all new rental units. The study also found that of those 0.93 cars per ADU, an average of 0.46 cars were parked on the street, which was a significant reduction in the amount of parking on the street.

Dan Cullimore, 715 Lyon Street, stated he was the President of the North Central Columbia Neighborhood Association (NCCNA) and thanked the Planning and Zoning Commission and the citizen stakeholder group that had studied this issue. He pointed out that the NCCNA had supported the idea of ADUs and had offered to be a pilot neighborhood, but unfortunately they did not have enough lots that would suit an ADU. He appreciated the fact the West Ash Neighborhood Association had volunteered. He noted the NCCNA was supportive because it was a way to promote smart growth with development that fit within the character of neighborhoods as it increased density and residential population while building on existing infrastructure in a way that did not significantly increase the demand on infrastructure and allowed a property owner to increase its income. The idea to have dwellings that allowed people to age in place was another motivation in support of ADUs. He encouraged the Council to approve the proposal.

Adam Saunders, 214 St. Joseph Street, urged the Council to vote in favor of this proposal as written as he believed it was a good policy for Columbia. He explained he had a personal interest in this as he owned an eligible property and planned to build an ADU on his lot as he thought it would be a good residence for his parents. He noted ADUs were appropriate housing for people of all ages, fit well within the universal design principles, and were good for the character of the community and in diversifying the housing stock. He asked those in support of the proposed ordinance to stand, and approximately 15 people stood.

John Nichols, 511 Hickman Avenue, stated he was in support of this ordinance as written. He understood one of the arguments against this proposal was that it would be abused by developers building a lot of student housing, but noted the average cost to build an ADU was around \$70,000-80,000, so he believed those trying to make money would likely purchase an existing structure instead of building an ADU as there were a few homes listed for that amount in the West Ash and North Central Columbia neighborhoods. He urged the Council to support this proposal as written.

Monta Welch, 2808 Greenbriar Drive, stated the People's Visioning, Columbia Climate Change Coalition, and Interfaith Care for Creation were all supportive of this proposal for the variety of reasons already mentioned, and noted it was nice to see the community support associated with it.

Janet Hammen, 1844 Cliff Drive, commented that she was the President of the East Campus Neighborhood Association and urged Council to vote for this proposal as written. This issue had been discussed in the East Campus neighborhood and no one had stepped forward in support of including the East Campus neighborhood for ADUs due to the high density already in the area and the problems associated with that high density, which she felt were different than the problems of the North Central Columbia and West Ash neighborhoods.

Ms. Chadwick believed a majority of the properties that would be affected were located in the First Ward, and they had heard overwhelming support for the proposal tonight, which was rare. She noted she had not received a single e-mail in opposition to the ADU ordinance as written, and reiterated there was overwhelming support for the proposal as written.

Ms. Hoppe stated she was in favor of the ordinance as written. She noted she had attended several public meetings at which a lot of public input had been provided, and believed staff had handled it well. She believed the positive comments heard tonight were a result of a good process, and noted the exclusion of the East Campus and Benton-Stephens neighborhoods was important as those areas had overlays and other specific issues. She explained she had read a study titled Growth in the Heartland conducted by the Brookings Institute in 2004, which analyzed the growth issues in Missouri, and she distinctly remembered a map indicating the population of the central city was decreasing due to empty-nesters. She felt this was a nice way to add population to those areas, and pointed out it would provide an affordable housing component and diversity in terms of the types of residents as well.

Mr. Trapp stated he was pleased to support this and was glad community consensus had been reached in terms of the neighborhoods in which ADUs could be located as he believed it was important to look at ways to raise density. He understood Columbia was

currently at about 2.6 residents per acre, and felt the City would have an easier time providing services if the density could be raised to about five residents per acre. He thought this proposal would provide a good way to raise density where there was support, and was excited about the possibilities of some new affordable housing. He stated he was glad an organization like ECHO existed as Mr. Powell had made some good points regarding the environmental benefits of ADUs. He thanked former Council Member Fred Schmidt for working to bring this forward, and was glad it would come to fruition tonight.

Mr. Skala commented that he was glad to be here on behalf of his constituents in the Benton-Stephens neighborhood and City-wide. This proposal allowed them innovate where appropriate while remain loyal to their wards. It was a win-win situation that did not occur very often. He stated he was glad to support this for the people in his ward that had suggested that they did not want to allow ADUs in their neighborhoods and for those in the central city area that wanted it.

Mr. Thomas stated he was happy to support this proposed ordinance for all of the reasons stated. It was an excellent new option for increasing density. He commended the process as there had been a lot of community meetings, which allowed them to work out the areas where this might not be appropriate. It was great to vote on a bill where there was no opposition. He noted he was also happy to see elements of Columbia Imagined - the Comprehensive Plan being implemented.

B169-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B171-14 Amending Chapter 14 of the City Code to temporarily relocate a designated taxi stand on Tenth Street.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mr. Trapp asked if it would be possible to put the taxi stand on the other side of the street. Mr. Glascock replied yes.

Jason Hagan stated he was the owner of Liberty Taxi and SEC Taxi and suggested moving the taxi stand to the south side of the street because people were used to the taxi stand being in that location. If it was moved south, he suggested it also be moved to the east side of the street so it was compatible with the flow of traffic. If it remained on the west side of the street, there would be a juggernaut of cabs because the majority of the population at night was on Broadway and the cabs would be jockeying for the position closest to Broadway. He explained the taxi stand on the opposite side of the street was a better option. He provided a presentation showing the area and potential traffic movements with the scenarios.

Danny Shipley stated he worked for Liberty Taxi and agreed with the suggestion of Mr. Hagan of moving the taxi stand to the east side of the street.

Mr. Trapp asked if there was bank parking on the other side of the street that would make that area prohibitive to a taxi stand. Mr. Glascock replied he believed there was metered parking along the street next to the bank. Ms. Chadwick asked how many parking

spots were on that side of the street as there was an entrance to the bank parking lot there. Ms. Glascock replied he did not know. Mr. Hagan stated he understood there were eight spots along the east side of the street.

