

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
MARCH 21, 2016**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 21, 2016, 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, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of March 7, 2016 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

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

Upon his request, Mayor McDavid made a motion to allow Mr. Trapp to abstain from voting on R28-16 due to a conflict of interest. Mr. Trapp noted on the Disclosure of Interest form that Greg Deline served on the Board of Directors for his employer. The motion was seconded by Mr. Ruffin and approved unanimously by voice vote.

Upon her request, Mayor McDavid made a motion to allow Ms. Nauser to abstain from voting on R31-16 due to a conflict of interest. Ms. Nauser noted on the Disclosure of Interest form that her family business involved the sale of alcoholic beverages. The motion was seconded by Mr. Ruffin and approved unanimously by voice vote.

Mr. Skala asked that R33-16 be moved from consent agenda to new business.

Ms. Peters asked that B58-16 be moved from the consent agenda to old business.

Mayor McDavid asked that R28-16 be moved from consent agenda to new business per the request of staff due to an amendment sheet.

The agenda, including the consent agenda with B58-16 being moved to old business and R28-16 and R33-16 being moved to new business, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**HUMAN SERVICES COMMISSION**

Wood, Peggie, 3705 Sugar Tree Lane, Ward 3, Term to expire December 31, 2018

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

Cason, Mary (Susie), 2604 Snowberry Circle, Ward 6, Term to expire November 30, 2018  
Lambert, Michelle, 111 W. Texas Avenue, Ward 2, Term to expire November 30, 2018  
Riley, Shari, 604 Quick Sand Circle, Ward 2, Term to expire November 30, 2018

**PUBLIC TRANSIT ADVISORY COMMISSION**

Wasowicz, Amy, 2500 MU Student Center (Business), Ward 1, Term to expire March 1, 2017

**SCHEDULED PUBLIC COMMENT**

**SPC9-16     Sutu Forte - Appreciation for cancelling plans for sidewalks along Southwood and Bluff Dale Streets as part of the Shepard to Rollins Trail Connection.**

Ms. Forte, who resided on Bluffdale Drive, stated she and her neighbors wanted to express appreciation to the Council for deciding not construct sidewalks on their street last year as part of a trail project. She introduced those in attendance and asked Mayor McDavid, Mr. Skala, Ms. Nauser, Mr. Trapp, and Mr. Thomas to come forward so they could present each of them a gift. She reiterated she wanted them to know how much it meant for the Council to re-think their decision regarding the construction of sidewalks on Southwood Drive and Bluffdale Drive.

**SPC10-16     Traci Wilson-Kleekamp - Thank you to City Manager Matthes for meeting with Race Matters, Friends, and follow-up on upcoming diversity education opportunities and social equity planning.**

Ms. Wilson-Kleekamp thanked Mr. Matthes for attending the Race Matters, Friends meeting and for listening. She encouraged the City to review the Wehoit LLC report regarding the Minority and Women-Owned Business Development Project and to talk about it publicly. She stated they supported the comments of Glenn Cobbins with regard to “in-reach” among white City staff to create a welcoming environment for the inclusion of people of color to City jobs. She commented that it was important to them for leadership and staff to be able to address and understand institutional racism in the effort to build a meaningful and lasting climate of inclusion. She stated she had been wrestling with the idea of “balancing interests” as she was concerned about situations where the balance of interests was more important to people than the people who were most vulnerable and marginalized in the community. She explained she heard Bryan Stevenson speak last night on the University of Missouri campus and listed four points of his talk that could be related to social equity. She noted Mr. Stevenson had suggested they get closer to the issue in terms of proximity, which, to her, meant for each of them to get into the neighborhoods and to those needing help, which could include the poor, children in schools, etc. She stated Mr. Stevenson had also suggested changing the narrative. She thought they needed to change the narrative of people being able to pull themselves out of their situations and the mythology of meritocracy. She believed they were a village and interdependent on each other as humans. She thought they also needed to change the narrative with regard to how they talked about people of color, black history, etc. She noted Mr. Stevenson had suggested staying hopeful, and pointed out Race Matters, Friends was very hopeful and would be persistent. She stated the fourth suggestion

of Mr. Stevenson was the commitment to do uncomfortable things. She believed this meant they needed to talk about race and process. She felt a conversation with the black community or any other community that had been marginalized was needed if they wanted them to be on board and to build trust. She felt it was important to think about who was at the table and when they would be invited to the table, as it would be hard to build support if they were invited after the fact.

**SPC11-16 Tara Warne-Griggs - Speaking on Pillar 3: Police Use of Technology and Social Media from the President's Task Force on Policing in the 21st Century.**

Ms. Warne-Griggs explained she was speaking on behalf of Race Matters, Friends to discuss Pillar 3 of the President's Task Force on 21<sup>st</sup> Century Policing, which involved technology and social media. She commented that the Columbia Police Department (CPD) was ahead of the curve in many ways, and provided the fact the CPD was the first department in Missouri to completely adopt body worn cameras and the fact it had active social media accounts as examples. She noted the President's Task Force stressed the adoption of new technology needed to provide police departments the opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy. New technology could improve officer safety and performance, increase departmental efficiency and effectiveness, and be used to engage the public in partnership with the police department to improve transparency and legitimacy. She commented that in order to meet these goals, technology needed to be selected and implemented within a defined framework that was crafted in partnership with city government and its citizens. She stated the Task Force directed four of the seven technology and social media recommendations to state and local governments and law enforcement agencies. She explained one recommendation was for technology adoption and implementation to be based on a local needs assessment with collaboration from multiple advisory boards and to include established and public processes for ongoing evaluation of the technology. Another recommendation was for departments to consider adopting smart technology designed to prevent evidence manipulation and tampering. She understood the CPD had intended to implement an evidence bar code system by 2013, but that had not yet happened. She noted the other two recommendations were for an update of public records laws and practices to address the complex issues surrounding the audio, visual, and biometric data produced by new technologies, and for local agencies to adopt best practices for technology-based community engagement in order to increase trust and access. The Task Force asserted crime statistics, service calls, and public posting of policies and procedures as representative of the bare minimum for the goal. She asked that the CPD improve its efforts at community engagement, transparency, and partnership, as they had repeatedly resisted those efforts. She pointed out the Citizens Police Review Board had recommended the CPD policies and procedures be posted online in January, 2011, and the Police Chief had agreed to do it for all policies except those related to officer tactics in the field, but that had yet to be done. Race Matters, Friends had made a public records request for a copy of the policies and procedures on February 10, and to date, had only received the table of contents. She did not feel this was acceptable as the citizens of Columbia had the right to determine the kind of policing and

community engagement they had. She stated they all needed to work together to improve the ways in which technology could be used to improve policing and community relations. She provided a handout after the meeting.

