

Columbia City Council
Pre-Council Meeting Minutes – July 19, 2010 – 5:45 p.m.
Conference Room 1A/1B – City Hall

Council members present: Mayor McDavid, Paul Sturtz, Jason Thornhill, Gary Kespohl, Daryl Dudley, Laura Nauser (arrived at 6:10 p.m.) and Barbara Hoppe

Absent: None

Mike Vangel distributed a handout which provided a summary of the Community Improvement District process (see attached). Adam Dushoff and Paul Land were also present and available to answer Council questions. Mr. Vangel pointed out that as a result of the CID, the CCA and SBD will be combined into a single, more effective board. The next step is for the group to deliver the petition for formation of a CID to the City Clerk so she can validate the petition. The CID will present a slate of Board members and Council will approve the board members.

The City Manager asked if they had considered asking the city, as a major landowner, to sign the petition.

The City Manager reviewed the following items:

- The City Manager requested the closed meeting motion be amended to include litigation.
- Budget work sessions – the City Manager asked for Council feedback regarding the budget review process. The Council was asked to submit their August conflicts to Carol and we would have proposed dates at the July 26 work session.
- Parks Sales Tax – Council member Sturtz reiterated his concerns with the proposal which will be set for a public hearing at the August 2 Council meeting. Criteria for land preservation will be a future work session topic.

Steve Hunt and John Glascock presented the proposed storm water regulation changes. The presentation focused on some of the changes being proposed; such as, definition changes, development includes redevelopment which must meet all 4 criteria. He also outlined the exceptions to the redevelopment and development. Staff reviewed the purpose of these changes with is to minimize the onerous process involving redevelopment. Staff will submit changes to the law department with a goal of introduction of an ordinance at the second Council meeting in August.

Meeting adjourned at 6:30 p.m.

Handouts:

CID Council Work session Notes

Judge invalidates MSD Stormwater fee

Community Improvement District Council Worksession Notes

CID Process

- In Spring 2008 the SBD and the CCA began a series of member focus groups and member surveys to set priorities.
- Top priorities were:
 1. Economic Development
Business and developer recruitment
Attracting catalytic development projects
Business and investor marketing
 2. Public Realm
Clean and safe programs
Beautification and improved pedestrian connections
Downtown master plan involvement
- In September 2008 a CID Steering Committee was created in September 2008 to study the CID.
- In June of 2009, the CID Petition Campaign began. They have now concluded the main drive of the campaign.

Member Responses

State Statute requires 50% + 1 of the vote for both per capita (where each property owner has one vote) and assessed value (where votes are weighted according to property value).

We've received:

- 64% of the per capita vote
- 76% of the assessed value vote

Only 5% have said no. Most of the remainder are out-of-town property owners or are otherwise difficult to contact.

Most downtowns consider 60% excellent. Springfield, for instance, only received about 51% of the vote for their CID.

Boone County and MU

- We've received preliminary approval from their respective attorneys and we're currently moving the petition through the organizations.
- However, we'd prefer not to wait too long to present to Council so we'll likely submit the petition to Council as we continue to work through their systems.

Revenues

- We intend to carry both the SBD property tax assessment (.4778 per \$1000) and the in-lieu of tax payments over to the CID with no change.
- We are also proposing a ½ cent sales tax, which will be a separate vote of the residents of the CID.
- A half-cent increase would add an additional 40 cents onto the price of an \$80 dress and a family of four could enjoy pizza and sodas for only 15 cents more.
- Why is the sales tax a good idea?
 1. Everyone who benefits from the new services and programs will help fund them. Customers, residents, employees, businesses and property owners all benefit from cleaner sidewalks, more landscaping and a more attractive streetscape.
 2. An increase in sales tax would bring us to parity with over 250 other stores and restaurants and 12 other major shopping districts including the Columbia Mall, the Shoppes at Stadium and all the Wal-Marts.

 www.STLtoday.com

Judge invalidates MSD stormwater fee

by Phil Sutin psutin@post-dispatch.com > 314-863-2812 AND PAUL HAMPEL phampel@post-dispatch.com > 314-727-6234 | Posted: Saturday, July 17, 2010 12:20 am

A judge has invalidated a charge for stormwater control service that the Metropolitan St. Louis Sewer District began imposing two years ago on its 500,000 customers.