Jeremy Root, 2417 Beachview Drive, asked if staff had any data regarding the potential reduction in alcohol-related driving incidents since the growth of taxis in the downtown as he thought it would be great for the public to know and understand. He commented that when a new taxi stand emerged at a place people were accustomed to having metered parking, the signage was not always adequate and people were surprised to learn their vehicle had been towed. He noted this had happened to him and others, and asked that the signage be very conspicuous for taxi stand locations.

Ken Green, 206 Anderson, stated his car had also been towed because he had not noticed the signage, and believed the City owed it to its citizens to have signage on the meters that made it clear people could not park at those locations after a certain hour.

Mr. Trapp made a motion to amend B171-14 so the taxi stand would be located on the east side of Tenth Street. The motion was seconded by Ms. Nauser.

Ms. Thompson asked for clarification with regard to whether the taxi stand would go from the alley or if it would be between Broadway and Cherry Street. She noted it appeared that there were two or three spots between Broadway and the alley. Ms. Chadwick understood there were two spaces by the bank and one after the bank drive, and then the alley and three more spaces. Ms. Thompson thought there were six more spots after the alley. Ms. Nauser thought there should be at least four spaces for the taxi stand. Mr. Glascock suggested the taxi stand location be from Broadway to the alley.

Assistant Police Chief Gordon stated there were six parking spaces before the taxi stand was closed on that side of the street. He pointed out this was a temporary location because the taxi stand would be relocated after construction in the area was complete. He would not suggest locating the taxi stand along the entire length of Tenth Street from Broadway to Cherry Street because there was already another taxi stand at Cherry Street that ran to Hitt Street. He noted they were trying to spread out the taxi stands because they did not want large crowds gathering as fights tended to break out when crowds waited for taxis.

Ms. Nauser asked staff to address the signage issue. Assistant Police Chief Gordon replied there had always been signs since the taxi stands had been established as that was a requirement of the ordinance, but he agreed they could place the signage on a post so it was higher and more visible. The signs were currently on the pole to the meter. He noted staff could look at that change. Ms. Nauser thought it would be beneficial.

Mr. Trapp clarified his motion was to amend B171-14 so the taxi stand would be located on the east side of Tenth Street from Alley A to Broadway. Ms. Nauser, who seconded the motion, was agreeable to the change.

Mr. Trapp commented that he thought it would be fine to have fewer spaces since this was a temporary change and the taxi drivers had a good point with regard to how the cars would line up. The motion made by Mr. Trapp and seconded by Ms. Nauser to amend B171-14 so the taxi stand would be located on the east side of Tenth Street from Alley A to Broadway was approved unanimously by voice vote.

Ms. Hoppe stated she was interested in obtaining data on whether there had been a reduction of drunk driving and how often the taxi stand spots were used. She understood there was a question with regard to whether the taxi stands should start at 9:00 p.m. or at a later time, such as 11:00 p.m. because there was not usually as crowd until about 11:00 p.m. Mayor McDavid thought the DWI arrests could be measured, but did not believe the amount of drunk driving could be measured, and felt they were likely not apprehending many of people driving impaired due to the shortage of police officers. Assistant Police Chief Gordon stated he believed the taxi stands were working out well, but it was hard to gauge since other organizations, such as fraternities and sororities, picked up and dropped off downtown patrons. He noted there were a lot of variables and pointed out some cab companies were adding cabs, but others would not be licensed for months for whatever reason. Mr. Thomas thought another variable was that the number of young people drinking in the downtown had changed dramatically over the last couple of years. Assistant Police Chief Gordon agreed.

Ms. Hoppe asked if they could be provided data on whether the taxi stands were used and how often they were used between 9:00 p.m. and 11:00 p.m. Assistant Police Chief Gordon stated he thought moving the timeframe to a later hour would be appropriate as he believed 9:00 p.m. was a little early. He noted the taxi stands started to fill up at about 11:00 p.m., and that they were also used for STRIPES. Limos and private party buses had been asked to go to offsite parking locations because they tended to take up a lot of space.

Ms. Hoppe thought it would be appropriate to adjust the timeframes now since signage would be installed for the temporary stand discussed tonight. Mr. Skala asked if they could make the change or if they needed to provide notification of the change. Mr. Matthes suggested a global change be done at the next meeting. Mr. Skala agreed with the suggestion and noted that would allow them to address the signage issue in addition to the timing issue. Ms. Chadwick thought the Downtown Community Improvement District would probably want to comment on the time change.

Mr. Shipley asked the Council to consider people who utilized taxi service and got off of work from restaurants around 9:00 p.m. He noted he pulled into taxi stands at 9:00 p.m. and would leave by 9:10 p.m. or 9:15 p.m.

Mr. Hagan asked the Council to consider having two more spaces past the alley closer to Cherry Street as six spaces were being taken away and only three spaces would be available at the new location. Mayor McDavid asked Mr. Hagan how many spaces were needed. Mr. Hagan replied five spaces.

Ms. Chadwick made a motion to amend B171-14, as amended, by adding two parking spaces past Alley A for the taxi stand. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

B171-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and asked how it would be paid for and if it would serve the businesses in that area.

Mr. Matthes explained Level 3 Communications would pay to install the fiber optic cable and would pay rent for the public right-of-way used at a cost of \$1.91 per linear foot. The revenue to the City would be \$7,000 annually for a 10-year period, which would increase if the agreement was renewed.

B172-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B186-14 Amending Chapter 20 of the City Code as it relates to appointments to the Planning and Zoning Commission.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Skala explained the reason he pulled this off of the consent agenda was because the legislative history indicated the change to the terms of Planning and Zoning Commission members would be from five years to three years, and recalled a compromise of four years had been reached. Ms. Thompson stated the actual bill provided for four year terms.