**SPC12-16    David Tager - Thinking Fast and Slow: Overcoming Systemic Racial Bias.**

Mr. Tager stated he was also with Race Matters, Friends, and within a week of moving to Columbia in 1996, he had heard a European-American say race was not an issue here. He commented that he had lived in many places without ever seeing anything close to this ideal. He noted the human brain used categorizations, associations, and biases based on social training and experience to make all sorts of instant judgements, and those judgements often flew in the face of their conscious beliefs. The brain had two modes of thinking, fast and slow, and human brains were constantly sorting through an elaborate tangle of sensory input from the environment in order to maximize the senses to survive and thrive. He thought they were all likely familiar with the “fight, flight, or freeze reactions” that occurred when one faced danger, whereby sensory input was categorized and the body reacted long before the person had the chance to consciously weigh the evidence of what was happening around them. It was fast thinking and the norm rather than the exception. It was the basis by which they made most of their judgements. He pointed out the pattern of input that constituted danger for their fast-thinking brains was shaped by cultural experience. He referred to moral psychologist Jonathan Haidt, who had indicated the fast-thinking brain was a lumbering elephant while the slow-thinking brain was a rider, who with training and effort could turn the elephant in a direction that ran counter to ingrained bias. He commented that they knew from a strong body of research that biases, sometimes conscious but often unconscious, played out consistently in the marketplace for employment, housing, education, and goods and services. He provided the results of two studies as examples. In one, the exact same resume was used for a person named John and a person named Jamal, and John was contacted significantly more for interviews. In the other, fictional car buyers were quoted sales prices that differed solely on the basis of race and gender with European-American men being offered prices \$1,000 less than African-American men, who were charged the most. European-American women were after European-American men, and African-American women were next. He commented that the elephant of racial stereotypes was right before their eyes and difficult to steer. They could consciously disavow stereotypes of African-Americans as lazy, less intelligent, criminal, or aggressive, but these stereotypes were a part of fast-thinking nonetheless, and the result was decision-making that unconsciously and sometimes consciously restricted access of African-Americans to employment, education, justice, healthcare, housing, and basic equitable treatment. They could not deny the systemic gap. The explanations for the gap involved either reinforcing racial stereotypes that went back to the times of slavery or by acknowledging the fact negative images of African-Americans were trained into the brain by historical events, present day cultural narratives, and media images to the point fast-thinking resulted in systemic injustices. He commented that once they recognized the pattern, they could do a lot to steer the elephant, and this was the purpose of training. Through training, they could ingrain responses based on awareness

rather than settling for biased associations of fast-thinking. He believed consistent and sustained training was needed throughout the City on the issues of race.

**SPC13-16 Lea Wood, Thomas Adams and Jodi Alden, Ridgefield Neighborhood - Concern over proposal to rezone R-1 area into PUD for "Ridgefield Estate" development.**

Ms. Wood canceled her request to speak prior to the meeting.

**SPC14-16 Arnie Fagan - Leadership, Management & Customer Service Failures at the Solid Waste District Utility.**

Mr. Fagan was not in attendance.

**PUBLIC HEARINGS**

**PH9-16 Consider the FY 2015 Consolidated Annual Performance and Evaluation Report (CAPER).**

PH9-16 was read by the Clerk.

Mr. Trapp stepped out of the meeting room.

Mr. Teddy and Mr. Cole provided a staff report.

Mayor McDavid opened the public hearing.

John Clark, 403 N. Ninth Street, asked staff to remind the Council of the Fair Housing event scheduled for April 8 as he thought it was a significant step forward in education and training. Mr. Cole stated Mr. Clark was referring to the Fair Housing Symposium where they would hear from a variety of speakers on fair housing laws and rights. He thought the event would be beneficial to individuals, landlords, property managers, and realtors.

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

Mr. Skala asked how many bus shelters would be built over the course of five years. Mr. Cole replied five bus shelters would be built at about \$20,000 per shelter. Mr. Skala understood that was the number that would be funded through the CAPER, but other money had been budgeted as well. Mr. Cole stated that was correct.

Mayor McDavid understood no action was required.

Mr. Trapp returned to the meeting room.

**PH10-16 Phase III development of the Thomas E. 'Country' Atkins Jr. Memorial Park Baseball Complex to include construction of two baseball fields, and the installation of lighting, additional parking, walkways and an irrigation pump station and deep well.**

**B55-16 Authorizing Phase III development of the Thomas E. 'Country' Atkins Jr. Memorial Park Baseball Complex to include construction of two baseball fields, and the installation of lighting, additional parking, walkways and an irrigation pump station and deep well; calling for bids for a portion of the project through the Purchasing Division.**

PH10-16 was read by the Clerk, and B55-16 was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

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

Mayor McDavid understood the Parks and Recreation Department had made a promise and kept it. He believed this would be a great facility for the citizens of Boone County

and the site of regional tournaments, which would result in taxes paid by visitors. He stated he was proud to support it.

Mr. Skala commented that he was proud to support this as well, and felt this fit within the City's strategic plan in terms of parks equity in the Third Ward. He noted his appreciation for the good work of the Parks and Recreation Department.

Mr. Trapp stated he believed the baseball fields would make Columbia more competitive in terms of hosting tournaments, which would help fill hotel rooms in the off-season and be of value to the local economy. He explained this was the way parks added value to everyone in the community, even for those that did not directly utilize any parks.

B55-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**PH11-16 Voluntary annexation of property located on the southwest corner of Wyatt Lane and Wilson Turner Road.**

PH11-16 was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala asked if an island of property in the County would be created with this annexation. Mr. Teddy replied he thought the area Mr. Skala was referring to was in the City as it was zoned R-1.

Mr. Thomas asked if this property was within the urban service area. Mr. Teddy replied it was within the urban service area.

Mayor McDavid opened the public hearing.

Kevin Murphy, an engineer with A Civil Group with offices at 3401 Broadway Business Park Court, stated he was representing the property owners and reiterated the property immediately to the south was within the City limits. He explained they had overdesigned the sewer to allow for at least 30 homes.

Ms. Peters asked if the City's sewer system was already in place and adequate. Mr. Murphy replied it was across from Opal Drive, and noted the Sanitary Sewer Utility Division staff had approved the construction plans so he assumed that was the case.

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

**OLD BUSINESS**

**B48-16 Authorizing a real estate purchase and sale agreement with St. Charles Road Development, LLC for the acquisition of 15.88 acres of land adjacent to the Lake of the Woods Golf Course.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid understood this was not a lighted driving range. Mr. Griggs stated that was correct. Mayor McDavid understood the City's golf courses paid for themselves with user fees and did not require a taxpayer subsidy. Mr. Griggs stated that was correct. Mayor McDavid understood enough revenue would be generated from user fees on the driving range to pay for the driving range, and staff anticipated more user fees from the golf course since it would be adjacent. Mr. Griggs stated that was correct.

Mr. Skala commented that this appeared to be another advantageous amenity for the golf course. He understood they were in the preliminary stages of acquiring more property, and thought that provided the potential for this area to be similar to Cosmo Park. Mr. Griggs stated there would be room for neighborhood park amenities at the northwest corner of the new tract along with trails and connectivity.

B48-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: PETERS. (Ms. Peters stepped out and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

**B49-16      Approving the Final Plat of Somerset Village Plat 3 located north of the Lake of the Woods Golf Course, north of St. Charles Road and west of Battle Avenue.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

B49-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B51-16      Granting a variance from the requirements of Section 25-48.1 of the City Code relating to construction of a sidewalk along a portion of the Providence Outer Road frontage adjacent to Rock Bridge High School, subject to a condition.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser asked if there had been any discussion regarding a crosswalk. Mr. Teddy replied he thought there would be crosswalk markings at the ends of the improvement shown. Ms. Nauser asked if it would have a pushbutton so notification was provided. Mr. Teddy replied a HAWK signal had not been discussed. Ms. Nauser asked if there was one at Southampton Drive. Mr. Teddy replied he thought there was a pedestrian button that activated caution lights there. Ms. Nauser stated she believed this would be an appropriate spot for such a crosswalk for students to access the trail safely.

Mr. Thomas understood this proposed connector would come from the Career Center and agreed with Ms. Nauser in that a visible crosswalk should be located there. He asked how students at Rock Bridge High School would connect to the trail, and wondered if a connector had been discussed there. Mr. Teddy replied he thought it had been considered, but there were a number of topographic obstacles. Mr. Thomas commented that he felt they were relieving the Columbia Public Schools from building a sidewalk since the trail was already there, and as a result, CPS should be required to make a proper connection from the High School building. Mayor McDavid understood access to the crosswalk would be on pavement through the parking lot so there was connectivity, but it was not dedicated connectivity. Mr. Teddy stated that was correct.

Ms. Peters asked how this area had been chosen as she did not feel they wanted students crossing where vehicles were turning left onto the Providence Outer Road or going straight. She wondered if placing it at the middle had been discussed. Mr. Teddy replied he thought it had to do with topography and spacing as he believed there was a crossing further

south. He understood they had tried to place it at an intersection instead of the middle where vehicles might already be committing to turns while students were walking across the street because students were more likely to be seen at the corner, which would prevent a vehicle from committing to the turn.