Lincoln County Circuit Judge Dan Dildine ruled that the charge was a tax, not a fee, and violated the Hancock Amendment of the state Constitution, which requires voter approval for a new tax.

Dildine ruled that the district should have gotten voters to approve the charge before instituting it.

"MSD offered no new services, just a new way to charge for the services, and charge significantly more for those services, without putting the rate increase to the vote of the people," Dildine stated in the 37-page ruling.

The charge raised \$41.48 million for the sewer district in the fiscal year that ended June 30. MSD had been counting on the money — which accounted for about 22 percent of its operating budget — to fund numerous stormwater infrastructure projects in the region.

District spokesman Lance LeComb said Friday that he was disappointed with Dildine's July 9 decision, which followed a trial in April in a class-action suit filed in 2008 on behalf of ratepayers.

"We've been struggling for years to provide these services, and we finally had a steady revenue stream to provide for everyone and to do good in the community," LeComb said.

MSD might appeal the decision, LeComb said.

The district for now can keep collecting the charge of 14 cents for each 100 feet of area impervious to water until Dildine decides on damages against MSD. That ruling will come in a second phase of the trial, which is still to be scheduled.

LeComb said MSD will hold an emergency session "very shortly" to decide, among other issues, whether to continue to levy the charge.

It was left unclear whether MSD customers could receive a refund, as they did after a judge invalidated an MSD sanitary sewer charge about 15 years ago.

To make up the lost revenue, the MSD could ask voters to approve the stormwater charge, or it could reinstitute a property tax that was eliminated when the charge took effect on March 1, 2008.

On July 18 of that year, Dr. William Zweig, of Chesterfield, filed a lawsuit in St. Louis County Circuit Court asserting that the charge violated the Hancock Amendment. His suit later became a class-action case, and after circuit judges in the county recused themselves as potential members of the class, the Supreme Court assigned the case to Dildine.

As a resident of the Chesterfield Lakes subdivision, which processes sewage through septic fields and has two lakes that collect stormwater runoff, Zweig receives neither sanitary sewer nor stormwater services from MSD.

But he was charged about \$12 a month for stormwater control services until last fall, when a ruling by the state Legislature prohibited MSD from billing customers like Zweig who do not receive any services from the district. That ruling affected about 3,700 customers.

"It wasn't about the money," said Zweig. "As a doctor, I'm not exorbitantly wealthy, but I do well. But when you think the constitution is being circumvented, you can either sit back and allow people to do it, or you can step forward. In this case, I



DEFINITIONS

Central Business District: To be deleted from ordinance

Development: Any man-made changes to real estate, including, but not limited to construction, filling, grading, paving or excavation.

REDEVELOPMENT

MUST MEET ALL FOUR

1. Expands or replaces any development.
2. Is in compliance with all City zoning and subdivision laws and regulations.
3. Is on a site that has not been subdivided after (date of adoption of ordinance).
4. Site is either:
 - One acre or more with more than 20% impervious surface.
 - Less than one acre with any amount of impervious surface.

EXCEPTIONS

When development or redevelopment of a site disturbs less than one acre and is not part of a larger common plan:

- Lots within an approved prelim or final plat for single and two family residences.
- Land disturb. less than 5,000 sqft that do not create more 1,000 sqft of add. impervious surface.
- Maint. and repair of impervious surface that is less than one acre or that does not require a land disturbance permit.
- Redevelopment of less than one acre.

EXCEPTIONS

Redevelopment on a site of one acre or more is eligible for partial exemptions if it does not have an adverse impact on any known critical downstream location.

- 1. Decrease impervious surface on site by 15%.*
- 2. For every sq ft impervious surface removed and replaced or added, 1.5 sq ft impervious must be treated.*
- 3. Provide a level of service for the entire site based upon the increase in percent change in impervious surface.*

Variances

The petition shall include a written detailed explanation of all unreasonable burdens or hardships and state in detail how all options available in the stormwater manual

The petition shall address in detail how the petitioner complies with subsection (b) (1-4 and (c) of this section; including all evidence and support that no adverse down stream impacts exist and a list of all reasonable mitigation measures that are acceptable and requested.

QUESTIONS?