B186-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NAUSER. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- 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.**
- 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).**
- 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.**
- 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.
- R115-14 Granting a temporary waiver from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for the South East Craft Beer Festival.
- R116-14 Granting a temporary waiver from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for Ninth Street Summerfest events.
- R117-14 Authorizing agreements for transportation services with SCI Gateway at Columbia Fund, LLC and Rock Quarry Properties, LLC d/b/a The Pointe at Rock Quarry Park.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER (except for B168-14, R115-14, and R116-14 on which she abstained), HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R118-14 Authorizing the temporary closure of portions of sidewalks and parking lanes along the east side of Seventh Street, the north side of Locust Street and the west side of Eighth Street, and the temporary closure of the alley between Seventh Street and Eighth Street, to facilitate construction activities at 127 S. Eighth Street.

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Skala explained he had asked for this to be removed from the consent agenda because he had received quite a bit of e-mail correspondence suggesting there was still a good deal of controversy surrounding the Opus development. He asked why this was on the consent agenda. Mr. Matthes replied it was standard process for sidewalk closures for construction projects to be on the consent agenda.

Mr. Skala commented that one reason the first petition was filed was because there was not adequate notification or opportunity for public testimony regarding the Opus development. He also felt this piece had not received adequate public notice as some people did not know the resolution would be pulled from the consent agenda and available for discussion.

Ms. Hoppe stated she had been surprised to see this item on the consent agenda, particularly since a petition had been filed on the second agreement and the petitioners had time to submit additional signatures. She thought it was premature to move forward on this when there were still pending issues. Mr. Matthes explained it was something the owners could ask for now. He noted a demolition permit had been granted, so the applicant could begin at any time. He understood Opus had not closed on the property and tenants were still in the building so there was still work needing to be done prior to demolition. He stated this was the normal process, but understood why people had questions.

Mr. Thomas understood Mr. Matthes had indicated a demolition permit had been issued to Opus, but noted the Code of Ordinances stated a release needed to be obtained from utilities indicating service connections and pertinent equipment had been removed or sealed in a safe manner in order for a demolition permit to be issued. Mr. Matthes explained the developer could move to that step once all of the renters were no longer in the buildings. Opus had met the 30 day requirement it needed to wait prior to demolishing a building. At this point it was Opus that could decide whether to move forward with demolition as the City's role in that process was complete. Mr. Thomas asked if the utilities had been cut off. Mr. Matthes replied they had not. Mr. Thomas pointed out the Code of Ordinances indicated a demolition permit could not be issued until that happened. Ms. Hoppe stated that was her understanding as well. Mr. Teddy explained Opus had applied for a demolition permit, and the 30-day hold for the Historic Preservation Commission to examine the buildings involved in the demolition had passed. He pointed out they still had the formalities of ensuring the utilities were shut off and no one was occupying the buildings, but other than that, there was no obstacle to those buildings being demolished from a legal standpoint.

Mr. Skala commented that it seemed there was nothing that could stop Opus from doing what they wanted regardless of whether they brought up issues of public health in terms of overburdening a system that at one point was almost shut down. He thought public health and welfare trumped development pressures regardless of whether zoning was in place. Ms. Chadwick wondered how that could be said for one development and not applied across the board. They would then be asking staff to treat one development differently than any other development.

Mr. Thomas asked if a demolition permit had been issued prior to the utilities being cut off. Mr. Matthes replied he did not think so. Mr. Teddy explained the demolition permit was pending. Mr. Thomas understood it had not been issued. Mr. Teddy stated that was correct.

Ms. Hoppe understood the demolition permit had not been issued by staff. Mr. Teddy stated they could not demolish the buildings because there were still tenants in the buildings and the electric and gas had not been shut off.

Ms. Nauser asked if this was any different from the other demolition notices they received via e-mail. She understood permits could not be issued until all of the criteria had been met, and that this resolution did not have anything to do with the demolition permit. This resolution allowed for the closing of certain streets so they could proceed once the permit was issued. Mr. Teddy explained the sidewalk closure anticipated the full construction project. They were planning ahead and had asked for the sidewalk closure through July 31, 2015. This was a special permission required by the Code of Ordinances to allow Council to discuss whether they thought the closure of segments of sidewalk and the parking lane were appropriate.

Ms. Chadwick asked if this request had been treated any differently than any other development. She understood a petition was pending on the ordinance involving additional infrastructure costs and that Opus legally had every right to build what they had planned in the C-2 zoning district. She asked if this sidewalk closure request had been treated any differently than others. Mr. Teddy replied no. He explained this building would occupy the entire parcel from lot line to lot line and it would not be safe to keep the sidewalk open while construction occurred. Opus would pay for the parking meters that would be taken out of service and this permission did not grant any further permits. If for whatever reason the building permit was not issued, the sidewalks would not be closed.

Ms. Hoppe commented that she understood staff had planned to sign off on a demolition permit involving the Niedermeyer property without them meeting requirements for utilities, and that the City Manager had to intervene to ensure that did not occur. She wanted to ensure that permits were not issued without all requirements being met.

Mr. Matthes stated he misspoke earlier and apologized. He explained his point was that there was no obstacle to the City granting a demolition permit. He clarified the demolition permit had not yet been granted and would not be granted until the tenants had moved out and the utilities had been disconnected. City staff would have to grant the demolition permit per City ordinances after those two things occurred.

Jeremy Root, 2417 Beachview Drive, stated he was speaking on behalf of Repeal 6214 and noted he had been stunned to see that this item on the consent agenda. He commented that he had also been stunned to see this permit application involved closing an entire downtown block for a year for the benefit an out-of-state company that did not own any property in the community and whose development had been the subject of one successful referendum campaign and would be the subject of a second successful campaign. He believed they had gathered twice as many signatures as they should have had to slow down this process in order to allow infrastructure to catch up to development pressures. He noted development capacity directly affected sewer issues as was shown in the Ridgely Park discussion, and they had not heard about the sewer issues in the downtown until after they had hastily erected thousands of new beds over the last five years. He explained he had asked for a copy of all permit applications related in any way to this development on June 18, 2014, and had not been provided a copy of an application to close the sidewalks for a year.