Mr. Thomas asked if there was already a trail connector at the more northerly driveway entrance. Mr. Teddy replied he thought Mr. Trabue could address that as he did not have the overview maps to show all of the existing connections.

Tom Trabue, an engineer with THHinc McClure Engineering Company with offices at 1901 Pennsylvania Drive, explained they were the engineering company working on behalf of the Columbia Public Schools (CPS). He stated CPS had intended to make several improvements at Rock Bridge High School and described those improvements. He commented that the site improvements were maintenance-related or related to accessory structures, and he did not believe it would have triggered the sidewalk improvements. He listed a number of expansions and noted those had not triggered the requirements for a sidewalk to be constructed along this frontage, but indicated they were nevertheless present to ask for a variance from the requirement to construct a sidewalk along the east side of the property. In 2011, the City had completed the South Providence Trail, which extended from Green Meadows Road to Old Plank Road and was a paved, concrete, all-weather trail. He commented that every property along the corridor from Green Meadows Road to Southampton Drive had been developed, and there were only two parcels with sidewalks on that side of the Outer Road. In addition, it was unlikely that any of these properties would be subject to redevelopment in the foreseeable future. He displayed a diagram showing the entire length of the site, and explained a trail connection was located at the very north end of the property at the north edge of the Career Center. In addition, trail connections were located at the main entrance to the High School and at Southampton Drive. He stated the crest of the roadway was at the driveway where they were proposing a new connection, and as a result it was a perfect place for good sight visibility unlike the northernmost trail connection. He commented that traffic moved quickly near the northernmost trail connection, which he thought was a dangerous situation if someone happened to be in that crosswalk. He explained the main reason CPS was requesting the variance was because there was a very large drainage ditch and a number of utilities in the corner of the CPS site near Southampton Drive, and as a result, there was not a reasonable solution to building a sidewalk and making a positive connection in that area since it would involve a lot of fill, drainage pipes, the relocation of utilities, etc. He stated CPS was supportive of providing appropriate pedestrian access in the community, but construction of a sidewalk along this frontage would be difficult and costly as there was not a reasonable solution for the southern connection. In addition, they did not feel the construction of this sidewalk would add value to the community due to the investment that had already been made by the community in the South Providence Trail. They believed the variance should be granted as the South Providence Trail provided adequate north/south pedestrian and cyclist connectivity for this property and beyond, and connection points had been strategically installed with the trail construction. They thought the construction of a parallel sidewalk on the west side of the Outer Road would be redundant and unnecessary, and the connectivity from the school site



to the South Providence Trail was adequate. In addition, constructing an appropriate sidewalk would require a fair amount of cutting and excavation in an already established utility corridor, resulting in disruption and cost due to the grades along the Outer Road. The deep drainage ditch and overall topography of the property in the right-of-way at the Southampton Drive intersection precluded a reasonable construction of a sidewalk in the area. He reiterated that based on the approval of past building additions, CPS had been confident sidewalks along this frontage were a non-issue and had not budgeted for what would be an \$80,000-\$100,000 cost. While they believed a sidewalk was not required along the frontage, they had carefully reviewed the function of the South Providence Trail as it related to connectivity to the High School and Career Center, and were proposing an ADA accessible connection from the South Providence trail to the Career Center with a striped crosswalk and sidewalks, as shown, to make the connection.

Mr. Skala asked if there would be any added benefit of a pedestrian activated signal in terms of student safety. Mr. Trabue replied he did not believe there would be at this particular location as he did not believe the amount of pedestrian activity would warrant it. He explained the crosswalk would be placed where they had the highest sight visibility possible from all directions. Mr. Skala commented that he was a fan of the activated flashing crosswalk lights as they could be seen in the fog from a long way. Mr. Trabue stated the crosswalk at the main High School entrance seemed to perform very well even though it was at the inlet to the bus drive where there was a fair amount of traffic. He understood they would like to see a lot of bicycles at the high schools, but they were seeing a lot of cars instead.

Mr. Thomas understood the new sidewalk and crosswalk would look a lot like the one at the main entrance. Mr. Trabue stated it would be very similar with signage and striping. It would not have the HAWK signal and would not have an elevated bed due to where it was on the crest of the hill and immediately adjacent to the exit for the drive.

Mr. Thomas asked if there would be two crosswalks, whereby one was on the Career Center property and the other was across the Outer Road. Mr. Trabue replied there would be one crosswalk across the Outer Road and they would create a connection from that crosswalk to the South Providence Trail and construct sidewalks to make the connection back to the Career Center front door. Mr. Thomas asked if a crosswalk would be painted in the internal driveway. Mr. Trabue replied yes. Mr. Thomas asked if CPS would paint the crosswalk on the City road. Mr. Trabue replied it would be painted in conformance with City policies. Mr. Thomas understood the City would be responsible for repainting and maintaining it in the future. Mr. Trabue stated that was correct.

Ms. Nauser commented that she thought what had been presented in terms of the crosswalks and signage would be adequate for the safety of the high school students and in alerting those in vehicles of the crosswalk. She explained one of the highlights of the trail was that it connected Green Meadows Road to Old Plank Road because there were no sidewalks along there, and she did not believe there would be sidewalks in the foreseeable future as it was all developed commercial property. She thought the trail provided connectivity and allowed pedestrians the ability to access lunch venues. She stated she

would not require CPS to build a sidewalk since a trail was already located there, and would support the variance request.

Mr. Thomas explained he generally loathed granting sidewalk variances because the City was in such desperate need of sidewalks, and the ordinance was a tool to help build the network. He thought this, however, was a good example of where they might be able to grant a variance as they already had a sidewalk. It was just not immediately on the property and was across one road. He felt the requirement was satisfied by the connection CPS would build and by the other connections that already existed. He commented that he did not always like to make decisions on the argument that there were few pedestrians because they would likely not have a lot of pedestrians if there were no facilities to make it safe for the pedestrians. He noted he thought this was a good compromise.

Mr. Skala commented that he did not feel this was an issue of pedestrian facilitation and believed it was an issue of access to an already existing trail that had served the same purpose. He stated he was satisfied and would approve the variance request.

B51-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B52-16      Authorizing a contract for sale of real estate with Gates Real Estate, LLC for the acquisition of property in The Gates subdivision located near High Point Lane and Route K for land preservation and neighborhood park purposes.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mr. Skala understood this and the prior property acquisition considerations had predated the \$940,000 fund balance. Mr. Griggs stated that was correct.

Ms. Nauser commented that she believed this was a much needed amenity in the Fifth Ward and liked the fact it would be more natural as the citizens had indicated they wanted more natural preservation through the last survey. She stated she was supportive of this purchase, and would like it kept as natural and native as possible. She was even uncertain as to the need for a neighborhood park as there were pocket parks nearby and The Gates subdivision would have some very fine amenities for its residents.

Mayor McDavid stated he appreciated the fact the City had an objective scoring mechanism in determining the value of land acquisitions as it was very helpful.

Mr. Skala thanked Mr. Tompkins for reaching out with this proposal and the donation of land. He understood this would be a part of the City's portfolio of relatively natural spaces and appreciated it.

Mr. Thomas stated he also appreciated Mr. Tompkins for negotiating with the City as he believed this acquisition was a good deal as it filled an important gap in the City's parks plans. He agreed it should be left in a very natural state, and suggested as many access points as possible be provided in the development of the area.

Mr. Trapp commented that there were a lot of developmental pressures in the area, and believed the City had received an incredible deal in terms of the amount of parkland for the money. He also appreciated the donation. He understood there were some flat areas that could potentially house community gardens. He noted this was a very beautiful area so it

was bittersweet to see it developed, but it was nice that a part of it would be preserved. He thought people in the future would be thankful for this foresight and the voters for approving money for this natural space acquisition.

B52-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B53-16      Approving the Final Plat of The Gates Park located on the west side of High Point Lane and south of State Route K; authorizing a performance contract.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

B53-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B58-16      Appropriating funds to correct a funding shortfall in the Sewer Utility as it relates to the conversion of a boiler from fuel oil to natural gas.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Peters asked how this would be funded. Mr. Johnsen replied it would come from the retained earnings for the sewer utility, as the funds from Fiscal Year 2015 had been rolled back into it.