The supporting documentation for this resolution, however, included a letter dated May 8 to the City Council regarding this application request. Tonight, Mr. Matthes stated a demolition permit had been issued, and in a Friday Columbia Missourian article, Mr. St. Romaine had indicated a demolition permit had been issued. He felt those statements were made to discourage them and to quell their demand to participate in critical decisions involving the downtown. He asked the Council to direct the City Manager to make available contemporaneously to the public any permit application involving this development along with any approval given to any aspect of the permit application process involving this development. He explained they wanted a government that was accountable and responsive to its citizens, and a government that understood a permit to close the downtown for a year did not belong on the consent agenda. They also wanted a downtown that developed in a way that was consistent with the plans developed by the community for years. He felt implementation of those plans should be a priority and noted he did not believe any of those plans had envisioned this development at that corner of the downtown. In addition, they wanted infrastructure that kept pace with development. They did not want sewer overflowing along the Flat Branch Creek or Hinkson Creek as it negatively impacted the community and property values. He stated they had been consistent with regard to those three items, and the fact they wanted a process that allowed their input to be respectfully and meaningfully heard versus a process that put a permit for this development on the consent agenda.

John Clark, 403 N. Ninth Street, stated he thought City staff should have laid out the facts in that an application had been submitted, a set of steps would have to occur, and once those steps occurred staff would approve the permit. He felt the comment of Mr. Matthes that staff did not see any obstacle was not the same and caused endless confusion and turmoil. He noted he believed the effect of a referendum petition was to suspend any further action, and the deadline for submitting signatures had not passed. He wondered why this issue had been on the agenda at all as it seemed premature. He suggested the Council defeat this item or table it to mid-August when the petition time would have fully expired.

Mary Hussmann, 2110 Range Line, commented that everyone she had spoken with in the First Ward was opposed to the City approving more upscale private student housing because more affordable housing was needed for families, moderate- and low-income students, the homeless, and seniors and disabled people on fixed incomes. She asked the Council to declare a moratorium on all upscale student housing developments and to launch a campaign for the development of decent, safe, and affordable housing.

Sid Sullivan, 2980 Maple Bluff Drive, understood this was one of seven different student housing developments, and was the spearhead in that they would have to allow others if this one was allowed. He understood the Council felt it did not have discretion and that it had to approve this development, but noted the Council was the public body that was responsible for the transfer to public funds to private investors. He understood Mr. Thomas had conducted a study which indicated City taxpayers and ratepayers were paying 85 percent of the costs of development, and felt the Council needed to consider that in terms of this development. The zoning ordinance might allow the rights to build whatever they wanted, but the consequences of allowing this type of development in terms of no parking or height restrictions could bankrupt the City. He understood \$80 million was needed to provide

the necessary infrastructure for the kind of development being built in the central business district. He felt the Council eschewed land use planning and enabled development when someone wanted to invest regardless of what it meant for the rest of City. He commented that many were saying they would no longer go downtown and other spaces for people to gather throughout the community were not being provided. He believed it was the responsibility of Council to consider how their actions affected policy and their constituents.

Peter Yronwode, 203 Orchard Court, stated he was one of many citizens that had circulated the repeal petition, and at least 80 percent of the people he had spoken with were eager to sign the petition and many who declined to sign had indicated nothing would change and City Hall could not be fought. He believed placing an item such as this on the consent agenda was the reason for the apathy and cynical resignation. This resolution presumed the Opus project was fait accompli, ignored the ongoing process initiated by the repeal effort, and showed disrespect for the will of the people who the Council was supposed to represent. He believed granting any preliminary permits related to the Opus development was a clear violation of the rights of citizens to petition for redress of grievances. He asked the Council to reject this resolution.

Kathleen Weinschenk, 1504 Sylvan Lane, stated there were no sidewalks in her neighborhood, so she liked to come downtown where there were nice, wide sidewalks for her to get around. She believed the public owned the sidewalk because they had paid for it, and thought it was a bad idea to close the sidewalk for a year.

DeAnna Walkenbach, 407 Pyrenees Drive, commented that she was not sure why they were in a hurry to close the sidewalks and demolish the properties when the Public Works Department had indicated it would take two years to improve the infrastructure situation to the point where Opus could build without causing problems down the line even if they had the money. She asked if the City planned to provide a building permit and occupancy permit to Opus for the fall of 2016 even though the City would not have the needed infrastructure. She wondered if those rules would be broken and questioned what the public could trust.

Ann Peters, 3150 N. Route Z, commented that the shenanigans of trying to rush the tax increment financing (TIF) project through had been insulting the community and had damaged the City's relationship with Boone County. It had also been the first step in degrading the integrity of the Council as many of them looked foolish and dishonest. She believed the community deserved better, and asked the Council to reject this resolution and to slow down.

Pat Fowler, 606 N. Sixth Street, stated she had been on the Boone County Planning and Zoning Commission when the City and County had started to work together, and the actions in the last six months had seriously damaged that relationship. She noted she had been in disbelief when she saw this street and sidewalk closure permit on the consent agenda since it involved a development they had been petitioning to stop. She commented that the citizens of the community did not want to pay for infrastructure that preferences new development over existing residences. She noted she was also in disbelief during the Ridgefield Park situation discussion because what they were trying to accomplish for Opus against the will of the majority of citizens had caused this problem. Although the City did not

have enough money in the stormwater utility or sewer utility, many persisted in saying Opus had the right to build. She pointed out the development agreement signed by the City Manager on March 31 had indicated the City did not have adequate utilities and infrastructure, and a preliminary draft report completed by Development Strategies, which cost the City \$60,000, had indicated the City did not have planning, utilities, etc. She noted those conditions were created when the Council continued to ignore plans and moved money around to try to make something happen even when the citizens were opposed to it. She asked the Council to address the real sewer and infrastructure needs, and stated the citizens would be happy to bring those problems to their attention.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and believed the Council was putting the City at risk when agreeing to do things without a funding plan. She wondered what would happen if citizens chose not to approve the bond issues. She felt past decisions had put the City at financial risk and the risk of lawsuits. She noted Opus did not even own the property, and a successful petition could end up on a ballot for the people to decide. She suggested the Council slow down and understand the reason people objected to the development was because it did not fit within the plans. She believed developers needed to pay their fair share, which she felt was in the 85 percent category and should include maintenance as well as hard and soft infrastructure. She asked those in opposition of this resolution to stand, and approximately 15 people stood.