B58-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B61-16      Amending Chapter 13 of the City Code as it relates to pawnbrokers.**

The bill was given second reading by the Clerk.

Ms. Thompson and Assistant Police Chief Hunter provided a staff report.

Mayor McDavid commented that he was always uncomfortable with rules and regulations that stopped at the city limits, and asked for the differences between the proposed ordinance and the existing state statutes. Ms. Thompson replied in her view, there were not any significant differences. She explained the state statute required pawnbrokers to identify the individual that placed goods for pawn and to provide receipts.

Mayor McDavid asked why the City needed to replicate it if there was already a state law. Ms. Thompson replied the City had the ability to specify how they wanted the person's description to be ascertained by adding a requirement for a photograph or to provide for a waiting period before disposition of the property, if desired. She stated the City had the ability to supplement anything in conformance with existing state regulations.

Mayor McDavid asked if a waiting period was part of state statute. Ms. Thompson replied no. She explained there were waiting periods if a legal hold was placed on an item. She understood the Police Department wanted the opportunity to determine whether an item needed to be placed on hold. The Police Department did not have that opportunity if an item

was sold or destroyed very quickly. They were asking for a reasonable amount of time in which to review records to determine if action needed to be taken.

Mayor McDavid asked why someone would not just go to Ashland if they were selling a stolen item and did not want their picture taken. He thought this action might make it harder to trace stolen goods. Deputy Police Chief Schlude commented that it did not do the police any good if they did not have good identification. She noted there were a lot of burglaries in Columbia and they had issues when people were burglarized during a 10-day vacation because there was a delay in reporting the burglary. Mayor McDavid stated that point made sense to him, but he thought people would go outside of the city limits to sell the items, and that would make it harder to recover the stolen goods. Deputy Chief Schlude commented that the burglary problem was very frustrating as it took good real time information and luck to catch someone in the act, and noted they ultimately wanted to branch out beyond pawnshops. She thought most pawnshops in Columbia were very cooperative. The problem was with many secondhand good retailers. Mayor McDavid commented that everyone was a secondhand dealer as most people had sold some personal property, and he listed secondhand music stores and sporting goods stores as examples of where someone might sell used items. He noted there were also methods through E-bay and other internet sites.

Mayor McDavid suggested this be thought through a bit more and potentially tightened up as he personally felt there were loose ends. He understood the intent, but wanted to know if it would work and what other communities had done. He wondered if this would make it harder to recover stolen goods. He noted he also wanted to know the differences between the proposed ordinance and the state statute, and the success rate of other communities with similar rules to the proposed. He commented that he would likely ask for this to be tabled after all comments were heard in order to obtain the information stated and gather input from pawnbrokers and other secondhand retailers to ensure there were not any unintended consequences as he thought an unintended consequence would be driving stolen goods outside the city limits where it could theoretically be harder to trace.

Mr. Skala assumed there was currently no requirement for photographs to be taken and it would be relatively easy to do since cell phones now had cameras. He also understood there had previously not been a waiting period, but it was something the Police Department would appreciate. He commented that he did not object to looking at this issue further and agreed more restrictive rules within the city limits could become an issue, but noted they had weighed that issue when discussing Tobacco-21.

Ms. Nauser understood pawnshops already took state identification from customers and had video surveillance in their stores. She also understood only fourteen stolen goods had been recovered out of 6,000 transactions through the “leads online” system. She asked why the state identification, which had a photograph, along with the video surveillance was not sufficient. She wondered how a photo taken with a cell phone would provide better information than the video surveillance. Deputy Chief Schlude replied she thought the issue was with real time information. She explained she had blonde hair on her driver’s license picture and likely weighed less. It was a real time issue in terms of beards, length and color of hair, etc. The ability to take pictures was so much easier now than it had been when the

ordinance had first been enacted. Ms. Nauser agreed it might be easier now in terms of technology, but noted she did not feel that meant they needed to utilize it.

Ms. Nauser understood the ultimate goal was to expand this beyond pawnshops and stated she was hesitant of passing something now with the intent of expanding it further. She wondered if this would reach to people having garage sales, used clothing stores, used furniture stores, etc. She asked when it would end, and if they would all have to move to the leads online system. In addition, they would have all of this information and data that would require someone at the Police Department to review in order to make any connection to a burglary, which would be difficult with the current constraints on the Police Department. Assistant Chief Hunter explained they already had one civilian investigator that was dedicated solely to this. His entire job was to check leads online, correspond with all of the pawnshops, and investigate online and social media sites for stolen goods. Ms. Nauser commented that there were quite a few secondhand stores in Columbia, which would increase the data he would have to review. Assistant Chief Hunter explained the civilian investigator had identified the secondhand stores that would more likely be impacted by the stolen goods market. Deputy Chief Schlude stated they had reviewed ordinance in other jurisdictions in order to strike a balance. In regard to expansion, she thought they would be most interested in sporting goods and electronic goods, which included video games and consoles. She agreed they did not have the staff to look at everything, but they were able to conduct case specific reviews for particular items if they were aware of a burglary, which was another reason they wanted a waiting period. Ms. Nauser commented that she likely had less issue with a waiting period. Her concern was with photographing people that were participating in a legal transaction.

Mr. Trapp asked if the 7-day hold would apply to someone that pawned an item on a Friday and wanted to repurchase it on Monday. Ms. Thompson replied no, and noted it would only apply to a sale to a third party.

Mr. Trapp asked if every pawnshop had video surveillance. Deputy Chief Schlude replied she thought they all did, but noted she could not speak to the quality of the video. Mr. Trapp understood there could sometimes be difficulty in obtaining good static images from video. Deputy Chief Schlude replied that was correct, and explained the quality varied from store to store.

Mr. Trapp asked if in their opinion, as law enforcement officers who were trained in solving crimes, these proposed ordinance changes would make it easier to pursue prosecutions, even to the point of a homicide. Deputy Chief Schlude and Assistant Chief Hunter replied yes.

Mr. Trapp asked if there was any relationship between the drug trade and the pawning of stolen goods. Deputy Chief Schlude replied yes. Mr. Trapp asked if there had been a big increase in heroin overdoses in Columbia. Deputy Chief Schlude replied yes.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, explained he represented Midwest Gold and Gem Corporation, who did business in Columbia as Family Pawn. They had three stores in others communities and two in Columbia, located on the Business Loop and Paris Road. It was a company that had been founded by Don Mayse over 30 years ago, and they had always cooperated with law enforcement. He noted they

were opposed the proposed ordinance for various reasons. They believed it was an unauthorized departure from state law and felt it was unnecessary as they were not sure what was broken that needed to be fixed. In addition, portions of it were personally intrusive and discriminatory in that it covered only one small segment of the secondhand market. He commented that he believed there were at least five departures from the state statute, and listed a few of them to include the 7-day hold, the prohibition of the purchase and pawning of items that no longer had a serial number, and the photographing of the heads and shoulders of those involved in cash transactions. Photographing was intrusive and sent the wrong message to the customers of Family Pawn as virtually all of them were hardworking, law abiding people. He stated it felt like a booking to him without the fingerprints, and thought it would have a chilling effect on the pawnshops in Columbia. He pointed out the amount of trafficking of stolen goods at Family Pawn was minimal, and understood there had only been 14-15 items out of over 6,000 transactions in 2015. They did not feel the ordinance would be effective, and agreed with Mayor McDavid in that it might be counterproductive. He noted there were other methods to selling stolen items, such as E-bay, Craigslist, sales on the street, flea markets, etc. They did not feel this would address a substantial enough sector of the secondhand trade. He pointed out Family Pawn already met state statutes in terms of recordkeeping and participating in the inputting of information in the database. They also cooperated with law enforcement upon request.

Eugene Elkin, 3406 Range Line Street, suggested they rethink the holding period, and suggested fingerprinting instead of taking a photo. He did not see the need to take a picture since there was a photo on the state issued identification. He commented that there were times when there were too many regulations.

Robert Hayes, 100 N. Keene Street, stated he had been a resident of Columbia for 36 years and noted he represented the secondhand store, Army Gear. In the six years he had worked there, he could not recall a single time the police officers had come to his shop to investigate a stolen property item. In terms of the practicality of the proposed ordinance, he pointed out he had people that brought in four tubs worth of items, so there could be five items or 105 items. In addition to military items, they could have items that could be considered sporting goods, such as outdoor gear and camping gear. It would be an unbelievable task to try to record those items and obtain permission to take a photograph because people already felt a severe invasion of privacy existed. He thought the proposed ordinance would cause them to loose sales, trust, and potentially sales tax. He commented that about 2-3 times a year, they might receive a phone call from a soldier indicating gear had been stolen out of a car. In those cases, they took down a name, phone number, and a description of what was missing, and would watch for those items to come through the door. They had yet to identify anything that had been stolen at their store. Although he sympathized with the Police Department, he was not sure how this ordinance would help.

Jordon Hargrove, 107 Arbor Drive, commented that he managed pawn shops and one of the biggest issues he had with the proposed ordinance was the unknown costs as they would have to make equipment and software upgrades as their current software was not capable of meeting the requirements of the proposed ordinance. He did not know if that meant \$1,000 per store or \$50,000 per store, so he wanted more information on what this

would require of them. He understood the desire for the waiting period as he had lived in Columbia all of his life and had been a police officers for over nine years. He suggested this be tabled for six months so they could communicate with the Police Department as he wanted to know how many times a police officer had come talk to them after a stolen item had already been sold. He wondered if it occurred once a year, 100 times per year, etc. as he did not believe it happened very often.

Ms. Nauser asked for clarification about the leads online process in terms of reporting, and how the information taken from a driver's license was protected. Mr. Hargrove replied they collected almost everything that was on the driver's license and a description of the item. That information was entered into a program they had written, which was then submitted through an encrypted file to "leads online" every night from every store. He pointed out they had complications about once every four years, and one of the police departments they reported to would let them know the information had not been received so they could fix the problem. Ms. Nauser asked if a description of the item and serial number was included. Mr. Hargrove replied the make, model, serial number, description, and any notes, such as a color, was included along with who they had received it from and that person's information.

Ms. Nauser asked how it would affect the process if they had to take a photo of every customer in terms of storage and how they would be able to protect that information. Mr. Hargrove replied they currently did not have the storage capability for photographs. Each store had about 30,000 to 50,000 clients in the database because they had to keep it for a long time in terms of firearms records. He thought the proposed ordinance would require them to store large quantities of data. He did not feel keeping the data safe would be an issue as they did all they could to protect their databases and the information they had. He was not sure about the upload, and did not believe they would want pictures on leads online. Ms. Nauser understood the store would have to have some way to cross reference the information. Mr. Hargrove stated that was correct, and thought they might have to have a photo of the customer with the item. He stated he would need more time to look into the situation to determine if it was manageable.

John Clark, 403 N. Ninth Street, asked Mr. Trapp if he had spoken with the pawnbrokers and secondhand shops prior to proposing the ordinance. Mr. Trapp replied he had not spoken with them. Mr. Clark commented that it made sense to him to want to lessen the availability of money to buy drugs as a way to reduce the disastrous effects of serious substance abuse addiction even though he was not sure it was an effective strategy. He stated his concern with the ordinance was that the stakeholders had not been involved, and wondered how effective the ordinance would be due to the number of other places stolen items could be sold, such as Craigslist. He reiterated the desire to reduce opioid and other serious drug uses was valid, but did not believe this was a sufficiently well-developed approach. He also questioned whether there was any data-driven link to indicate this would address the issue. He thought the ordinance needed more work with input from stakeholders and those who had bought drugs to track down the other channels by which they obtained money.

Mr. Trapp asked if the civilian investigator was the point of contact for secondhand stores with regard to stolen goods. Deputy Chief Schlude replied yes, and noted she could provide his contact information after the meeting.

Mayor McDavid stated he agreed with the comments of Mr. Clark. He believed the proposed ordinance was very well intentioned, but did not feel they had considered all of the permutations and thought interaction with the stakeholders was needed. He reiterated he was averse to establishing a regulatory environment that could be sidestepped by driving ten miles, and could make the job of the Columbia Police Department harder.

Mayor McDavid made a motion to table B61-16 to the June 6, 2016 Council Meeting. He thought this would allow interaction with stakeholders and provide the opportunity to explain how this differed from existing state regulations.

The motion made by Mayor McDavid to table B61-16 to the June 6, 2016 Council Meeting was seconded by Mr. Trapp.

Mr. Skala commented that he agreed with Mayor McDavid with regard to some of the issues. He noted he did not have any particular problem with the regulatory environment if it was well thought out. He was satisfied with the comments of the Legal Department in terms of the ability for the ordinance to be a bit more restrictive than state statute, but was concerned about some of the questions that had been raised in terms of the intrusion of a photo and its effect on the business climate. He agreed they should take more time to look into the issues as he thought that might result in a better proposal.

Ms. Nauser stated she commended Mr. Trapp as his heart was in the right place. Drugs were a horrible scourge on society. She noted her son's best friend had died of a heroin overdose a little over a year ago and she had known other people whose children had died from heroin overdoses. They had access to money and had not stolen to feed their habits. She agreed they needed to address this issue as a society, but was not sure about this proposal as it had issues that needed to be worked out. In addition, she wanted to see data-driven solutions based in reality. She wanted to know what others were doing as she did not feel they had to reinvent the wheel. She suggested looking at the best practices in other communities. She believed this issue was multifaceted and would take numerous solutions, and stated she would support tabling the issue to June.

Mr. Ruffin commented that he thought it was important for them to not unfairly victimize hardworking, innocent people who were simply trying to make ends meet or the secondhand shop owners who saw very little if any stolen goods. He understood they had regulations in place that might actually prove to be sufficient for the problems they were facing, and endorsed delaying a decision in order to obtain more information and ensure they were not contradicting state law.

Mr. Trapp explained he pushed this forward because often the public hearing was what drew people to the table. He noted he had been talking about this issue for a long time in terms of council comments and to the media. He had not expected them to move forward on this tonight, and noted a few minutes before the meeting was the first he had heard from the pawnshop industry. He was not opposed to stakeholder input and working toward a solution, but felt they should do more. He believed it was sometimes important to lead as a locality, and noted Columbia had the opportunity to experiment as a charter city. He also



thought they should show support for law enforcement if they were going to decide as a community they would have fewer police officers than was standard for a community of their size. He believed they should look for every public policy angle to support their work and facilitate the solving of crimes, such as homicides and heroin overdoses, which were large harms that had to be weighed against the infinitesimal harm to many about needlessly having a picture taken. He appreciated some of the questions and believed tabling the issue was appropriate. He hoped they could have a vigorous public discussion about this issue as this phase only dealt with pawnshops. A report would later be provided to determine how they could narrowly tailor something that captured the secondhand retailers that were trafficking stolen goods. He thought it was worth addressing the fact they had the tools to capture only a fraction of the stolen items that were sold. He commented that he always weighed his desire toward action with making sure they had thoughtful public policy and had listened to stakeholder feedback, and hoped the feedback generated would be geared toward how they could work together to make the community safer and protect citizens from burglaries as burglaries were on the rise and difficult to solve. He reiterated he appreciated the concerns that were raised, but also thought they should listen to the experts in terms of solving crimes.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table B61-16 to the June 6, 2016 Council Meeting was approved unanimously by voice vote.