Tracy Greever-Rice, 602 Redbud Lane, thanked Mr. Skala for removing this item from the consent agenda to allow for this important conversation. She explained she had spent some time in the Community Development Department on July 3 looking through some public records with regard to the Opus development. The most recent application made was for a building permit on July 1 by the Opus Development Company, LLC, who was the owner under contract, so they did not yet own the property. She noted Opus had applied for a number of permits, but nothing on record in the Community Development Department had suggested any of those permits had been approved to date, so it was disturbing to her for the City Manager to repeatedly indicate the demolition permit had been granted, but to later indicate that was not what he meant. She believed that was a problem in the way of doing business and in making policy, and felt it had happened repeatedly on this project and needed to stop. She asked for that behavior to stop as it was unfair to the public. She also asked for any information regarding the proposed development process involving the Opus development to be made immediately public as they knew the public wanted it and deserved it. In addition, she asked the City to table any movement on this development until the petition process was completely played out.

Mr. Skala stated he believed the biggest challenge the City faced was the continuing deterioration of the relationship between it and the community. It was not the potential of a lawsuit from Opus even though that could be very expensive. If the citizens began to say no to bonds, rate adjustments, tax increases, etc. because they felt they were being antagonized, he believed the City would come to a halt. He commented that it was a monumental task for him to consider how he could try to rebuild some of the trust that had been eroded in this process. He noted the City Charter outlined how people could seek redress when they did not agree with something, and pointed out that process was currently

ongoing. He also felt the Opus lawsuit would be gigantic if they allowed them to continue to invest money. He stated he was prepared to vote against this resolution to slow things down, but would also be supportive of tabling the issue until the petition process played out. He noted the issues in the downtown had started with the Odle developments and had been followed by discussions involving C-2 zoning and interim C-2 zoning regulations, which they were still waiting on from the Planning and Zoning Commission. He understood a study on housing had been updated in 2013 by Moore and Shryock and was available for \$250, and noted he would make a motion at the end of the meeting to purchase the updated report.

Ms. Hoppe commented that she believed this resolution should be tabled since no demolition permit had been issued and would not be issued for some time and because the petition process was pending. She noted this was of significant concern and interest to the community as she did not recall this number of citizens responding twice to an issue in her 30 years in Columbia. She understood some felt the developer would have the right to build on the property without the agreement as the City would have to issue a permit, but she did not agree as the City had already clearly stated there were not sufficient utilities. She noted City staff had halted development at a certain point in time and was picking and choosing which developments could come forward. She read portions of the agreement indicating adequate utilities would be ensured prior to the issuance of a building permit, there was inadequate water, fire protection, electric, stormwater and sanitary sewer facilities to serve the proposed increase in use of the tract, and that establishing the terms and conditions under which utilities would be provided to the project would protect and benefit the health, safety and general welfare of the City and was in the best interest of the public. She reiterated that she believed the City had admitted this was something that threatened and was important for public health and welfare. The issue was greater than whether the City would receive \$200,000 for sewer infrastructure. The infrastructure needed to be in place prior to the development otherwise public health and safety would be threatened. She asked for an analysis from the City's legal staff with regard to the legal liability of the statements made and whether the City had the responsibility to not add to the public sewer problems to this extent. She also wanted to know if the City had the ability to limit development or make it concurrent with infrastructure improvements. She understood other communities had limited new sewer hook-ups until the infrastructure was in place, and thought the analysis was needed before they allowed a building permit.

Ms. Hoppe made a motion to table R118-14 to the August 18, 2014 Council Meeting. The motion was seconded by Mr. Skala and defeated by voice vote with only Ms. Hoppe, Mr. Skala, and Mr. Thomas voting in favor of it.

Ms. Nauser commented that she had been surprised to see this item on the consent agenda, but pointed out other projects, such as the Mendenhall project and Collegiate Housing Partners project, had requested and received permission to close the street and sidewalks. In addition, this project does not involve the closure of a street. It was only for the closure of sidewalks, an alley, and parking lanes. The street would be open to traffic. In terms of affordable housing, the Council had passed an ordinance tonight that would potentially allow 2,000 cottage homes in the First Ward, and the sewer connection issue to the Flat Branch sewer had not come up in that discussion. If the argument being made was

that the City should not allow new development until the infrastructure problems were solved in the downtown and Flat Branch area, the ordinance to allow accessory dwelling units should not have been approved. She stated the City could not place a moratorium on specific types of development as it was against the law. The moratorium would need to be placed on all development or in a regional area. A general moratorium on development meant a person could not add on to a garage, a person in a new subdivision could not build a home, etc. She noted they could not pick and choose the development on which they placed a moratorium. In terms of the comments regarding the lack of planning, she pointed out the City had a 10-year Capital Improvement Project (CIP) Plan, which included all infrastructure needs for the next ten years, and maintenance was part of the City budget. It was a fluid document that changed when circumstances warranted a change. She noted the Flat Branch sewer project had been a 6-10 year project in the CIP, but it needed to be done sooner, and that change was being accommodated in the Plan. She stated she would vote to allow these closures because Opus had the appropriate zoning and the City was working to resolve the utility issues and the Flat Branch sewer problem. In addition, it would not cost the ratepayers additional funding. She commented that she had received very little feedback from people in her ward indicating they were opposed to the Opus development, and understood some people had been upset when they thought the development would not move forward, so she felt she was representing the people of her ward.

Mr. Thomas stated he was bothered by the lack of transparency, hidden agendas, and the failure of straightforward, open conversation with regard to this issue.

Mr. Thomas made a motion for a press release to be issued whenever an application for any kind of permit or change in the process related to the Opus development was received by the City, and whenever any type of permit was issued. The motion was seconded by Ms. Nauser.

Mr. Thomas commented that the City had a serious need to pass some ballot issues over the next 12-24 months, and over the last six months, there had been a steady and increasing deterioration in public trust. He noted it was essential to ensure accurate information was provided to the public and the confidence was rebuilt in terms of the information from City Hall being reliable and truthful. He believed the public had been provided misinformation, either accidentally or intentionally, regarding this demolition permit, so from now on he wanted to see a press release issued each time there was development on the Opus project.

Mayor McDavid suggested this motion be made during the council comment portion of the meeting as he did not believe it was appropriate at this time. Mr. Thomas stated he would, and Ms. Nauser, who seconded the motion, was agreeable.

Ms. Chadwick stated she had tried to be very open, honest, and consistent in telling the citizens what was happening with this project and this process. She understood some people were still in opposition to the project, but pointed out the City's laws had not changed.

Mr. Skala commented that he had voted against the first development agreement and would have voted against the second development had he been in attendance. He noted there was an army of people here, who he considered friends and respected, that had done the right thing by petitioning for redress per the City Charter, and felt continuing down this

road would foreclose the opportunity for any kind of resolution or accommodation between the public and the City. He stated he was worried about future bond issues due to the deterioration in public trust and was not sure how that trust could be rebuilt. He commented that he did not agree with the comments of Ms. Nauser and Ms. Chadwick as he felt they picked and chose all of the time.

Ms. Hoppe stated she was concerned about legal action against the City if the City issued a building permit to allow this development to go forward as she felt serious legal action could be taken by citizens due to the previous statements and positions taken.

The vote on R118-14 was recorded as follows: VOTING YES: NAUSER, MCDAVID, CHADWICK, TRAPP. VOTING NO: HOPPE, SKALA, THOMAS. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- PR119-14** Repealing Policy Resolution 134-00A which established a Policy and Standards for Pedestrian Crossings.
- B187-14** Voluntary annexation of property located on the southeast corner of Route K and Old Plank Road; establishing permanent R-1 and PUD-4 zoning; setting forth a condition for approval; approving the statement of intent.
- B188-14** Rezoning property located on the west side of Tiger Avenue, approximately 220 feet south of Rollins Street (809 and 811 Tiger Avenue) from R-3 to C-P; approving the Alpha Chi Omega C-P Plan; approving less stringent screening, landscaping and parking requirements.
- B189-14** Approving the Final Plat of Alpha Chi Omega Subdivision Plat 1, a Replat of Lot 60 and part of Lots 59 and 61 LaGrange Place, located on the west side of Tiger Avenue, approximately 220 feet south of Rollins Street (809 and 811 Tiger Avenue).
- B190-14** Vacating a portion of right-of-way along Nottoway Drive located west of High Point Lane and east of Pemberton Drive, and vacating utility easements on Lots 401, C402 and 429 within Oak Park Plat 4.
- B191-14** Approving the Final Plat of Oak Park Plat 5, a Replat of Part of Oak Park Plat 4, located on the southwest corner of High Point Lane and Route K; authorizing a performance contract.
- B192-14** Amending Chapter 14 of the City Code to prohibit parking on both sides of Otto Court.
- B193-14** Authorizing a non-federal reimbursable agreement with the Department of Transportation Federal Aviation Administration for relocation of underground power cables as part of Phase I of the reconstruction of Runway 13-31 at the Columbia Regional Airport; appropriating funds.
- B194-14** Authorizing a financial assistance agreement with the Mid-Missouri Solid Waste Management District for the purchase of a roll-off container to be used to collect recyclables at three apartment complexes; appropriating funds.
- B195-14** Appropriating funds to the Parking Division to offset expenditures relating to downtown metered parking credit card transaction fees and building

maintenance for the infill space located in the Fifth and Walnut parking garage.

- B196-14 Appropriating funds to the Street Division to offset expenditures for snow removal.
- B197-14 Appropriating funds for Flat Branch watershed relief sewer projects.
- B198-14 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department's Career Awareness Related Experience (CARE) Youth Employment Program.
- B199-14 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department's Adapted Community Recreation Program.
- B200-14 Authorizing a pole attachment agreement for telecommunications equipment with Socket Telecom, LLC.
- B201-14 Accepting conveyances for utility purposes.
- B202-14 Authorizing a program services contract with the Missouri Department of Health and Human Services for the tuberculosis/local public health agency patient incentives program.
- B203-14 Amending Chapter 2 of the City Code as it relates to notification to city council members of special council meetings.
- B204-14 Amending Chapter 21 of the City Code as it relates to the powers, duties and processes of the Citizens Police Review Board.
- B205-14 Accepting a donation from the Missouri Association of Community Arts Agencies to be used by the Office of Cultural Affairs for training purposes; appropriating funds.
- B206-14 Appropriating funds for Share the Light Program.
- B207-14 Appropriating federal forfeiture funds for the purchase of portable radios for the Police Department.

REPORTS AND PETITIONS

REP63-14 Open Burning.

Mr. Matthes provided a staff report.

Ms. Hoppe commented that she had raised this issue many years ago in response to the burning done for The Grove development on Old 63, as an almost house-size pile of cleared trees had been burned for several weeks and residents were concerned about their health and the general air quality. In addition, there was a concern with regard to whether that was the best use of wood products, and people wondered whether it could be used for compost or if the wood logs could be resold to burn in the winter for wood stoves. She felt the air curtain helped to address the air pollution and health issues and was satisfied for staff to pursue it through an internal policy. She asked that the Council be provided a copy of that written policy and for any changes to come back before the Council. She pointed out the report did not address the best or sustainable uses of the wood product, and suggested the Sustainability Manager look at other communities to determine if sustainable uses occurred in those communities and whether those uses were incentivized or required.

Mr. Matthes replied an analysis would be provided. He noted the City would love to have that material in the landfill as they liked biologicals in the landfill. He commented that they did allow people to dump for free if it was mulched, but there was an expense to mulching. He thought they also charged a half rate if the product was provided in its full form.

Ms. Chadwick stated was also interested in whether other cities required the product to be mulched.

REP64-14 Environment and Energy Commission Fuels Report.

Mayor McDavid commented that there was a lot of interest in hybrids and plug-in electrics, but hybrid buses had not worked out well in many communities. He understood New York City got rid of their hybrid buses and Kansas City indicated the savings from natural gas buses was \$100,000 per year. He noted these were all evolving technologies and they did not know what the price of natural gas or diesel would be in 5-10 years. Electric could be much less expensive in the future, but the City's decisions had been based on the fact they could get more buses on the road with the same amount of money if they used natural gas buses.

Mr. Thomas thanked the Environment and Energy Commission for this report. He noted he did not believe the City had converted to a compressed natural gas fleet, and understood compressed natural gas vehicles represented a small percentage of the current fleet. Mr. Matthes stated the goal was for 14-15 percent for diversification. Mr. Thomas asked if there was a written replacement plan for vehicles as they were retired. Mr. Matthes replied a review would be done when a bus, garbage truck or other vehicle needed to be replaced. He pointed out it did not make sense to convert some vehicles to natural gas, and noted the Water and Light Department had included the purchase of an all-electric vehicle and charger in the upcoming budget.

Mr. Thomas understood the report indicated the environmental benefits of compressed natural gas were generally overstated, and when one took into account the greenhouse gas emissions involved in the extraction process, he thought it was dubious that it was clean energy or definitely not as clean as renewable-powered electric vehicles. He hoped this report would be referenced as staff made future vehicle replacement decisions.

Mr. Skala commented that the report indicated it was reasonable to include compressed natural gas vehicles in a diverse fleet, but it was risky to convert the entire fleet to any one fuel, and he agreed with that statement. He stated he appreciated the discussion in the report regarding the bridge to renewables, and reiterated he felt diversification was a wise strategy when it came to the fleet.

Ms. Hoppe noted Recommendation 4 of the report encouraged a no idle policy and asked staff to implement and monitor a no idle policy so they could see its success in terms of saving money. She pointed out the report provided many facts and had indicated that auxiliary power to a vehicle could cost less than the cost of idling vehicles. Mr. Matthes stated staff would look into the policy, but noted it was difficult police. Ms. Hoppe suggested competitions within or between departments to engage employees. Mr. Matthes explained they had discussed fact signs in the vehicles, and thought an incentive would be to allow the department to keep the money saved in fuel.

Ms. Chadwick stated Recommendation 2 suggested an increase in the use of biodiesel and to revisit the contract for opportunities for savings. She asked staff to revisit contract options to look at ways to increase the use of biodiesel.

Ms. Chadwick understood the City already had an idle policy and only needed it to be enforced, and asked if that was correct. Mr. Matthes replied yes. Ms. Chadwick agreed with Ms. Hoppe's request to determine how that policy could be enforced.

REP65-14 Downtown Community Improvement District (CID) Annual Budget – Fiscal Year 2015.

Mayor McDavid understood the City did not have any authority over the Downtown CID, but noted he felt they had an obligation to critique the use of their money as it was public money. He stated he had observed the amount of money the Downtown CID received had substantially exceeded the estimates projected when it was formed, and 33 percent of the money was being spent on administration. In addition, the initial budget, which was substantially smaller, had projected a \$50,000 outlay for public safety. He implored the Downtown CID to keep in mind that public safety and infrastructure were the two primary needs identified by constituents.

Mr. Skala agreed public safety and infrastructure were needed, and recalled the Downtown CID had suggested their role involved aesthetics. He noted he had tried to convince them that infrastructure, such as sewer, was beautiful when it worked correctly. He was not sure the City could convince the Downtown CID to help with public safety and infrastructure needs, but thought it would be in their best interest to try.

Ms. Nauser commented that she believed the increase in sales tax revenues was due to the increase in the density of the downtown, and because it was a vibrant place where people wanted to shop and spend time.

Ms. Chadwick stated she appreciated receiving the weekly e-mails detailing the happenings and plans of the Downtown CID. She also felt the increase in revenue beyond what had been projected demonstrated the fact Columbia had a healthy, thriving downtown.

REP66-14 Lease Termination for Village Square Park.

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

REP67-14 Environment and Energy Commission – Summary of Activities for the Period of June 2013 through June 2014.

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

REP68-14 Vision Commission Implementation Status and Media Mention Reports.

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

REP69-14 Intra-Departmental Transfer of Funds Request.

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

REP70-14 Certification regarding the "Referendum Petition to Repeal Bill B130-14A, Ordinance No. 022071."

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Jeremy Root, 2417 Beachview Drive, commented that he loved Columbia in spite of the despicable action taken by the majority of the Council tonight. He noted his wife, who grew up in Columbia, taught at the University of Missouri so their livelihood depended in part on students. He stated he was here for the long haul while the Opus Development Company was not. He pointed out the Council had granted them a permit to close a downtown block for a year when they did not yet own the land and when a petition involving a development agreement was being circulated in the community. He noted Ms. Chadwick had told him before she was elected that her vote on this issue would have been different than former Council Member Schmidt's vote, and that was untrue. He pointed out he had contributed money to Mr. Trapp's campaign and had knocked on doors for him during his campaign. He explained he was not trying to buy influence or anything, other than a vision and a leader he trusted, and was disappointed he did not have that trusted leader. He stated he and Mayor McDavid had disagreed on various topics in the past, but they had gotten through them at times, and provided redistricting as an example. He noted he and Ms. Nauser had been on common ground before and provided The Grasslands eminent domain fight as an example. He stated he looked forward to the time they were on common ground again, but he was disturbed by the direction that had been taken tonight and did not know where it would lead.

John Clark, 403 N. Ninth Street, commented that he felt a vote to reject the ballot issues proposed by Council would get the point across that business needed to be done differently. He believed the issues were not about public process, and were about real benchmarks for increases in fees. He thought it was also not about dedicated property taxes, but about asking the public to trust the Council to impose those taxes to public safety from the general fund. He felt an active organization campaigning in support or against would impact the election. He hoped the City legal staff would provide the public a detailed analysis of the liability issues requested by Ms. Hoppe. He suggested the reports where they wanted discussion and a decision to be placed under new business on future agendas as well.

Monta Welch, 2808 Greenbriar Drive, provided a handout and stated she was speaking on behalf of People's Visioning regarding a constitutional amendment on the August 5, 2014 ballot, which would prevent Missouri communities from being able to regulate concentrated animal feeding operations (CAFOs). These kinds of corporate agricultural operations were detrimental to other farmers, so it was essentially one set of farming rights against another set of farming rights. She noted many small farmers had started to endorse a campaign in opposition to this amendment, and asked the Council to consider a formal endorsement in opposition to this amendment to the Missouri Constitution because it would supersede all statutes and laws once it was institutionalized in the Constitution, and citizens and legislators would not be able to enact laws to regulate farming practices.

Mayor McDavid made a motion for the City Council of the City of Columbia, Missouri, to hold a closed meeting on Monday, July 21, 2014 at 6:00 p.m. in Conference Room 1A/1B of City Hall, 701 E. Broadway, Columbia, Missouri to discuss the following: (1) information relating to the hiring, firing, disciplining or promotion of particular employees when personal

information relating to the performance or merit of individual employee(s) is discussed as authorized by Section 610.021(3) RSMo; and (2) individually identifiable personnel records, performance ratings of employees or applicants for employment as authorized by Section 610.021(13) RSMo. The motion was seconded by Mr. Trapp and the vote was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

Mr. Thomas commented that there was significant public interest in the Opus development process and a complex series of permits that had been applied for and would be issued at various points.

Mr. Thomas made a motion for a press release to be issued each time a permit application was received at the City or a permit was issued by the City so the public could track that process without continually having to come to City Hall for the information.

Mayor McDavid asked if this could be done. Mr. Matthes replied staff did not have any objection to the request. He noted it was not routine, but understood the reason for the request.

The motion made by Mr. Thomas for a press release to be issued each time a permit application was received at the City or a permit was issued by the City so the public could track that process without continually having to come to City Hall for the information was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala understood there had been several sunshine law requests in conjunction with the Opus project, and wanted to ensure the unfilled requests were not lost or forgotten as that information was needed more now than ever for evaluation in light of the petition, which was still underway.

Mr. Skala understood some citizens had been unsuccessful in purchasing the student housing report updated by Moore and Shryock in the fall of 2013, and he suspected that the City might be more successful if it tried to purchase it.

Mr. Skala made a motion to use \$250 from the council reserves to purchase a copy of the Moore and Shryock Fall 2013 Student Housing Update.

Mr. Thomas asked who commissioned the report. Ms. Hoppe replied she thought it was a bank.

Mayor McDavid asked if Moore and Shryock was under any obligation to sell the report to the City as a private company. Mr. Matthes replied he did not know. Ms. Thompson explained the City could be prohibited from copying and distributing it if there was a copyright.

The motion made by Mr. Skala to use \$250 from the council reserves to purchase a copy of the Moore and Shryock Fall 2013 Student Housing Update was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Skala explained he and Ms. Hoppe had recently attended an Environment and Energy Commission (EEC) meeting, and the Commission had expressed interest in helping the City with land disturbance issues. He suggested enlisting the EEC for their help, and

stated he looked forward to them addressing the issues as comprehensively and thoroughly as they did the report discussed earlier tonight.

Ms. Hoppe commented that the street sign for Capri Drive on Broadway was bent and in a horrible condition, and asked staff to paint the pole and repair the sign.

Ms. Hoppe asked staff to monitor the use of taxi stands from 9:00 p.m. to 10:00 p.m. so a good decision could be made as to whether the taxi stand times could be moved back to 10:00 p.m. She thought the Downtown CID could help with monitoring this if within the CID area.

Mr. Thomas stated he did not think it was difficult to find a parking space in the general area at 9:00 p.m. Ms. Hoppe noted she had heard people had been towed because they had attended movies that did not get out until 9:30 p.m. at Ragtag.

Mayor McDavid asked Ms. Hoppe if she would like staff to ask Carrie Gartner with the Downtown CID to respond. Ms. Hoppe replied she could speak to Ms. Gartner.

Ms. Hoppe stated she wanted a written legal analysis of what the City could do to restrict development when there was insufficient infrastructure. She understood the City had initially told different developers they could not proceed because sufficient infrastructure did not exist so she wanted a written legal analysis of what the City could or could not do and any parameters involved. She felt different Council Members had different ideas, and thought they needed to be well and impartially advised on the issue. Ms. Thompson explained there was no black and white answer and some of those questions could only be answered for this Council in a closed session based upon the threats of litigation that had been made from both sides of the Opus project as well as other projects. She noted she would be happy to have a conversation about it in a closed session. Ms. Hoppe stated she felt the Council had received vague and different verbal answers. She understood there would never be a clear cut legal answer and it all depended on facts, but felt they needed some clear guidance. She believed the City had acted on some legal analysis when staff told people the City was closed for development and when staff decided to recommend the development agreements. She stated she was sensitive to the concern regarding legal action on Opus, but felt the Council needed direction and information on what could and could not be done for this situation and in the future. Mr. Matthes suggested scheduling a closed session, and staff could determine what could be done if there was something from that discussion they wanted on paper.

The meeting adjourned at 12:28 a.m.

Respectfully submitted,

Sheela Amin
City Clerk