## CONSENT AGENDA

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

- B50-16**      Approving the Final Minor Plat of West Mount Lathrop & Thilly, a Replat of Parts of Lots 21 and 22 West Mount, located on the southwest corner of Lathrop Road and Thilly Avenue (600 Thilly Avenue); authorizing a performance contract.
- B54-16**      Authorizing Lease Amendment No. 2 to the agreement with the Transportation Security Administration, acting by and through the designated representative of the General Services Administration - Public Buildings Service, for the lease of office space in the North Terminal Building at Columbia Regional Airport.
- B56-16**      Authorizing construction of the Manor Drive storm water improvement project; calling for bids for a portion of the project through the Purchasing Division.
- B57-16**      Authorizing the acquisition of easements for construction of the Manor Drive storm water improvement project.
- B59-16**      Accepting conveyances for sewer and temporary construction purposes.
- B60-16**      Amending the FY 2016 Annual Budget by adding and deleting a position in the City Manager's Office; amending the FY 2016 Classification and Pay Plan by making a classification reassignment; appropriating funds.
- R29-16**      Adopting the revised City of Columbia Drug or Alcohol Use and Testing Policy as part of the administrative rule for City employees.
- R30-16**      Authorizing application for a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources relating to park

**improvements at the Norma Sutherland Smith Park located on Waco Road.**

**R31-16      Granting temporary waivers from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for Ninth Street SummerFest events.**

**R32-16      Establishing the Mayor’s Task Force on the U.S.S. Columbia.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER (except for R31-16 on which she abstained), PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

**R28-16      Setting a public hearing: voluntary annexation of property located on the southwest corner of Brown School Road and Rangeline Road.**

The resolution was read by the Clerk.

Mr. Trapp stepped out of the meeting room.

Mr. Teddy provided a staff report.

Mr. Skala made a motion to amend R28-16 per the amendment sheet. The motion was seconded by Ms. Nauser and approved by voice vote with Mr. Trapp abstaining.

The vote on R28-16, as amended, was recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, SKALA, THOMAS. VOTING NO: NO ONE. ABSTAINING: TRAPP. Resolution declared adopted, reading as follows:

Mr. Trapp returned to the meeting room.

**R33-16      Authorizing the temporary closure of a portion of the sidewalk and traffic shifting and reduction of the vehicular lane width on Locust Street between Ninth Street and Tenth Street, the temporary closure of a portion of the sidewalk and vehicular lane on Tenth Street between Locust Street and the alley, the temporary closure of the alley between Locust Street and Cherry Street, and providing covered protected sidewalk access on a portion of the sidewalk on Ninth Street between Locust Street and the alley to facilitate the construction of a mixed use building.**

The resolution was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Skala explained he had asked for this to be removed from the consent agenda for a number of reasons to include allowing the public the opportunity to speak about the issue. He asked if there had been any discovery or illumination by staff in its discussion with Fields Holding in terms of future plans or development agreements. Mr. Teddy replied Fields Holding had applied for several permits, to include a demolition permit for the James Apartments building on Tenth Street and building that housed Britches and Quinton’s Bar and Grill on Ninth Street. They had also applied for a land disturbance permit, which would involve the grading and preparation of the site for a building. In addition, this month, they had applied for a footing and foundation permit. He explained the City had not yet received full building plans. The only description of the building they had was from the developer himself saying he intended construct a 10-story mixed-use building, which would include two levels of parking, eight levels of apartments, and commercial storefront space on Ninth Street. He

noted there was a plan sheet that illustrated how they were proposing to layout the ground level. The site development permit indicated where the utility connections were proposed to be made. The sewer was on Locust Street and water was on Ninth Street. He stated an off-site storm sewer would run to the work the City had scheduled for Elm Street, so they would upgrade sewer. He commented that a development agreement had not been discussed, and noted the Sewer Utility Division was evaluating the data on the building, which had been furnished directly to that Division, to determine if the 8-inch main system was adequate.

Mr. Skala asked if there was an expected timeline for the evaluation. Mr. Teddy thought it was expected to be done by the end of the month. Mr. Skala understood that would pre-date any view the Community Development Department would have in terms of the building plans. Mr. Teddy stated there would be at least a two week review once the building plans were submitted. Mr. Skala understood the plans would likely be submitted after the evaluation of capacity. Mr. Teddy stated that appeared to be the case since they were into the last ten days of March.

Dave Bennett, an engineer with Engineering Surveys and Services with offices at 1113 Fay Street, stated they were the civil engineers on this project. He explained, in the interest of public health and safety, they were extending the lane closure plan for the long-term so they could cover the time they would be in construction as well. He understood the connections for sewer, etc. would all have to be place prior to moving forward with the project.

John Clark, 403 N. Ninth Street, commented that he found the piecemeal City process of being able to move one step at a time in terms of permits disastrous. He did not feel the City staff would be able to find justification to issue an occupancy permit at the end of this as there were disastrous levels of sewer backups, stormwater in basements and backyards, etc., which threatened the health and safety of the citizens in the Flat Branch Watershed area. He thought these issues needed to be identified earlier in the process as well. He believed adding 400 more toilets, garbage disposals, etc. would put more sewage into the system when it currently could not be controlled when stormwater entered the system. He thought it was appropriate for Council to direct staff to find there was insufficiency of the combined sanitary sewer and stormwater infrastructure capacity, and to explain to any applicant that the City might issue piecemeal permits but would not advise they apply for them, and to point out the City would not issue any occupancy permits until the threats on the ground ceased to exist. He suggested the Council do this tonight as it was the principle responsibility of the City to protect the health and safety of citizens.

Mayor McDavid stated the Council was being asked to allow sidewalk and street closures for public safety purposes by this resolution. It would be up to staff to determine if the plans conformed to the City's codes and ordinances. It would also be up to staff to determine if there was sufficient sewer, electricity, streets, etc. to service the development. He commented that there was a question as to whether this area was historic or nostalgic. He regretted to see those structures on Tenth Street and Ninth Street go, but felt it was an issue that was determined by statute, ordinance, law, etc. He commented that for the benefit of public safety, he would support the proposed sidewalk and street closures.

Mr. Skala stated he would support the street closure request as well, but he viewed this as broader in context. He noted he had voted against the platting of the property, and did so to represent his constituents that were very concerned with the unintended consequences of high-density downtown student residential development as it had a unique influence on the capacities of infrastructure, particularly in terms of sewage. He commented that he was anxiously awaiting the evaluation of the sewer capacity because he believed it was a critical issue. This was a bit out of order because they had no idea what was coming, and could only project what they thought was coming in terms of impact. He stated he was irritated by how they tended to cobble things together while displacing people on the waiting list for sewer relief, which were real health, safety, and welfare issues. He felt it did not speak well to shift priorities. He reiterated he had removed this from the consent agenda to allow the public to vent or to bring something new to their attention. He did not oppose the closures of the streets and sidewalks. He commented that he was dispirited with regard to spirit of the law.

The vote on R33-16 was recorded as follows: VOTING YES: NAUSER, PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**INTRODUCTION AND FIRST READING**

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

- B62-16      Voluntary annexation of property located on the southwest corner of Wyatt Lane and Wilson Turner Road; establishing permanent R-1 zoning.**
  
- B63-16      Authorizing a contract for sale of real estate with Vineyards Columbia, LLC for the acquisition of property located southwest of the intersection of Route WW and Rolling Hills Road to be used for park purposes.**
  
- B64-16      Approving the Final Plat of The Vineyards, Plat No. 5 located southwest of the intersection of Route WW and Rolling Hills Road.**
  
- B65-16      Approving the Final Plat of Steeplechase Estates Plat 5 located on the east side of Howard Orchard Road and north of Steeplechase Drive; authorizing a performance contract.**
  
- B66-16      Approving the Final Plat of Steeplechase Estates Plat 6 located on the east side of Howard Orchard Road and north of Steeplechase Drive; authorizing a performance contract.**
  
- B67-16      Accepting a conveyance for sewer purposes.**
  
- B68-16      Authorizing an improvement and maintenance agreement with the Missouri Highways and Transportation Commission for the College Avenue Safety Enhancement (CASE) Project.**
  
- B69-16      Authorizing Amendment No. 4 to the general cooperative agreement with Boone County Regional Sewer District relating to sewer service within Happy Hollow Estates.**
  
- B70-16      Accepting conveyances for sewer, temporary construction and utility purposes.**
  
- B71-16      Accepting conveyances for water and electric utility purposes.**

- B72-16      Amending the FY 2016 Annual Budget by adding and deleting a position in the Finance Department - Administration Division.
- B73-16      Accepting a donation from United HealthCare for wellness promotions and programs for City employees; appropriating funds.
- B74-16      Appropriating funds for Share the Light Program.
- B75-16      Amending Chapter 12A of the City Code as it relates to billing practices for the stormwater utility.
- B76-16      Amending Chapter 22 of the City Code as it relates to commercial and multi-family housing refuse and recycling services and fees.
- B77-16      Amending Chapter 27 of the City Code as it relates to water and electric fees, billing and rates.
- B78-16      Vacating sanitary sewer and storm sewer easements located on the south side of Worley Street (1312 W. Worley Street); accepting conveyances for utility and drainage and sanitary sewer purposes.

#### REPORTS AND PETITIONS

- REP22-16   Administrative Public Improvement Project: North Grindstone Stream Stabilization.
- REP23-16   Administrative Public Improvement Project: Improved Downtown Tree Planter.

Mr. Johnsen provided a staff report and noted no action was required if the Council agreed to allow them to utilize the administrative public improvement process.

- REP24-16   Downtown Columbia Leadership Council Letter to City Council relating to infrastructure and development.

Mayor McDavid stated he appreciated the work of the Downtown Columbia Leadership Council (DCLC) and noted they pointed out issues that concerned a lot of people in Columbia, such as whether there was sufficient infrastructure. He understood everything received a sufficiency of services analysis. He explained there had been a proposed 25-story high-rise apartment complex at the current Bangel's site a few years ago, and staff had notified the developer the City did not have either the sewer or electric capacity at the time. Staff had essentially deemed there were insufficient services and the issue did not make it to the Council. He reminded the public of the proposed rezoning in conjunction with a 1,000-bed student apartment complex at Highway 63 and Stadium Boulevard, which they had not approved, and noted he had voted against it because he did not believe they had the adequate parking infrastructure to add 1,000 student commuters. He commented that either sufficient services existed or they did not. It was not a political question. It was a factual question. He understood the public wanted to know the numbers, and understood they were reaching the maximum for electric capacity in the downtown. Mr. Matthes stated they were getting close to capacity again.

Mr. Matthes explained staff looked at every plan, and every plan was different. Depending on the use, the property would utilize more or less sewer, electric, water, etc. Every project was analyzed on its own merits and its own impact on the system. He pointed out the City staff members were professionals in that they had devoted their life to this and had advanced degrees. They put their credentials on the line every time they stamped

something as okay. He commented that they had said no to some projects a few years ago because they were out of electricity and were worried about the sewer situation. He explained they had a list of projects they had reviewed then and the ones Council ended up approving had lower impacts than the others. He stated that as time progressed, Council had fixed the problems by funding projects that would resolve the issue and create more capacity. He pointed out staff reviewed projects as they came in and kept a running list of what was left in terms of capacity. He explained the fundamental role of staff was to apply the laws previous Councils had passed and their discretion ended at a yes or no in terms of whether it met those laws. If a developer made a compelling argument, staff brought it to Council to decide, and a development agreement would be negotiated a big problem was involved. He stated electric capacity was currently available, but it was a lot less than sewer. He commented that staff was getting close to the finish line to the changes in the City Code in terms of combining the subdivision code with the zoning code, and it would create a big change. Staff would then review items based on the new rules if adopted by Council.

Mr. Skala stated he believed the DCLC did good work and tended to bring up issues in terms of sufficiency of services. He noted he was not questioning the professional staff as they did great work. The issue was whether there was something inherent in the process, which the Council needed to decide as policymakers. He agreed the 25-story apartment building did not make it to the Council, but the development had been reported in the newspaper, and the Council had reviewed what could be done legally resulting in the C-2 interim zoning rules. It did not prevent someone from building a structure higher than ten stories, but the project would go through more scrutiny if someone wanted a higher building. The result was that people were building 10-story buildings so they did not have to go through the additional scrutiny, and that was perfectly legitimate. He noted the Council had been criticized for the interim C-2 zoning, but it was done because they were worried about the health, safety, and welfare of the community, and he thought it had been a prudent action. He commented that growth had tremendous benefits, but it also had tremendous costs. Although the City was gaining capacity with the Flat Branch relief sewer projects, the citizens were upset with the amount destruction to greenspace when burying the sewers. This was all due to densely developed student housing. He explained he was not opposed to student housing, but believed a balance was needed. In addition, he thought they needed to consider how this affected other people downstream in terms of health, safety, welfare, and aesthetics. He stated he looked forward the Unified Zoning Code and the associated debates. He reiterated his appreciation to the DCLC for continuing to bring issues such as this up as it was on the minds of a lot of people.

Mr. Thomas commented that he also appreciated the letter from the DCLC as it raised some important questions. He thought the information regarding capacity should be more transparently available to the Council and public. He understood there were formulas involved, but felt they should be able to know how much capacity was left in any major sewer and how many toilets could be hooked up to it before it needed to be expanded. He also understood there were wet and dry weather situations, but believed more clarity would be helpful in making decisions. He commented that he also thought there should be more transparency and clarity about how new infrastructure was funded. Through his analysis, the

majority of the costs of expansion were paid from existing rates and taxes for most of the utility and infrastructure systems. Those were not covered with development fees as the development fees that existed were too small. He noted the sewer fee was approaching a more equitable position. He felt if they had more clarity on all of these issues, they could have a proper debate, allocate costs in a fair way, and get past a lot of the challenges they were having with growth and development.

**REP25-16    Intra Departmental Transfer of Funds Request.**

Mr. Thomas asked about the Moore's Lake restoration project. Mr. Matthes replied it was the lake behind the electric plant that was essentially an ash pond, and this project was the effort to clean it.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Gail Plemmons, 17 Aldeah Avenue, commented that development taxes never paid for infrastructure and people in her neighborhood had experienced sanitary sewer backup issues for years, which was a health and safety issue. She noted they received very little help when contacting the City regarding these problems. She stated they were continually told there was nothing that could be done to prevent the dense developments due to the zoning laws, but she did not feel that was acceptable. She understood the voters had declined raising development fees a few years ago, but thought there had to be a way to make those fees more realistic as development placed a strain on infrastructure. She urged the Council to not give up in thinking there was nothing that could be done. Those that had the problems realized it was a big problem due to ancient infrastructure and were depressed by development continuing to be allowed in their watershed.

John Clark, 403 N. Ninth Street, stated he was not sure City staff knew what they were doing in terms of sufficiency of services. They were good with some items, but not with regard to sufficiency of services. He noted the Council had not provided any guidance on how to set up the standards, and staff determined those standards on their own. He understood the standard with regard to capacity for stormwater was for the project to not increase stormwater. He commented that the City would have an unsafe condition as long as the inflow and infiltration issues were not fixed. He pointed out the relief sewers would not solve or reduce the sewer backups and manhole overflows in wet weather conditions. The standards utilized by staff were inadequate given the problems they had in Columbia. He did not feel development should be allowed in the Flat Branch watershed as the capacity did not exist. He suggested the Council contact health agencies, such as the Center for Disease Control and Prevention, to assess the level of threat. He believed Council would have to direct staff with regard to the standard they wanted.

Eugene Elkin, 3406 Range Line Street, commented that the older sections of Columbia were impacted the most by sewer backups. He wondered if a pump system was needed since sewage was gravity driven.

Mr. Elkin explained he had attended the Home Show this past Saturday and found it interesting the business located on North Providence Road as one crossed I-70 had indicated

they would see the first tiny home in Columbia in two weeks. He suggested they look into tiny homes.

Mr. Elkin understood a company from Fulton, Missouri had set up two units on the Business Loop on Saturday with old barn boards.

Mr. Elkin commented that there had been four homeless deaths since December, and if those deaths were the result of drug usage, he thought they needed to address the issue. He understood there was an increase in drug usage throughout the community.

Mr. Elkin asked why Fulton, Missouri was attached to the City's electric system.

Mayor McDavid explained the Council was aware of the sewer and infrastructure problem and noted the voters had passed a \$33 million sewer bond issue. At least \$19 million would be used for inflow and infiltration work. He pointed out the Capital Improvement Program (CIP) Plan was a 600 page document with a detailed list of projects that were planned over the next 2, 5, and 10 years. The 10-year CIP had \$140 million of sewer work associated with it, and that work was heavily focused on the First and Fourth Wards. Those were the areas where clay pipes had been installed 50-100 years ago. The newer pipes were made of PVC and would likely last longer. The sewer bills of those in newer neighborhoods that had PVC pipes helped to subsidize correcting the old sewer structures in the First and Fourth Wards. He understood this was the price of citizenship because it was a public health issue. He reiterated they were very aware of the problem. He understood another problem was that some areas such as Aldeah Avenue were within a floodplain, and it was likely that some of those homes would not have been allowed to be constructed under current regulation. He agreed that did not mean it was not a problem they needed to address.

Ms. Peters stated she understood the City had addressed a lot of the inflow and infiltration in the First Ward already, and asked if that was true. She wondered if they could receive a report on the status of the inflow and infiltration projects. Mr. Matthes replied staff would provide an update as significant inflow and infiltration work had been done in one of the basins. He thought they were in the early phases of the work that needed to be done, but noted they had started with the worst parts of the system. He understood the inflow and infiltration work that had been done had made a significant improvement in backups, and thought there had been a 48 percent reduction in the volume of liquid coming through the sewer system when it rained. He believed they would catch up as they continued to do the inflow and infiltration work. He explained the City had also invested \$70 million in the sewer treatment facility, and they now had capabilities they did not have previously, to include the ability to pump more through during rain events. He understood the City had far fewer sanitary sewer overflows since they had begun that process. He reiterated staff would overview all of it in a report.

Ms. Peters commented that she had been contacted by a citizen about the fact the City had just held an election in March and would then hold another election in April, and asked if the election in March with regard to roll carts had cost \$100,000. Mr. Matthes replied he thought the City had been given an invoice of \$118,000 for the March election. After the



fact, the City would receive a final bill, which he did not yet have for the true final numbers. The \$118,000 was the guess on how much it would cost.

Mr. Skala understood the City did not have a choice as it had to be the very next election legally. Mr. Matthes stated that was correct, and explained the Charter stated it shall be the next available election.

Ms. Peters asked what it would have cost for the presidential primary election had the City not been involved. She thought it should have been a shared cost. Ms. Thompson stated it was a shared cost. She thought costs were allocated based upon the polling places and believed Ms. Amin might be able to speak more as to the method of calculation, but understood it was certainly more expensive when it came to a primary or the national election because of the higher turnout. More ballots had to be printed and they had to staff the polling places more fully. Ms. Amin stated she could provide the Council the invoices the City had been provided for the last couple of elections so they could visualize how the costs were allocated.

Mr. Skala explained he had participated in a preliminary meeting regarding tiny homes, and understood there would be a demonstration project at the ARC associated with the farmers market. He noted tiny homes required lots of complex thinking in terms of zoning exceptions and building codes. He stated they were in the planning stages for the demonstration project at this time.

Mr. Skala commented that his daughter, who was a police officer in Columbus, Ohio, had provided him information about a program known as Blue Courage, which he had forwarded to the City Council, the City Manager, and the Police Chief through the City Clerk, and Chief Burton had indicated the City had been looking into the program. He understood it was a morale building exercise and emphasized the good things the force in blue did. He felt these were things the Columbia Police Department needed, and thought it might also help them get a better handle on community policing given the resources they had. He understood the Police Department had planned to send training staff to a train the trainer event.

Mr. Skala believed progress was being made despite the fact the 2014 proposal had been defeated to fund more police officers. He stated great progress was being made in terms of the new police station on the north side of the community and a substation on the east side of the community. He reiterated they were doing what they could, but thought they would have to sell the public in the future on a way to get a few more police officers.

Mr. Skala stated Phase 2 of the Hominy Branch Trail had broken ground recently with the projection to be finished this fall. It would extend the Woodridge Trail under I-70 to The Links golf course trail, which came close to connecting to Indian Hills. He felt this had been a nice public-private partnership since The Links had agreed to provide public access to their trail. This project would help eliminate some of the isolation that had occurred on the northeast side of the community. He noted progress in government was always incremental, and it was nice to see the completion of these projects.

Mr. Skala commented that he disagreed to some degree with Mr. Clark when he suggested City staff did not know what they were doing. The argument could be made that they did not take as broad of an approach as some might like, but when it came to the details in terms of sewage, he trusted the staff. He agreed there were other considerations, which might require them to think more broadly, but he believed the statement made by Mr. Clark regarding the capability of staff was unfair.

Ms. Nauser stated she had a request from a constituent with regard to Club Meadows Drive. She understood a car that parked on the street continually blocked the area near the stop sign, and the neighbors wanted to know how they could initiate a “no parking” area on one side of the street. She noted she would share the contact information for the constituent with staff.

Ms. Nauser explained she had been contacted by a constituent at 4601 Vista View Terrace who had indicated he had gone through four water meters that had broken over the course of him living at this home. The result was water traveling through his yard and wearing away at the sidewalk. She understood he was requesting his sidewalk be repaired by the City. She asked staff to look into the situation and to provide her a history of the issue and an opinion as to whether his yard and sidewalk were impacted.

Ms. Nauser stated she had come upon a letter recently from a sign association regarding the proposed zoning regulations related to the sign ordinances, and noted she would provide the letter to staff so they could comment on it because she knew the issue would come up in the future.

Ms. Nauser commented that the Public Power magazine had an article regarding alternatives to transmission lines. She understood Maine required utilities considering transmission upgrades to consider non-transmission alternatives first. She stated she would provide the article to staff as she knew the issue would come up again in the future.

Ms. Nauser asked for a report regarding the timeline for the proposed new zoning code in terms of public hearings and the process going forward. She noted she had been contacted by many that were concerned with only having three minutes to approach the Council at a public hearing. She felt that would likely be an unfair process and wanted to know how they planned to proceed in terms of whether there would be work session with stakeholders, etc.

Mr. Trapp commented that at the last meeting Rhonda Carlson had made some remarks with regard to the Building Construction Codes Commission (BCCC), and they had discussed the issue further via e-mail based on some of his remarks during council comments. One idea Ms. Carlson had that he thought might have some merit was to have an energy efficiency expert added to the BCCC. He understood there were perennial openings on the BCCC, but they were all alternate members. The regular members were fully staffed and most of the alternates were staffed. He thought it was something staff should consider.

Mr. Trapp asked that Gary Taylor of Music Go Round Columbia be involved in any stakeholder process as they looked at the second phase of the pawnshop ordinance, which would include other secondhand providers. He noted Mr. Taylor had a stolen guitar now, and had lost track of the current officer in charge. He commented that there was a lot that needed to be done in terms of tracking stolen goods and looked forward to the development of a process over the next few months.

Mr. Ruffin understood it appeared as though they primarily focused on police officers in terms of race and culture diversity training, and asked if there was a specific plan for City staff and the City Council to participate in workshops of this nature going forward so they could all speak with the same vocabulary as they discussed some of the more pertinent issues impacting the community.

Mr. Ruffin explained the first principle Bryan Stevenson, the author of *Just Mercy*, had mentioned when he spoke on the University campus was that they had to be willing to get closer to the issue, and there were many ways that could be done. He noted Central Missouri Community Action (CMCA) was sponsoring the 100-Man Luncheon this week whereby they were asking 100 men to volunteer to go to the Head Start programs primarily in the First and Second Wards during the lunch hour to read a story and spend one-on-one time with a child in exchange for a free lunch. He thought this was something that put them closer to the real issues.

The meeting adjourned at 10:17 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk