



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Tuesday, July 5, 2016  
7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, July 5, 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, TREECE, RUFFIN, TRAPP, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of June 6, 2016 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

The minutes of the regular meeting of June 20, 2016 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

Mayor Treece noted R92-16 needed to be moved from the consent agenda to new business because an amendment was required.

Ms. Nauser stated she needed to abstain from R89-16 due to a conflict of interest. She indicated on the Disclosure of Interest form that her family business was involved in alcohol sales. The abstention was approved unanimously by voice vote without objection.

The agenda, including the consent agenda with R92-16 being moved to new business, was approved unanimously by voice vote without objection.

#### II. SPECIAL ITEMS

None.

#### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

#### IV. SCHEDULED PUBLIC COMMENT

SPC29-16 Grace Vega, Race Matters, Friends - The need for increased community collaboration, city leadership transparency and critical thinking in order to address social inequities in Columbia.

Ms. Vega explained she was with Race Matters, Friends, and noted Columbia had been a tale of two cities for almost 200 years. Columbia had been founded in 1821, which was the same year Missouri was admitted to the Union as a slave state. She commented that she was from southwest Missouri and the city in which she grew up had been as racist as Columbia. In fact there had been a lynching there in 1890 and every person of color had been driven out overnight. She stated she had grown up without seeing a person of color until five Filipino doctors had come to town, and that had caused a great stir as some people refused to go to them for care. She essentially had not seen or grown up with anyone of color until college. She commented that she wished she could

say that race, as a social construct, did not matter, but the impact of that social construct mattered greatly. She noted Wikipedia indicated the three foundations of Columbia were education, health care, and insurance. Two of the hospitals in Columbia were founded by slave owners, and all three hospitals would likely have had rules of segregation until well into the 1960s and 1970s. Stephens College had been founded by a slave owner, and only white women were able to attend until the 1960s or 1970s. She stated blacks were first able to attend the University of Missouri after 1950, and the first African-American professor had not been hired until 1969. Columbia College had also been affiliated with slave owners and it had not allowed black students until the 1960s or 1970s. She commented that she could not provide much information regarding the insurance industry, but assumed it was primarily white since they were essentially white institutions now. A friend of hers who worked for Shelter Insurance had indicated there were two people of color in leadership there. She understood leadership at the University of Missouri Healthcare systems and Boone Hospital were all white, and the leadership at the City of Columbia was primarily white. She explained people of color had experienced 145 years of no justice or equality out of Columbia's 195 years in existence. She understood some in town would argue blacks had 55 years to get it together, but felt that was unfair as whites had been provided almost 200 years. She pointed out it would be impossible, especially with the Jim Crow laws that were in effect after slavery had ended, and because there had been no reparations for the 200 years of slavery. She stated white and black people lived parallel lives and had no common memory, and was happy the City had begun to work on the issue of social equity. She recognized Mr. Matthes for pointing out there was something wrong with the numbers, such as 16 percent unemployment in the black community versus only 4 percent in the white community. She reiterated they did not have a common memory, and quoted Georges Erasmus of the Dene Nation, who was the co-chair of the Royal Commission on Aboriginal People in Canada, as saying "Where common memory is lacking, where people do not share in the same past, there can be no real community. Where community is to be formed, common memory must be created." She asked everyone to take the time to create a common memory, and provided a copy of her presentation after the meeting.

SPC30-16

Pat Kelley - First Day Festival 2017.

Ms. Kelley, 1007 Grand Avenue, provided a handout and noted many Columbians had enjoyed the downtown New Year's Eve celebration of entertainment, music, and activities for the past 21 years. She understood Jane Accurso and her Board had informed the City, their volunteers, and sponsors earlier in the year that they would no longer produce the New Year's Eve event, and to her knowledge no other group had offered to plan a public New Year's Eve celebration downtown. She explained a volunteer group she was involved with was suggesting a New Year's Day event versus a New Year's Eve event for January 1, 2017 from 3:00 p.m. to 8:00 p.m. The First Day Festival would include refreshments, music, arts and crafts, drama, dancing, and a fashion show, and would be free to all. It would create a welcoming atmosphere that could be enjoyed by all income levels. She stated they had already been successful in booking some acts and activities, and the Missouri United Methodist Church had committed to allowing them to use their building for free as long as they provided liability insurance. She noted they had contacted all Columbia neighborhood associations and had received positive feedback. The Ridgeway and West Ash Neighborhood Associations had committed to work to make this event a success, and would approach more groups and organizations throughout the summer. She commented that she believed this free five hour long event was in step with the City's 2016-2019 Strategic Plan, which was dedicated to making Columbia the best place for everyone to live, work, learn, and play, providing a place where all families could thrive, and strengthening low to moderate income neighborhoods through increasing participation in outdoor and cultural activities. She explained their hope was that the First Day Festival would provide greater unity, optimism, and understanding throughout neighborhoods and citywide via social activity, sharing of

talents, the visual arts, music, dance, drama, etc. It would truly be an inclusive, family-friendly, non-alcoholic, drug-free, disabled accessible, non-political, fun celebration. She believed the First Day Festival would give Columbia a boost in citizen satisfaction, and since the Festival would be planned and carried out by volunteers, costs would be much less than previous New Year's Eve celebrations. They would still, however, need City approval with some measure of funding, in-kind services, and promotion assistance. She asked to meet with appropriate City staff in this regard and for the Council to approve their efforts because it could not happen without their support. She noted they would keep the Council informed of costs, logistics, etc., and extended an invite to the First Day Festival to them.

## V. PUBLIC HEARINGS

### PH20-16 Construction of the Henderson Branch sewer extension project.

PH20-16 was read by the Clerk.

Mr. Johnsen provided a staff report.

Aaron Bresette of HDR Engineering, the consultant for this project, explained he would discuss how they had arrived at the most current cost estimate. He noted the previous estimate had been calculated in 2013 and was based upon a conceptual layout using aerial maps of Boone County and historic data, which included bids and bid prices for similar projects in the previous five years. He pointed out no actual field work had been done to develop the estimate. Once HDR had been hired, quite a bit of field work had been completed, and the estimate provided in May incorporated new data, to include information from an environmental study, topographic survey, and geotechnical investigation. They learned there was high moisture and very soft soils in the area, which would require extensive trench stabilization during construction and wider easements to facilitate construction. In light of this information, they had spoken with multiple contractors and had reviewed more recent bids, which included the Flat Branch and the Upper Hinkson Creek projects. The result was a significantly higher cost, and it was primarily due to the soft soils and the current bidding environment.

Mr. Skala asked if HDR was the consultant of record since this project had begun and if it would continue to be the consultant. Mr. Bresette replied yes. Mr. Skala asked if the extensive analysis post-dated the bond issue going to the public. Mr. Bresette replied yes. He explained the City went through the procurement process to hire a consultant after the bond issue had been considered. Mr. Skala understood when this project had been listed as one of the few capital projects as part of the bond issue, it had been estimated at \$2.3 million. Mr. Bresette stated that was correct, and noted that estimate had been based on general observations of footages, pipes, and historic data.

Mayor Treece asked for the history of the project. Mr. Sorrell replied this project had been identified as a future extension in the master plan for some time. He thought there had been talk of the project since before he had started working for the City, which was about 15 years ago. In 2013, staff had put together a package that basically dealt with existing infrastructure in terms of rehabilitation, maintenance, etc. In May of 2013, during a pre-council meeting, staff had been directed to plan for growth and to expand the bond project to include some extensions while keeping the average rates at less than \$30 per month. As a result, this project, the Grindstone Phase 3 project, and 100 acre sewers had been included in the bond issue, which had been approved by the voters.

Mayor Treece asked how many customers this extension would serve. Mr. Sorrell replied a great deal. He understood 2,100 acres could be served, and it was dependent on how the property was developed. Mayor Treece asked how many would be initially served. Mr. Sorrell replied he anticipated Midway Arms, Midway Auto Plaza/Truck Stop, the golf course, and a few homeowners on the south side of the Interstate to be the initial customers. Mayor Treece asked what type of sewer service they had now. Mr. Sorrell replied they all had on-site systems. He understood the Midway Arms system was operated by the Boone County Regional Sewer District (BCRSD), and the rest were

privately owned and maintained lagoons. Mayor Treece asked if they would be customers of the BCRSD or the City of Columbia. Mr. Sorrell replied Midway Arms would remain a customer of the BCRSD per the agreement since they were already a customer. The others would be City of Columbia customers. Mayor Treece asked if the BCRSD would compensate the City for the extension of the line. Mr. Sorrell replied the BCRSD would provide \$628,047 toward the extension. They would then pay the City a monthly total of 80 percent of the total the customer would have paid the City had they been a customer of the City. Mayor Treece understood the BCRSD was a wholesale sewer district. Mr. Sorrell stated that was correct.

Mayor Treece asked for the City's policy of extending sewer services beyond the city limits. Mr. Sorrell replied they had always extended sewers out beyond the city limits, but a policy resolution required property owners to either annex or enter into annexation agreements prior to connecting to the sewer.

Mayor Treece asked if this would meet the compact and contiguous definition of annexation. He commented that he was trying to avoid a flagpole annexation that ran down the Henderson Branch and a service area connected by a dotted line. He asked if it would be a more robust annexation. Mr. Sorrell referred to a diagram and explained each parcel would have to annex in their entirety. He thought it would be compact and contiguous if that was done. Mayor Treece asked if those annexation discussions were happening. Mr. Sorrell replied he thought they were, but pointed out he had not been directly involved in those discussions. Mr. Matthes stated discussions were happening.

Mayor Treece understood the \$30 per month rate was for residential property. Mr. Sorrell stated that was correct and explained the average residential rate at this time was a little over \$24 per month. Mayor Treece asked for the rate the City could expect to recover from extending this line. He wondered if it was the wholesale cost the BCRSD would pay the City. Mr. Sorrell replied the BCRSD customers would be at 80 percent and the City of Columbia customers would be at 100 percent, which was a little over \$24 per month on average. Mayor Treece understood the BCRSD customers would get a 20 percent discount compared to the City customers. Mr. Sorrell explained the BCRSD paid the City a wholesale rate of 80 percent of the City's normal rate, but he thought BCRSD customers paid almost \$50 per month on average. Mayor Treece asked for the payback for the City. He wondered how many years it would take to recover the \$4.3 million. Mr. Sorrell replied that if the sewer connection fees were increased to \$2,000 per residential unit in October, they would need 2,150 customers for the connection fees to cover the \$4.3 million. Mayor Treece understood that was for the long term as they would not get them all initially. Mr. Sorrell stated that was correct and noted the \$4.3 million would be recovered as 2,150 connected to the sewer.

Mayor Treece asked if there was any additional financial participation contemplated from the end users as two fairly big commercial entities were involved. Mr. Sorrell replied he was not aware of any at this time.

Mr. Matthes stated ratepayers would pay for the cost of the bond issue projects over the life of the bond. He explained the negotiations that were occurring dealt with when to annex. If annexation occurred sooner, the conservative estimate was \$500,000 annually in revenue. Mayor Treece stated that was revenue to compensate the City for the services the City would have to extend to the area. It would not be revenue to pay for sewer. It would pay for police and fire protection, streets, street lights, fire hydrants, etc. Mr. Matthes stated that was correct. Mayor Treece understood one of these companies was a fairly on-line heavy retailer and noted he was not sure they would generate any sales tax from it. Mr. Matthes explained this involved the Missouri in-state sales tax.

Ms. Nauser understood there had been some DNR or EPA issues with existing sewers in the area causing the creek to be polluted, and that had facilitated the sewer extension project. She asked for clarification. Mr. Sorrell replied it was better for human health and the environment in terms of keeping the creeks cleaner to remove every discharge point and send that to the City facility since it was a regional facility. He thought there had

been some DNR activity with some of the on-site systems, but he did not know that for a fact.

Ms. Nauser understood Midway Arms would remain a BCRSD customer, but everyone else would become a customer of the City, which included the truck stop, the antique barn, and the golf course, and would pay City connection fees at a commercial rate. Mr. Sorrell stated that was correct, and noted he should have indicated that was the number of residential connections or the equivalent.

Mr. Skala understood the costs would be recovered over time as that was how they paid off bond issues, and that the bond issue was \$32,340,000. He asked if the increased cost of \$2 million meant \$2 million would be taken away from some of the other projects that had also been listed. Mr. Sorrell replied they would not take any additional bond funds for it, and noted it would be funded with enterprise revenue funds. This had been included in the budget model, and it showed the cash reserves and the debt coverage ratio would still be maintained. Mr. Skala asked where the \$2 million would come from initially. Mr. Sorrell replied about \$628,000 was coming from the BCRSD and the remainder would come from the sewer utility enterprise revenue fund, which was sewer utility cash. Mr. Matthes explained there was revenue in addition to the bond that the sewer utility had. Mr. Skala understood this would come from excess revenue that was in some sort of surplus category. Mr. Matthes stated it was retained earnings, i.e. fund balance, not specifically programmed for another project at this point. Mr. Skala understood those monies could have been put into another category. Mr. Sorrell agreed those funds could have been used for another capital sewer project. Mr. Skala thought they needed to consider spending \$2 million more for this meant they would have \$2 million less for something else. Mr. Matthes commented that they could not point to any specific project that would have to wait, but noted Mr. Skala was correct.

Mr. Thomas commented that he thought the \$628,000 from the BCRSD had been negotiated when the price of the project was \$2.6 million, so he did not feel that counted toward paying for the extra \$2 million. He agreed with Mr. Skala in that they would not be able to fund another project with the \$2 million they would take from retained earnings. He thought they would continue with the inflow and infiltration projects, but it meant they could not spend that money on something else. He thanked Mayor Treece for pointing out future property and sales tax revenues did not repay current infrastructure costs. They paid for services that would be provided at the time those taxes were paid. He believed it was a common fallacy for the Council to use that argument as it had done in the past. He stated he hoped they increased the sewer connection fee to \$2,000 per dwelling unit in October as it would then cover 60-65 percent of the cost of connecting one new customer on average. He commented that he was concerned that all of the relevant information had not been provided to help them make a decision as to whether or not to proceed. He recalled considerable Council discussion and legislation in 2014 and 2015 that had not been included as part of the packet. Mr. Matthes stated Mr. Thomas was right in that some information had not been included in the packet. He explained the habit of staff was to provide it at the beginning of the process and not for every subsequent action. He understood a good case had been made to include it every time now that everything was electronic, and that would be implemented in the future.

Mayor Treece asked for the excess capacity at the sewer treatment plant now. He wanted to know how much of additional volume could be handled. Mr. Sorrell replied they were currently in the approval process in terms of permits, but noted it was supposed to be permitted for 25.2 million gallons per day and received about 15-16 million gallons per day now. Mayor Treece asked how many millions of gallons 8,600 linear feet at a 24-30 inch diameter pipe conveyed. Mr. Sorrell replied he did not have that information with him, but could do a calculation and provide it to him in the future. He noted he thought the plant had plenty of capacity for this sewer extension.

Mr. Trapp understood the Council had voted on this before, and asked if it had been a 7-0 unanimous vote in favor of it. Mr. Matthes replied there had been a number of votes, and

although not all had been 7-0 votes, many had been. Mr. Trapp understood this was ongoing and previous Councils had approved it. Mr. Matthes stated that was correct. He explained it had been initiated by Council as well.

Mr. Trapp asked if Midway Arms would have to annex in order to connect to the City sewer. Mr. Matthes replied yes, and noted that had been the conversation, which had been positive thus far.

Mayor Treece commented that to be fair they should acknowledge the previous Councils had not necessarily voted on a \$4.3 million project.

Mr. Matthes clarified Midway Arms would have to sign a pre-annexation agreement, which was slightly different than annexing now. A pre-annexation agreement would require annexation at some point when the City boundaries connected. He noted they had discussed making an earlier contribution to the City for all of the other services through annexation, i.e. annexing on connection versus signing a pre-annexation agreement.

Mayor Treece commented that he had concerns with regard to a pre-annexation agreement and wondered how the contiguousness of a property would be established if one of the front-line landowners could choose not to annex as that was necessary for annexation. Mr. Matthes stated they would have to wait for the contiguousness to occur if there was a pre-annexation agreement. What they had discussed with the property owners was to go ahead and annex now. Mayor Treece thought that would be at odds with the City's policy of requiring annexation of the land prior to the connection of the service. Mr. Matthes replied he believed there were two triggers. One was whether they planned to use the sewer and the other was whether they were contiguous. If the property was not contiguous, the property owner would agree to annex when the property became contiguous. This was when the pre-annexation agreement came into play. If the property was contiguous, the property owner would have to annex the property. Mayor Treece pointed out the pre-annexation agreement did not give the City any of the resources necessary to offset the extension of the line. Mr. Matthes explained they would still be a sewer customer so they would pay a connection fee and a monthly rate, but there would not be any other revenue in terms of sales tax or property tax.

Ms. Nauser asked if everyone would sign the pre-annexation agreement and continue negotiations with regard to annexing earlier. She was trying to determine how the process would work. Mr. Matthes replied the sewer project and annexation conversation were on parallel tracks. At a minimum, the property owners would have to sign a pre-annexation agreement. They were talking to them about something more. Ms. Nauser understood at a minimum, everyone would sign a pre-annexation agreement. Whether or not people would annex in advance would be a separate conversation. Before anyone could utilize this service, they would either need to annex or sign a pre-annexation agreement. Mr. Matthes stated that was correct.

Mr. Skala understood a property owner could connect property to a sewer by paying the connection fee and signing a pre-annexation agreement, but there was not a time limit on the pre-annexation agreement so they could have a situation whereby they were utilizing the City sewer without being annexed for 10-15 years. Mr. Matthes stated that was correct. Ms. Nauser understood the City would still receive fees for the use of the sewer. Mr. Matthes stated that was correct.

Mr. Trapp asked how much the property owner would pay for sewer with a pre-annexation agreement. He asked if it was 150 percent of the sewer rate. Mr. Matthes replied if they remained a BCRSD customer, they had to essentially pay both the BCRSD and the City, but if they were a City customer, they would pay 100 percent of the cost to the City. He stated 80 percent of the 150 percent came to the City for BCRSD customers as it was reflective of the BCRSD handling the pipe while the City treated the waste. It was a pretty good calculation of the cost investment ratio of the combined service. BCRSD customers paid more than if they were City customers, but it was reflective of the fact there was a third party that had a smaller base of customers with which to spread the

cost of infrastructure.

Mr. Thomas asked if the monthly base charge and fee for treating sewage was 80 percent of 150 percent of what a normal customer in the City would pay. Mr. Matthes replied it was 80 percent of the City's 100 percent. The City received 80 percent of the normal revenue from that customer.

Mr. Thomas asked for clarification regarding the 150 percent. Mr. Matthes replied that was only for BCRSD customers. The BCRSD had to pay 80 percent of the 150 to the City of Columbia. Mr. Thomas understood 80 percent of 150 percent was 120 percent, and asked if they received 120 percent of what they would normally receive from a customer of the City from the BCRSD. Mr. Matthes stated that was not correct, and noted he had not explained this well. The BCRSD provided the City 80 percent of what they would charge that customer to serve them, and they charged the customer 50 percent more than the City would. Mr. Thomas understood they received 70 percent of what they charged and the City received 80 percent. Mr. Matthes stated they received 70 percent of the total cost to the customer while the City received 80 percent of the total cost to the customer.

Mayor Treece opened the public hearing.

Martha Brownlee asked if Midway Arms was a purveyor of ammunitions and whether they sold firearms and munition for firearms. She thought that would create a lot of sales dollars and wondered why they would be exempt from City taxes. She understood they were the biggest income producing business in that area.

Laura Mitchell commented that it was interesting to hear how annexation would occur and whether this was the most reasonable part of the outlying areas of Columbia to annex at this time.

Traci Wilson-Kleekamp stated this appeared to be an equity issue, and noted she was having trouble with the math. She could not see how this worked out for the City of Columbia.

Ken Midkiff, 1005 Belleview Court, explained he was a member of the Environment and Energy Commission (EEC), which had expressed some concern about the environmental impact of this project, but noted he was not speaking for the EEC. He stated he was speaking a taxpayer and a member of the Fourth Ward. He commented that he had been contacted today about the MKT Trail along Flat Branch as it was a mess, and as a taxpayer, he was not getting any benefit from helping downtown developers. In this situation, they would be helping the developers by Midway, and he failed to see how he would benefit from it. He stated only a few would benefit, but the majority would pay the price.

Dan Cullimore, 715 Lyon Street, commented that the bond issue had been sold as a matter of quick calculations because none of the facts on the ground had been available. The City had worked from estimates of prior projects. He believed they were sold a bill of goods on the bond issue and did not feel the City should move forward with this project. He did not think the project should be approved because the public was not presented with the information necessary to make a sound fiscal judgement. He did not believe doubling the price of this project served the interest of Columbia.

Peter Yronwode, 203 Orchard Court, commended the Council for their trenchant questions with regard to this project as he felt it was helpful to hear some skeptical analysis in terms of the finances and future costs. He suggested this project be viewed via a broader perspective. He understood the project had been conceived as a prudent approach to the future because it would only be more expensive in the future when it would be needed. He felt that was based on an assumption that urban sprawl would continue in that direction as it had to the south, east, and north. In addition, he had heard most members of the Council speak against sprawl at one time or another. He believed this was more of a build it and they will come project whereby the infrastructure was being built now in anticipation it would attract development and sprawl. He felt this was philosophically unacceptable if they were looking at sprawl as a problem. He

wondered why they would encourage it by building a major piece of infrastructure that was not needed at this time. He questioned the validity and sense of spending this kind of money in this way at this time when that money could be spent on improving existing infrastructure for which there was an obvious need throughout the City. He urged the Council to put this project on hold and look to the needs of current residents.

John Clark, 403 N. Ninth Street, asked those in the audience that felt this project was premature and needed further review to stand. Approximately 15 people stood. He commented that the Henderson Branch watershed had not been marked on the map, and suggested it be shown so they could see it. He noted he did not believe they should do anything in this area until an area plan was completed as it provided the fundamental background for the direction of growth that would guide annexation and any other kind of planning going forward. He stated he liked being able to get rid of lagoons, but he did not agree with the policy of Columbia needing to grow and the use of sewer extensions to ensure they grew physically. He did not believe Columbia needed to grow and did not feel these areas would remotely ever pay enough for the goods and services they would need with the current financial structure. He suggested the Council not do anything until they had a policy for addressing growth. He also thought the question Mayor Treece had asked in terms of the amount of flow in wet weather and dry weather added to the wastewater treatment plant needed to be answered. He felt a real and legitimate fiscal impact statement was needed as well. He commented that he understood Midway Arms or another property owner would be faced with having to treat their wastewater in order for it to be accepted and thought they should know how much the property owners would have to pay to upgrade their facilities. He stated he did not know if the City needed to grow in that direction, but believed more planning and thinking was needed prior to moving forward. He noted Mayor Treece had mentioned a number of the policy issues that needed to be thought about and developed before discussing this project again.

Jeremy Root, 2417 Beachview Drive, thanked the Council for their thoughtful consideration of this project. It marked a continuation of efforts that had been going on around the idea of extending the sewer to the west for years, and they had arrived tonight at a public hearing around the construction of this project with new information about the cost, which was not just a mild overrun. He noted he was not sure of the exact number that had been presented to the public when the bond was approved, but it was not \$4.3 million. He encouraged the Council to not take action on this project tonight in light of the new information and in order to obtain information necessary to make an informed decision. He commented that he would like to know more about the quality of the wastewater that flowed from Midway Arms as munitions factories tended to generate wastewater that had a different environmental risk than some other types of industry. If the City was bringing different types of affluent into the system, it might present different environmental risks. He pointed out they also did not know the volume of wastewater that would flow down the 8,600 linear feet of sewer pipe, and believed that was an ascertainable figure or estimate. Before the Council decided to spend \$4.3 million of public money to extend the sewer to an area presently outside the boundaries of Columbia, he thought they needed this type of information. He commented that he was a little troubled with extending the sewer in that direction when the sewer within the city limits was suffering. He believed there were deficiencies and defects that would cost millions to remedy and suggested the Council consider making it a priority instead of authorizing the extension of the sewer in a direction they were not certain the City would grow otherwise. He agreed the sewer would provide public good with reduced contamination in the streets and streams, but he was not sure they had enough information to decide if that was a good idea tonight.

Katrina Boles, 1009 Again Street, commented that she was concerned as to whether or not growth would occur in that direction and whether 2,100 people would decide to live there in order to pay off the bond in 15 years. She noted she was also concerned about infrastructure within the City. As someone that had experienced sewer backups, she



wanted to see that come to an end prior to providing sewer elsewhere.

Joe Bechtold, 5701 Thornbrook Parkway, stated he was the owner of the Midway Travel Plaza property, which was 130 acres. He explained discussions regarding the sewer extension had begun 15 years ago, and at that time, there was likely more interest by the City Manager than the property owners as they would have struggled to pay the additional taxes of being in the City at that time. He noted there were quite a few businesses on the property, some that he ran and others that he leased. He listed the businesses, which included a restaurant, country western bar, an 86-room motel, an antique mall, a boot store, a fireworks store, a truck repair center, and a daycare. He commented that he had been provided the opportunity to expand, but was unable to do so with the current lagoon system. He stated four developers in the last five years had purchased property contiguous to them, and two, from out of town, had not done their due diligence as they could not develop since there was not a sewer system in the area. They had come to him to discuss the situation because they understood a 100 home subdivision would not get them sewer. He explained he was in a better position to pay City taxes now since their debts had been reduced. He understood the gross receipts tax on the utilities would be about \$30,000 per year, and they would pay a \$1 per carton tax on cigarettes. In addition the motel would be subject to the hotel/motel gross receipts tax if annexed into the City. He did not feel the two percent sales tax would negatively affect his business and would result in close to \$200,000 per year. He pointed out that cities tended to expand along interstates, and a benefit of that was that the cost to improve the highway was not the responsibility of the community. He explained it took him 20 minutes to get downtown from his home in the Thornbrook area, but it only took 11 minutes from Midway, so the interstate assisted with some of the issues of sprawl.

Pat Fowler, 606 N. Sixth Street, stated she was concerned about extending the sewer to the Midway area at an increased cost to ratepayers since they would be making the bond payments. She commented that she did not believe they intended to preference this class of property owners over the owner-occupied property owners in the central city area. She thought they had every intention of working hard to bring economic prosperity to those citizens, but felt they needed to do something different than they were currently. She asked the Council to immediately allocate an amount of money, such as the sum of the increased cost, to central city infrastructure needs if they were inclined to approve this sewer extension as there were many needs. She urged the Council to think carefully about their action in concert with the City's stated goal of economic prosperity for all of its citizens.

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

Mr. Skala understood an urban service area functioned as a guide to where services might realistically be provided at a fair cost to citizens, and beyond which the provision of some utility services might not be prudent or cost-effective. He also understood the City should establish an urban service area, which it had, and adopt policies to discourage growth outside of it to ensure orderly growth as enforcement of the urban service area would come from limiting City contributions to those public infrastructure projects budgeted in the capital improvement project program. He asked if an amendment would be required to the urban service area if they chose to extend this sewer. He believed this language implied a mechanism needed to be in place to recover some of those costs or they should amend the urban service area to include this area, and asked if that was correct. Mr. Matthes replied staff would concur with his thinking. If the Council approved this project, they would recommend amending the urban service area boundaries to include the full sewer basin.

Ms. Peters asked how far out the urban service area went today toward Midway. Mr. Matthes replied it generally followed the current city boundaries on the west side of Columbia. The east side included areas outside of the current city boundaries.

Ms. Peters understood there had been a lot of discussion with regard to Midway Arms and providing service to them due to the amount of people they employed. She thought

there was an agreement or expectation the City would provide them the sewer service they needed to keep them here. She asked if Boone County had any opinion on this issue. Mr. Matthes replied the Boone County Commissioners had not expressed any opinion to him. He thought they would likely defer to the BCRSD, which was autonomous, on the sewer issue, but they likely had points of view on growth and development. In terms of Midway Arms, there had been conversation in the past as to whether they would move from that location if they could not expand, if they ever had a need to expand. Ms. Peters asked if they could not expand without being hooked up to the City sewer. Mr. Matthes replied not very effectively. It was one of the infrastructure pieces that would have to be in place for any meaningful expansion.

Mr. Thomas explained he thought when Columbia was a small town almost everyone wanted it to grow in order to bring in different kinds of businesses and people. He felt there had been a lot of belief in future revenue coming from people moving to Columbia and a lot of will to facilitate and subsidize growth, and that this had continued until very recently. He commented that the vast majority of people he had spoken to did not want to subsidize growth, and noted it was baked within a lot of the City's policies and procedures. The connection fee, road development fee, etc., were per unit charges of new population to supposedly allow the expansion of public infrastructure systems, were woefully inadequate. He stated the sewer fee had been increased, and they were on track to get that to \$2,400 in over a year's time, which was about 75 percent of what it needed to be in his opinion. He pointed out there were many other things that tended to favor growth and still favored growth. He thought they were finally having a good, transparent conversation about growth, and noted they were not talking about stopping growth as they only wanted growth to pay its fair share or be subsidized at a level at which everyone was aware. He understood some had mentioned equity, and he believed this was an equity issue. He felt growth had been very profitable for a very small group of people, and they had a huge financial incentive to keep their expenses as low as possible. He believed this small group of powerful people had a very excessive influence on the City of Columbia in terms of the Council and staff. If they were truly committed to equity, he believed this needed to be confronted by looking at the decisions made to ensure they were equitably sharing the generated prosperity. He commented that the encouragement of growth had led to a lot of sprawl and had made overall infrastructure costs higher since pipes, wires, and roads had to travel greater distances. He believed the Perche Creek was a very good natural boundary on the west side of Columbia, and understood the urban service boundary was entirely on the east side of the Perche Creek. He noted the comprehensive plan had been a community driven process and had led to the creation of the urban service area, and pointed out the Council that had adopted the comprehensive plan felt the Perche Creek was a good western boundary. He stated there were some preposterous plans on record to fly Broadway and Smith Drive over the Perche Creek, which he felt would lead to low density developments. He agreed this area had some development already, such as the Midway Travel Plaza and Midway Arms, and they had sewer ponds, which were undesirable and unsafe situations that needed to be addressed. He understood expansion of the sewer would alleviate a very serious public health issue, but it would also stimulate growth, which he did not feel most voting citizens wanted. He echoed the comments of John Clark for a proper west side planning process similar to the northeast, east, and comprehensive plan process as it brought all of the voices to the table.

Mr. Trapp commented that he felt they had already had this conversation, had moved forward, and had allocated money to conduct the deep engineering studies. He noted they could have rejected this at any of the previous times they had dealt with the issue. He stated he did not hear anything in Mr. Thomas' comments that had changed from when this had previously been approved. This had been part of the sewer master plan for at least 15 years. It had been a long standing project they had entered into in good faith with stakeholders. He believed they should follow through on their commitment, and

thought they should consider their history of decision-making with regard to any particular issue. He commented that Boone County had weighed in on this as Karen Miller, the Southern District Commissioner, had referenced the fact they had a conversation about not approving the sewer extension in a letter to Mr. Thomas regarding a roundabout they had rejected recently. He believed there would be members of the community that would look upon this if they did not follow through with the projects to which they had already committed. He thought it would be dangerous to vote this down at this late stage in the process in terms of garnering support when they went out again for capital improvement projects or a property tax for more public safety officers. If they did not keep a promise with this ballot project, he wondered how people would expect them to keep the promises they would make in future ballot processes. He noted this could be an expensive project outside of the resources already spent in hiring an engineering firm for a detailed price analysis. If they were going to reject this, it would have been better to reject it prior to hiring the engineering firm. They had not rejected it primarily because it was a part of the sewer ballot. The ballot was 80 percent remediation of the existing system, which involved inflow and infiltration and addressing private common collectors as those items helped to promote the environment. He commented that they had the opportunity to remove sewer lagoons while bringing in properties that included heavy generators of sales tax, which was what funded much of the city operations. He stated Midway Arms was not a munitions factory. It was a catalog business that sold gun accessories. The company paid a living wage and was a Baldrige Award winning company, which meant they worked toward excellence. He noted they had their own on-site treatment system, and their issues would be resolved if they could tie into the sewer system. He believed the annexation of these properties made sense economically in terms of who would connect to the sewer and how much they would pay. He reiterated this had been listed as a project for the sewer ballot, and rejecting this project would be at their peril. It was good for the environment and the City tax base, and it was good to support a strong regional employer who might decide to entertain offers from other places as he understood the State of Texas had made offers to recruit Midway Arms. He thought they might take an offer of relocating rather than investing in their own parallel sewer system. He commented that he believed Columbia treated sewer better than anyone. They discharged it into the wetlands and were conscientious about it. He believed the natural sewer basin made sense as a city boundary because no one else would treat sewer with that same level of quality. He understood there were concerns about sprawl, and pointed out this was the same Council that had placed a one mile moratorium around the center of the Columbia with regard to development. He felt there were a number of good reasons they should move forward with this project. He understood the price was higher than had been anticipated, but noted they had not engaged the engineers to conduct the detailed studies in advance. He stated there had been other projects that had come in over budget or even under budget as situations changed or events had occurred they could not have anticipated. He believed it was important to continue the actions of past councils and approve moving forward with this project.

Mayor Treece explained he had concerns about using taxpayer bonding capacity to ameliorate an EPA and DNR problem of a private sewer system outside of the city limits. He commented that before he could support this, he would need to see a cost-benefit analysis of the payback in terms of the investment that would be made. He noted he wanted to see significant financial participation from the customers that would be served by the project and greater financial participation from the BCRSD relative to the increased cost that had been identified. If this was an economic development project, he would prefer a more traditional agreement that had job retention and creation guarantees along with concomitant longevity and clawbacks. He stated he also thought a cooperative agreement was needed between the City and Boone County with regard to all mutually shared services. He commented that he was not certain the Council would have reached the same conclusion of proceeding with this project with the current set of facts. He

noted he would prefer to give Mr. Matthes thirty days to come back with annexation agreements, not pre-annexation agreements, along with the cost-benefit analysis and more financial participation.

Mr. Ruffin stated he agreed with many of the requests and questions of Mayor Treece, but he also felt it was important to honor the process of the past as others had vetted and reviewed the issue over the past 15 years. He commented that the challenge they seemed to face tonight was not just with an increase in cost, but also their new focus on social equity, which should impact their decisions going forward. He thought this was a project that could very well prove to be worthwhile for the City as a whole, but he did not feel they had sufficient information to make that decision tonight. He was certain they would not remove it from the plan, but suggested they delay it so they could gather more information and make a legitimate decision based on real information that included their focus on social equity and fully justified the increased cost by validating how it would be beneficial to the City as a whole. He felt that would make it easier for him to support the project.

Ms. Nauser stated she agreed with many of the points of Mr. Trapp. She noted the Council had recently increased the sewer connection fees to the highest in the State. The theory behind increasing those fees was that they would recoup the cost of the initial infrastructure sooner so the monthly fees collected would go toward maintenance and future repairs and costs. She pointed out they had approved this at every single stage, and now there was a potential this would not pass for varying reasons. This caused her concern. As a Council, over the years, they had generally tried to be consistent and honor those that had come before them. She did not feel they should re-debate and haggle at every stage of approval as it did not provide for consistency. She commented that she did not feel they should assume most people in the community did not appreciate growth as there were many people moving into brand new homes engulfing the Fifth and Sixth Wards. She agreed they should guide growth and encourage higher density, but pointed out they had restricted that density in the downtown. She thought they needed to focus on how they could get more high density growth as she did not feel expansion should consist of only single family homes. There was great capacity for high density growth, especially along the highway corridor. She noted sewer extensions had always been used as their guide to growth. She thought they had protections with the pre-annexation agreements, and noted they did this for individuals all throughout Boone County as they were a regional sewer service. She believed the City had the best capacity to treat sewage, and did not feel they wanted pockets of small sewer district regions. She commented that she thought it would be unfair to ask for clawbacks, etc. at this point in the process as these discussions had been occurring since at least 2013. She understood Midway Arms employed 300-400 people and provided good living wages to many people that resided in Columbia and Boone County. She stated she fully supported this, and if there was a potential this would fail tonight, she would support tabling it as well for people to obtain more information. She thought it would be inherently unfair to reject this as all individuals involved had worked in good faith and on the premise of this moving forward. It was a project that had been approved by the voters, the Council, and others. She believed it would be a terrible miscarriage of government if they allowed it to fail without at least allowing more information to be obtained through tabling.

Mr. Skala thought there was a pretty good chance this might not pass tonight. He commented that he believed the equity argument was one of the most powerful arguments for him, and noted that he had likely opposed this issue at about half of the steps taken to get them to this point. He felt there was a reason for the multiple steps as they would otherwise be allowed to vote only once and move forward without the potential for the ground shifting as part of the decision making process. He agreed this project had been listed as part of the bond issue at \$2.3 million, and understood it had been negotiated late in the process. He stated he had not had an issue with this being added to the list since most of the bond involved inflow and infiltration and other similar projects,

but noted this money could be used to help those in the First and Fourth Wards whose sewers were backing up. He commented that he was not against growth, but noted he was against growth that did not pay for itself, and felt that was the issue here. Columbia had grown exponentially from about 65,000 people when he came here 35 years ago to about 125,000 people now, and the cost grew exponentially as well as they provided more goods and services to a larger territory. He believed this was a tremendous expansion beyond the urban service area, and if it was necessary to do this, he thought they should amend the urban service area. He suggested they also conduct a cost analysis so they knew how much this would cost them, and understood who would pay for it and who would benefit from it. He pointed out this had been delayed last year so City staff could have discussions with Mr. Bechtold and Mr. Potterfield about the possibility of some contribution to this large scale project so there was a mutual benefit. The BCRSD had indicated it would provide \$628,000, but there had been no word from the other stakeholders. He understood an article in the newspaper had indicated Mr. Potterfield had received an offer from Texas to relocate, but noted Mr. Potterfield had also invested in property near Ashland so he could relocate there instead. That was beyond their purview. He commented that he did not believe they would be breaking a promise if they deferred this project or conducted extra study. He thought they had only promised to consider this need and examine it carefully before they committed lots of funds to it. In this case, the funds had amounted to almost twice as much as originally estimated. He referred to 2005 when they could not complete some projects listed because one of the capital improvement sales tax funding schemes had failed, and did not feel any list was set in stone. He stated he thought the tone of the argument had shifted, and believed they should take the advice of some in the public to take a step back and re-evaluate it in terms of a cost analysis and an area plan. He noted they would always have more needs than funding, and this was a situation they should carefully weigh. He commented that he could not support this at this time.

Ms. Peters suggested they table this issue for three months to allow time for some of their questions to be answered and for a review from a social equity and cost-benefit standpoint as it involved a huge increase in costs.

Ms. Peters made a motion to table PH20-16 to the October 3, 2016 Council Meeting. The motion was seconded by Ms. Nauser.

Mr. Thomas stated he thought that was a good motion, and noted he would like the entire legislative history on this project. He explained they had referenced previous discussions and votes and he wanted to review exactly what was discussed previously along with any commitments made. He agreed with Mr. Trapp and Ms. Nauser in that it was not helpful to anyone for a legislative body to say one thing and then say another, which they had been doing. He thought the change might represent a paradigm shift in the feeling of the community, but did not believe it was something they wanted to perpetuate or do haphazardly.

**The motion made by Ms. Peters and seconded by Ms. Nauser to table PH20-16 to the October 3, 2016 Council Meeting was approved unanimously by voice vote.**

PH21-16 Construction of the sanitary sewer main and manhole rehabilitation project.

PH21-16 was read by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Nauser understood this was the third consecutive year. Mr. Sorrell stated it was the third consecutive year of this scale of a rehabilitation project. Ms. Nauser asked how much had been spent in the past. Mr. Sorrell replied he thought it had been about \$2.5-\$2.7 million each year. Ms. Nauser asked if it had predominately been in the areas shown on the diagram. Mr. Johnsen replied the area in blue was done last year and the area in green was done the first year. Ms. Nauser understood that was about \$7.5 million over the past three years for sewer infrastructure repairs, and asked which wards were impacted. Mr. Matthes replied it was primarily the First and Fourth Wards.

Ms. Peters asked how many more years this would be done. Mr. Sorrell replied the sewer system involved about 700 miles of pipe, and the pipes had a life of about 100 years, so they would be looking at replacement or rehabilitation of seven miles per year. Over the last three years, they had been able to do about 6-7 miles each year. He thought this would be done indefinitely if they truly wanted to rehabilitate and keep up with sanitary sewer infrastructure assets. Ms. Peters understood they had funding through the bonds for the next five years. Mr. Sorrell stated it was a five year bond and was from 2014 to 2019 in terms of budget years. Mr. Thomas understood that meant funding would be available for only two more years. Mr. Matthes pointed out they would likely ask for continued support.

Mayor Treece asked if the program was making a difference and if staff was noticing a reduction in inflow and infiltration. Mr. Sorrell replied they had seen a reduction in Flat Branch Basin D in peak and volume discharges. He noted he was currently working on a report with regard to the results of Flat Branch Basins A and B and another little area they had done in the downtown. At this time, those appeared to be promising in terms of peak flow reductions.

Mr. Thomas asked if the City rehabilitated privately owned laterals and the privately owned joint between the lateral and trunk in these inflow and infiltration programs. Mr. Sorrell replied that with property owner permission and Council approval of the project, the City placed a liner in the sewer main at the point of connection. If the lateral crossed a storm drainage facility, he thought they would place a liner in it in the easement if allowed by the property owner. The City did not do this on private property outside of the easement. Mr. Thomas asked Mr. Sorrell for his thoughts with regard to changing the ordinance such that the City assumed responsibility right up to the house. Mr. Sorrell replied taking responsibility for the service connections and the lateral would benefit the customer and probably the system as a whole as it related to inflow and infiltration, but he would recommend an in-depth study with regard to the costs if they were to consider it because they did not have sufficient staff or resources at this time. He understood there were roughly 50,000 connections, and if one assumed the connections needed to be replaced every 100 years, it would involve a huge cost. He thought it might be better to do this a step at a time as they went through the basins, and look at a program like that for the future. He reiterated he believed it would be a great service to their customers if they took over the connections and laterals, but they needed a program in place to adequately maintain the infrastructure they were responsible for today prior to taking that on as well. Mr. Thomas agreed.

Mayor Treece opened the public hearing.

John Clark, 403 N. Ninth Street, commented that he was glad the City was doing something. He understood Mr. Sorrell had given a presentation to the Mayor's Task Force on Infrastructure and hoped the Council would pay attention to the recommendations of that Task Force when provided. He commented that the City had a lot of stuff that was really old and a lot of sewer lines that were relatively new, and he did not feel they could wait forever with regard to a lot of the really old ones. He did not believe a linear amount of rehabilitation could be done each year to solve the problems as the sewers in the downtown and neighborhoods around the downtown would likely need to be addressed outside of the annual program. He reiterated he was looking forward to the recommendations of the Task Force, and thought various funding sources would be needed.

Dan Cullimore, 715 Lyon Street, stated his appreciation to the sewer utility for doing this work, but noted this was the result of a confluence of factors. One was a requirement from the Department of Natural Resources (DNR) and the Environmental Protection Agency (EPA) that the City address issues it had produced, largely as a result of failing to maintain systems of the past and growth. Another was the tremendous public outcry that had taken the form of various insurances in planning and visioning documents developed with citizen participation over the last 10-12 years. He commended the

Council for taking action in the past to set those processes in place, but believed they had been under compulsion to do it. He was glad to see it moving forward.

Eugene Elkin, 3406 Range Line Street, commented that he had been raised in a home that often flooded. He thought going all of the way to the connection to the home might be an important issue. He believed empathy would need to be applied as part of this process as there were many poor individuals that needed assistance. He did not feel anyone deserved to live in inhumane conditions. He noted he had been late for the discussion regarding Midway, and felt what they were discussing was actually education. He thought a lot of uneducated decisions had been pushed through in the past and liked the fact this Council would slow down in terms of decision-making. He commented that his family had been impressed by Mayor Treece, and he was impressed with his family's thoughts.

Jeremy Root, 2417 Beachview Drive, thanked the sewer utility for their continuing efforts to rehabilitate the sewers as it was necessary, and hoped it would be enough. He understood this proposal included the repair of several private connections, but was unclear as to whether City ordinances allowed them to repair those connections and pipe adjacent to the connections. He thought those were the responsibility of the property owner. Mr. Sorrell stated the ordinances indicated the City could not spend money on private sewers, and explained the City's operational staff was not allowed to fix a broken lateral. He understood the Council could approve it for a capital improvement project as part of the scope of that project. Mr. Root commented that he had a recent experience with this as he was on the Board of the Ragtag Film Society, and on June 23, when there were four almost simultaneous water main breaks around the downtown area, one of the bursts had impacted the incoming flow water line that fed Ragtag Cinema and Uprise Bakery. He hoped someone would brief Council on the cause of those breaks at some point as he was surprised it had all happened in rapid succession. In the early part of that morning, there had been tremendous support from City staff in isolating and trying to troubleshoot the cause of the break. When City staff had successfully identified the source along the lateral water main that fed the building, they shut it off, and had indicated they could not turn it back on until it was fixed. Ragtag Cinema and Uprise Bakery did not have the experience or expertise in the contractors that might be available for that work, the costs, etc. Fortunately, they had been able to identify a contractor that had done some good work for the City in the past who was able to get on-site quickly to get the water restored. As the Council considered how to move forward, he felt thinking about who was responsible for the laterals and who had the expertise made sense.

Mayor Treece stated he had walked downtown and had talked to the business owners on Walnut Street and at Uprise Baker and the Ragtag Cinema when all of the repairs were being made, and the utility crews and firefighters had done a great job. He noted he was curious as to whether the main breaks were preventable and wanted an update from staff to the Council in that regard.

Katrina Boles, 1109 Again Street, thanked Mr. Thomas for his suggestion about the laterals. She commented that her house had been subject to sewer backups, and she had installed a backflow valve last year to help prevent it. It resulted in three backups this past weekend in subsequent houses down the line. She understood her area had been taken care of in a past rehabilitation project, and wondered where the inflow was coming from now. She reiterated she thought it would be worth looking into further, but after all of the other projects were completed.

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

**Ms. Peters made a motion directing staff to proceed with construction of the FY 2016 sanitary sewer main and manhole rehabilitation project. The motion was seconded by Mr. Skala and approved by voice vote with Mr. Ruffin being absent as he stepped out during this vote.**

- PH22-16 Construction of shelter, playground, walkway, pedestrian bridge and lighting improvements at the McKee Street Park.
- Discussion shown with B147-16.
- B147-16 Authorizing construction of shelter, playground, walkway, pedestrian bridge and lighting improvements at the McKee Street Park; calling for bids for a portion of the project through the Purchasing Division.
- PH22-16 was read by the Clerk and B147-16 was given second reading by the Clerk.  
Mr. Griggs provided a staff report.  
Mayor Treece opened the public hearing.  
There being no comment, Mayor Treece closed the public hearing.  
Mr. Skala stated his appreciation and noted this was an area the Council and staff had identified as an underserved area. He was proud they were paying attention to some of the underserved areas, and thought it would go a long way in helping the area out.  
Mr. Trapp agreed with the comments of Mr. Skala, and noted his appreciation for investments in the north side of the community. He understood there had been a homicide at this park in the past and thought this extra lighting would improve safety in the area.
- B147-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS VOTING NO: NO ONE. Bill declared enacted, reading as follows:**
- PH23-16 Consider the FY 2017 Capital Improvement Project Plan for the City of Columbia, Missouri.
- PH23-16 was read by the Clerk.  
Mr. Matthes provided a staff report.  
Mayor Treece opened the public hearing.  
Pat Fowler, 606 N. Sixth Street, explained she wanted to provide context to a \$35,000 stormwater project in the Capital Improvement Project (CIP) Plan for the 2017 budget in her neighborhood. She displayed photos of flooding in her basement from the past weekend, and noted there had been 4 inches of water in the basement of her home, which had been built 1920. At the time, her sump pump was overwhelmed and did not kick in until 7:00 a.m. She displayed a photo of the water pressure coming through the soil due to inadequate stormwater facilities. She noted it was causing the wall of her house to buckle inward, and would cost about \$5,000 to repair. She showed photos of a field of debris so they could get a sense of how far the water traveled prior to receding, and pointed out railroad ties in her side yard had been disturbed by the water. She explained the mechanism by which it occurred, which involved water being released out of the storm inlet boxes from the sewers. She provided a photo of her neighbor's backyard whereby the heavy, metal stormwater box cover had been lifted off by the water. She commented that a year ago, the water had risen above the opening of her car door causing her to climb out of the window in order to protect her vehicle. She displayed other photos of flooding in her neighborhood and described the damage. She stated she did not feel \$35,000 was sufficient to address the problems in her neighborhood. She explained she was a person of modest means who was an advocate for owner occupied housing in the central city area. Although it was a struggle for her, it was a greater struggle for her neighbors. She asked Council to amend the CIP Plan to incorporate the needs of the central city area in order to provide relief to those areas now, and not incrementally over ten years. She felt owner-occupied investments being pulled away from the neighborhood would create a chain of events that would be difficult to remedy.  
John Clark, 403 N. Ninth Street, stated he wanted to ditto the comments of Ms. Fowler, and noted it was not just an issue with regard to owner-occupied housing. He did not feel



it mattered if the home was owner-occupied or if it was being rented as sewer backup created problems for them all. Enabling longer term tenancies in safe, affordable rental housing as well as owner-occupied housing were both important. They wanted to see the CIP Plan reflect those investments. This was occurring in many areas of town, but they hoped it would be addressed in the central city area faster and with a mixture of utility fund money and block grant funds when appropriate in the right proportions.

Eugene Elkin, 3406 Range Line Street, understood there were problems in the First Ward that made it impossible to get rid of water, and wondered if they needed to hook homes together with one massive pump. He noted this was a health issue. He thought Ms. Fowler did an excellent job of explaining the situation. He was concerned they might be killing residents in Columbia because they were poor. He stated everyone deserved to have humane conditions.

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

Mr. Skala asked for the nature of the \$35,000 project and whether it would address the problems expressed by Ms. Fowler. Mr. Matthes replied every project had a page in the full CIP Plan. This was an extremely shortened version. He understood the \$35,000 was for designing a future solution. A bit above the \$35,000 was a line item of \$75,000 for annual projects. That funding was not for any specific project and could be used to help if needed, but doubted it was the cost of a solution. Ms. Peveler stated they showed \$340,000 for construction in 2019 for the project.

Mr. Ruffin encouraged staff to consider making improvements immediately rather than in the long term. Since he had been on the City Council, the majority of correspondence he had received had been from residents in the First Ward that consistently dealt with sewer backup and stormwater issues. He noted he had been able to reconnect with Katrina Boles due to the issues in her home and the neighborhood along Again Street. Anything they could do to alleviate problems sooner than later would be in line with the City's agenda on social equity, particularly those in the poorest areas of the community. He commented that during the previous pre-council meeting, he had asked that the Gateway project be added to the CIP Plan. Although it was currently an unfunded project, it would be eligible for State funding if it were placed it on the CIP Plan, and hopefully that would empower them to move forward with that important project.

Ms. Nauser commented that a resident of 307 W. Alhambra had recently addressed the Council with regard to the Mill Creek Phase 3 stormwater project, and asked that this be added to the 2017 CIP Plan. The resident at 307 W. Alhambra was steadily and surely losing her backyard to creek erosion. She understood the vast majority of the project had been completed, but when it came to that property line, there was no stormwater remediation. This caused stormwater coming down the creek to erode her backyard. She thought it was now within five feet of her deck. She reiterated she would like for that to be considered for the 2017 CIP Plan.

Mayor Treece explained he had asked for the inclusion of as many accessible and covered bus shelters as possible this year during the pre-council meeting a few weeks ago, and suggested they try to achieve cost-sharing. He understood routes would be redesigned, but noted there were some axes and roadways that would always be on the bus line.

Mayor Treece asked how maintenance was defined or included as a capital improvement. He wondered if it was an allowable expenditure as a capital improvement. Ms. Thompson replied it depended upon the funding source for the particular capital improvement. If it was capital improvement sales tax item, maintenance was allowed. Mayor Treece understood there was a capital improvement sales tax item for intersection improvements for Fairview Road and Chapel Hill Road that this Council rejected at the last meeting, and explained he wanted to reallocate that \$500,000 to a street maintenance schedule that would benefit more users within the City of Columbia. He understood they were currently spending about \$400,000 on street maintenance which was paid for primarily with the payment in lieu of taxes from the three Ameren generators the City had purchased. The

\$500,000 would represent a 25 percent increase in the street maintenance budget. He would then like to use the \$400,000 from the street operating budget for additional law enforcement officers. He pointed out this would allow them to increase the budget for street maintenance and public safety, and noted it would align with the citizen satisfaction survey.

Mr. Matthes explained he would bring forward the recommended operating budget to the Council in a few weeks, and stated he would do what he could to accommodate the request.

Mr. Skala understood there was more to the street maintenance budget than the \$400,000. Mr. Matthes stated that was correct.

Mayor Treece stated he drove Highway 63 every day and there was a lot of development going on at Discovery Ridge. On the north parallel of that was the new elementary school off of Highway WW, near Old Hawthorne and the Vineyards. He understood those two developments would be connected with a roadway improvement, which was in a 5, 7, or 10 year budget year, and felt it should be accelerated at some point. He did not necessarily think it should be expressed in this year's budget, but thought they should consider accelerating it. Ms. Peters thought Discovery Ridge Parkway involved the University of Missouri. Mayor Treece understood there was some developer participation as well. Mr. Matthes explained the University was building an extension internal to the development, and thought Mayor Treece was talking about the connection between it and Rolling Hills Road.

Mr. Thomas commented that he liked the general philosophy of looking for opportunities to move money from capacity expansion projects at a time they were not collecting enough revenue from what was driving the need for capacity expansion, namely growth, to maintenance, but noted he was not certain about this reallocation. Mayor Treece pointed out he was not taking capital improvement money. Mr. Thomas understood he was shuffling funds. Mayor Treece stated he was liberating the operating budget. Mr. Thomas noted this roundabout was only one project, and a police officer would have to be paid every year. Mayor Treece explained that was why they would use the dedicated in lieu of taxes money from the Ameren generators for public safety.

Mayor Treece asked if a motion was needed or if this discussion provided enough input. Mr. Matthes replied this was only the public hearing and staff would come forward with a final product later.

## VI. OLD BUSINESS

B148-16

Authorizing a contract for sale of real estate with Karie L. Watson for the acquisition of property located at 1105 Again Street to be used for a long-term storm water improvement plan for the Again Street-Worley Street drainage area; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Karie Watson, 1105 Again Street, commented that she hoped the Council would move forward in purchasing another home if they approved this purchase in order to address the stormwater problems. In 2003, the City had acquired a home on Again Street for detention and had promised to finish the work. She understood the City knew then it would need her home and property. In 2013, she had purchased the home for \$91,000 and had put another \$40,000 into it. It resulted in the City paying \$56,000 more than they could have paid if they would have purchased it sooner. She hoped the City would be proactive in purchasing another home. She commented that she liked flipping character homes in order to keep old neighborhoods looking great. Growth was only good when they were able to maintain current infrastructure. Remodeling old homes created jobs and filled the void for housing in the \$100,000 to \$150,000 range.

Mayor Treece asked Ms. Watson if she was a willing seller. Ms. Watson replied yes.

She noted she and Ms. Boles had installed an anti-backup system, which resulted in the sewer issue being moved down the line to the next three homes, and they were not happy as a 94 year old woman had to clean up the mess to her property by herself. Although it was mostly stormwater, it included some sewage. She assumed it was coming from the manhole as water was rushing two ways over it. She understood it was affecting two homes on Worley Street and one on Again Street. She reiterated she was 100 percent in favor of selling her property.

Katrina Boles, 1109 Again Street, asked if the \$52,000 in addition to the purchase price was to demolish the home or if it would be used to install larger storm pipes. Mr. Sorrell replied it would be used to remove the home and restore the property. They might also do a little work on the inlet on Again Street, which looked like it needed a larger opening. He noted they put this amount of money in the project so they could ensure they would not go over budget. They had not planned to replace any of the pipes at this time as it was not near enough funding.

Mayor Treece understood the acquisition of this house would eliminate damage and evidence without alleviating the symptoms. He asked for clarification regarding a solution. Mr. Sorrell replied the City needed to buy at least one more property on Worley Street to provide enough room to construct a large enough facility to provide protection for the 100-year storm, but even it would not be a guarantee. They could also place detention upstream on the Health Department property, which would allow them to install a smaller facility. He explained the solution was to purchase the properties that flooded in order to eliminate them, install a very large drainage facility, or do a combination of the two.

Ms. Boles asked if City staff had talked to any of the neighbors on Worley Street. Mr. Sorrell replied he had received a message from a neighbor on Worley Street earlier today indicating there might be a willingness to sell following the storms of this week. He understood there were two or three homes on Worley Street and one home on Again Street that had backed up this past Sunday morning.

John Clark, 403 N. Ninth Street, suggested they not spend money on speculative, proactive projects like the Henderson Branch sewer, and use that money to take care of current issues. He asked the Council to approve this immediately and to direct staff to provide them with 2-3 plans that would solve the problems mentioned. He thought they should spend money to solve the problems here to the extent possible, and felt they might be further along had they not spent so much staff time on the relief sewer. He believed staff should be directed to spend time on solving this longstanding problem, which he felt could be resolved relatively quickly.

Mayor Treece stated he tended to agree as \$52,000 for demolition was aggressive, and thought some of the money might be able to be used to improve the drainage area.

William Justice, 1104 W. Worley Street, stated he wanted to echo the comments of the previous speakers, and explained he spent the last weekend cleaning up after all of the high waters at his home. 1104, 1006, and 1108 W. Worley Street were flooded due to an appreciable rainfall. He hoped the Council would focus on the concerns that existed in the here and now, and not on the possibilities of what could occur in the western parts of the community. He noted he was all for development, but there were immediate emergency needs on West Worley Street.

Mayor Treece asked if his home was across from the parking lot. Mr. Justice replied his home was just upstream from 1105 W. Worley Street.

Dan Cullimore, 715 Lyon Street, commented that the issue on Worley Street and Again Street had been a longstanding problem. He understood the houses started flooding shortly after they were built. He did not know if the homes were constructed prior to annexation or after annexation, but felt they were a problem of ill-conceived development as it was development in a floodplain, essentially in a creek. When looking at the area, it rose to nearly the Interstate, so everything that fell on the hillside ran through that area. He thought this should be a warning to development considerations forever forward as

ill-conceived developments were a cost to the taxpayers of the community. He felt they should be forththoughtful enough to avoid burdening future taxpayers with ill-conceived plans.

Mr. Thomas believed some of these problems could be mediated by removing the parking lot that was not used. He stated he had not conducted a day-to-day or hour-to-hour study of the Health Department parking lot, but his impression was that there were vast areas that were never used. He noted he would be interested in an analysis of parking lot usage in areas where there was a lot of flooding as well as the hydrodynamic benefits of changing those parking lots into grass.

Mr. Skala stated he liked the sound of this trend for a holistic approach and not just solving a particular piece of the puzzle. He thought it would be appropriate to know the options and the costs of those options for remediation. He noted he also liked the tenor of the tone of the public and those on the dais with regard to really thinking about growth, who paid for growth, social equity, etc. He stated the reoccurring theme was to take care of what they already had, particularly in view of the fact it was wearing out faster in the center of the Columbia than anywhere else. He understood the central city area would need attention. He commented that he liked that conversation and hoped it would continue. He reiterated he would like a list of options from staff as to how to address the issue.

Mr. Ruffin noted he planned to support the acquisition of this property, but was concerned they would purchase and demolish the property and still not solve the problem. He asked that they do whatever they could to move this forward so they could address the problem, whether it be developing a plan or addressing budget considerations. Anything that could be done to finally bring relief to this neighborhood would be appreciated by the residents and the Council.

**B148-16 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

**B149-16** Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for the Moore's Lake remediation and site restoration project at the Municipal Power Plant.

The bill was given second reading by the Clerk.

Mayor Treece explained an amendment sheet had been prepared to correct the spelling of Moore's to More's. Elawson C. More had built along More's Boulevard and had been the Counsel General to the Country of Mexico. After the property had been impacted by a fire, he sold the property to three entities. The City of Columbia purchased property west of Bowling Street, which had not been there at the time. George Caleb Bingham Rollins had purchased another third and William C.C. Bowling had purchased the last third. He noted the Bowling children and the Rollins children married, so those properties on the east side had been in continuous ownership by them. The Power Plant had been built in 1904, and Mr. More's lake was then used as retention pond. He was glad to see the lake would be remediated instead of being plowed over and planted with grass.

Mr. Johnsen provided a staff report.

Mayor Treece pointed out it was also on the plat as More, one "o."

**Mayor Treece made a motion to amend B149-16 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

Mayor Treece commented that it was an interesting view when traveling up Bowling Street near the VFW parking lot and looking back to the lake, the power plant, and the rest of the City. It was very intriguing to visualize the 1904 power plant without the additions.

**B149-16, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: NAUSER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

## **VII. CONSENT AGENDA**

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

- B146-16 Approving the Final Plat of The Villages at Arbor Pointe Pool Plat located on the west side of Arbor Pointe Parkway and adjacent to Delwood Drive; authorizing a performance contract (Case No. 16-115).
- B150-16 Accepting conveyances for sewer, utility and temporary construction purposes.
- B151-16 Accepting conveyances for water, electric and underground electric utility purposes.
- B152-16 Appropriating funds from the sale of surplus fire equipment.
- B153-16 Appropriating funds from developer contributions made per the terms of a development agreement to the Flat Branch Watershed Relief Sewer Project No. 2.
- B154-16 Appropriating funds to pay for the City's share of the cost of the March 2016 special election relating to an initiative ordinance to prohibit residential roll carts and automated refuse collection vehicles for residential roll carts.
- B155-16 Authorizing renewal of an agreement with Boone County, Missouri for the use of Children's Services Funds (CSF) for the expansion of Teen Outreach Program (TOP) services; appropriating funds.
- B156-16 Authorizing a lease agreement with Stephens College for connection to the City's fiber optic cable system.
- R87-16 Setting a public hearing: installation of active warning devices at the Columbia Terminal Railroad's (COLT) intersection with O'Rear Road in Hallsville, Missouri.
- R88-16 Setting a public hearing: voluntary annexation of property located on the

east side of Highway 763, approximately 500-feet north of International Drive (5210 N. Highway 763) (Case No. 16-124).

R89-16 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.

R90-16 Granting a waiver from the requirements of Section 24-2 of the City Code to allow a temporary poetry-painting project on sidewalks in the downtown Columbia area.

R91-16 Authorizing Amendment No. 3 to the agreement for professional engineering services with TranSystems Corporation for design of the MKT to Parkade Bike Boulevard project.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER (except for R89-16 on which she abstained), PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

## VIII. NEW BUSINESS

R93-16 Authorizing an accreditation agreement, a publications subscription and access agreement and associated addendums to the agreements with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA®).

The resolution was read by the Clerk.  
Chief Burton provided a staff report.

Mr. Ruffin asked about the benefits to being fully accredited. Sergeant Dochler replied that once an organization was accredited by CALEA, they would have a roadmap for the CEO of that law enforcement organization to continually move forward in order to keep up with best practices and achieve excellence in the profession. The accreditation provided a level of confidence internally and externally. Internally, it would provide employees the confidence that the procedures and policies being followed were based on best practices and were currently up-to-date, and it would provide consistency. This confidence would spread externally to the citizens once they saw they were receiving a consistent product. This would then assist them with their strategic plan of improving satisfaction of the police force by the citizens.

Ms. Nauser understood the public wanted transparency from the Police Department and currently many of the policies and procedures were not available to the public. She asked how this process would help with transparency and provide people access to the information and data they wanted. Chief Burton replied the Police Department currently used a system called Lexipol, which was proprietary, so they could not place Lexipol's entire policy manual on the City's website. He noted the Police Department was agreeable to placing it where it could be seen publically, but Lexipol had copyright privileges and did not want someone to be able to copy the manual and just use it. He pointed out a citizen could ask for a particular policy and they could provide it, but they could not publish it where citizens could retrieve it themselves. Ms. Thompson noted citizens could individually ask for chapters of the policy manual as well. She thought the policies were listed by title online, and citizens could ask for them individually.

Ms. Nauser understood the Police Department would be graded on best practices and how they were working to achieve goals, and asked if a public report would be issued. Chief Burton replied the assessors would come to Columbia and hold a citizen focus group to learn the opinions of the citizens as part of the accreditation process. They would also meet with employees and the Council so there was a lot of opportunity for input. He noted the policies were based on departments of similar size, so they did not yet know the standards. They would not be provided the manual until they paid for it, which was why this issue was before the Council. Once they received the manual, they could then determine where they were in terms of meeting the standards. He pointed out CALEA would generally not tell the department how to do something, and would just tell them what needed to be done, so they might tell the Police Department it needed a policy on transparency or accountability to the citizens, but they would not tell them how to accomplish it. As a result, the Police Department would have to work with who they contracted with for policies and base any policy on it. He stated it would be as open and transparent as they could get it.

Mr. Thomas asked if all police departments were affected by this limited access for the public to internal policies. He wondered if Lexipol served a lot of police departments and if there were other contractors that did it the same way. He asked if there were other options whereby the City could own its policies. Chief Burton replied the only company he was aware of was Lexipol, and Columbia was the first municipality in Missouri to conduct business with Lexipol. He understood they would work on state policies and then go to the departments within those states to sell the policies. When they learned Lexipol was coming to Missouri, they contacted them to notify them they were interested in looking at the product. He understood several police departments in Missouri used their services now. He commented that the standards were always changing, but police departments were allowed to provide input as Lexipol only provided the outline of a policy. He explained that when he came to Columbia, the policy manual was only in paper form and incorporated sticky notes to show that policies had changed. Since it had not been updated in years, they decided to start over with a new policy manual. Each Lexipol policy had been reviewed to ensure they did not conflict with City of Columbia policies, and now that they had a manual, they only had to update it when necessary. They were now ready for the accreditation process.

Mr. Thomas stated it was troubling to him that people could not read the policies easily. Chief Burton agreed it was an issue, and noted they had discussed the issue with the Law Department. Ms. Thompson explained the wholesale reproduction was the issue. She thought some of the policies that were of more interest to the public could be published online for public review. The table of contents could be published as well so people could then request other policies one by one. She stated Lexipol prohibited the wholesale reproduction of the entire policy manual on the website. Mr. Thomas asked if the table of contents was already available on the website. Chief Burton replied he did not believe it was on the website. Sergeant Dochler stated they were working towards getting it online, and were also discussing the policies that were of most interest to place those online. Chief Burton explained they had to be careful not to violate the contractual agreement. Mr. Thomas stated that was encouraging. He understood the process for someone to see a policy that was not published on the website would be send a request for it, and it would be provided within 24 hours or so. Chief Burton stated a standard opens records request could be made. He commented that the only exception would be if it was something that could create an officer safety issue. Any policy with a procedure whereby knowledge of the procedure could put an officer in danger could be redacted.

Mr. Thomas asked if some police departments developed their own policies and maintained those themselves. Chief Burton replied yes. Mr. Thomas understood they felt going through Lexipol was better because it would automatically be updated with best practices. Chief Burton stated that was correct. He explained attorneys were constantly working on the policies. When there was a legislative change, Lexipol would ensure they

were in line with that change. Since they did it for the Police Department, police personnel could then concentrate on other items. Mr. Thomas understood the Police Department had to know when the changes were made. Chief Burton stated that was correct, and noted Lexipol made them aware of any changes.

Mayor Treece commented that he was frustrated that something that was paid for with taxpayer resources was somehow not a public record. The City's Code of Ordinances was with a third party provider, Municode, and that did not eliminate the transparency of people being able to access and search that Code. He understood the policy and procedures manual was available to law enforcement officers. Chief Burton stated that was correct. Mayor Treece understood they had a copy so they knew the written expectations for their performance. Chief Burton stated that was correct. Mayor Treece thought it would be helpful for the public to have the same set of standards available to them as they evaluated their experience with law enforcement officers. Chief Burton stated he did not disagree, and noted his preference was to place everything on the website, but they could not do so due to the contractual agreement.

Mayor Treece understood there were 2-3 accrediting bodies for law enforcement agencies, and CALEA seemed to be the premier, gold standard. He congratulated Chief Burton for pursuing that as the path for accreditation. He noticed the contract included certain licensing requirements, and wondered if they were inviting that same problem with lack of transparency on associated documents, forms, policies, etc. Chief Burton replied he did not think so because Lexipol was the company they worked with in regard to policies, while CALEA was the accreditation company. He commented that the two companies worked together because Lexipol wanted to ensure all of the accreditation standards were addressed in the policies.

Mayor Treece asked Chief Burton if he thought they had done sufficient work thus far to make the accreditation process move smoothly to final inspection or if he felt they were only starting the process. Chief Burton replied that was tough question because they would not know what the standards were until they signed the agreement and paid CALEA. Mayor Treece asked if their evaluation of the department against the standards would be a public document. Chief Burton replied he thought it would be a public document. Ms. Thompson stated she did not know what was protected by the copyright. If they were not going to allow the City to see the standards until signing the contract, they might not want those standards to be publicly distributed to others. Chief Burton thought that was possible.

Mayor Treece explained he believed it would help with public confidence if they could see the baseline of where they were, where they were doing well, where they needed improvement, etc. at the beginning of the accreditation process. This would allow them to view the metrics by which the Police Department was measured in year two, three, and future years. Chief Burton stated he thought that would happen naturally as there might be items they needed Council approval for in order to move forward. He stated it would be a process in which they would be very involved.

Mayor Treece understood CALEA would hold a focus group with the public and asked if they would hold a focus group with the officers as well. Chief Burton replied yes.

Mr. Skala commented that a lot of departments had gone through this process and were accredited, some of which were associated with Lexipol, and thought it might be helpful if they could be provided benchmarks as to how they traversed this process and how long it took them to get accredited. This would help determine what might and might not be released as well. Chief Burton stated they could look at agencies the size of the Columbia Police Department that had been through the accreditation process and determine how long it took them to get through the process. He thought it would vary, and noted they had tried to position themselves in a situation whereby they felt they were close. He pointed out they would like to be accredited within 18 months or two years, but they had up to three years.

Mr. Skala recalled discussions in 2008 about the benefits of CALEA due to the need for



Taser policies. He explained he would appreciate a glimpse of the trials and tribulations of others as to how they got to the point of accreditation. Chief Burton stated they would try to get that information for Council.

Mayor Treece asked if the policies would have standards for disproportionate minority contact or use of force. Chief Burton replied yes. He noted it was in Lexipol and would also be a part of the accreditation. Mayor Treece asked if the model policies would be made available to them. Chief Burton replied yes.

Mayor Treece asked if the language in Addendum B had been negotiated with CALEA. Ms. Thompson replied the Addendum was negotiated in order to protect the City's rights to disclose under the Sunshine Law, but both agreements included statements restricting the copyright and right to distribute any materials received from CALEA. If the Council wanted staff to try to obtain any additional concessions as it related to the distribution of copyrighted material, they would need the opportunity to go back to them with the request.

John Clark, 403 N. Ninth Street, stated he did not feel the Council should approve this tonight for several reasons to include the copyright issues. He did not agree with not being able to post the City's policies and procedures on the website, and suggested they find another firm. He commented that they were working toward community policing in Columbia, and did not feel it was the role of the Police Department to tell the community what kind of policing they wanted. He also did not believe the Police Department should indicate they were already doing what the Council and public wanted because many did not think that was the case. He thought the Police Department was headed in the right direction, but they were trying to keep too much control. He believed this was a secretive, in-house, in-law enforcement community agreement. They had no idea how community oriented policing was involved in the evaluation, so the Council would not know if it was a meaningful assessment. He commented that he believed community oriented policing was based on the notion the community needed to have an equal share in the decision-making authority with regard to how it was policed. This included a vision, mission, and review policies and procedures, to include hiring, promotions, etc. He did not know anything about CALEA, and did not trust this situation since they would not know the basis of the accreditation. He reiterated citizens had the right to decide how they wanted to be policed, and recommended the Council not authorize the signing of these contracts until they had a clearer view and until the community had decided what they wanted. He thought the intellectual property rights issue needed to be resolved prior to proceeding as well.

Traci Wilson-Kleekamp, 2905 Greenbriar Drive, asked the Council to reject this proposal and to consider the Sunshine Law as a core value of how they did business, even with contracts. She commented that she felt this was also an equity issue in terms of who they were deciding this issue for and who benefited. If all of the discussions surrounding the contract were between the Police Chief and the contractor, it was not a community driven process. It was completely disconnected from a philosophy driven by what the community wanted in terms of policing, and would include policies, procedures, and contracts. She had an issue with policies and procedures for which they needed to make a Sunshine Law request to obtain. She commented that she would be interested in knowing what other agencies had as a baseline value with regard to the Sunshine Law. She stated she had made a records request for the police policies and procedures in February, and had only received the table of contents after several weeks of wrangling. She did not feel she should have to come downtown to see the rules for how Columbia would police its citizens, and it was not community policing for only one party to know. She thought there should be a baseline for how they viewed the Sunshine Law as a core value. If they also valued equity, it would show up in everything, to include how they contracted, who they contracted with, and who the contract benefited.

Eugene Elkin, 3406 Range Line Street, stated he agreed with the previous two speakers. He wondered what they would do if the accreditation process involved meeting quotas.

He asked the Council to educate themselves as he viewed this as a negative, and suggested they not vote in favor of it.

Mayor Treece commented that he thought CALEA was a reputable national accrediting body as several premier law enforcement agencies had been accredited by them. He shared the frustrations of the public in terms of transparency and access, and asked the Law Department to pursue that issue aggressively as he did not want to compound the problems they had with Lexipol by creating a whole set of other documents that were cloaked behind a license. He stated the value of having a third party accrediting body evaluate the Police Department through an ongoing relationship over the next 2-3 years probably outweighed the risk here.

Mr. Skala stated he tended to agree with Mayor Treece as CALEA had a tremendous reputation and was the gold standard of accreditation, but thought they should ask them about the release of documentation so the public had access. He commented that he had more of problem with Lexipol and it seemed as though they had specific standards contrary to other groups. He reiterated he was in favor of the CALEA accreditation and noted he would also be in favor of pursuing the City's responsibility to the public in terms of Sunshine Law requests. They were in a conundrum in that the public had to know the information in order to ask the question to get the information they wanted. He did not think it should be that hard. He noted he appreciated the need for redaction when it came to security. He stated he was uncomfortable Lexipol, but was supportive of the CALEA accreditation.

Ms. Nauser asked what leverage they had to allow for more transparency. Ms. Thompson asked if she was speaking of CALEA. Ms. Nauser replied yes. Ms. Thompson stated CALEA had been less than responsive in discussions with them. They had initially indicated they would not modify the contract. The City was then allowed to create the addendum in the packet, but they had not yet signed off on it. If they did not sign off on it, the entire agreement would be back in front of the Council to determine whether or not to do business with a company that would not protect the City's right to disclose under the Sunshine Law. Ms. Nauser understood the City still had an out. Ms. Thompson commented that if the Council approved the execution of the agreements with CALEA tonight and CALEA chose not to sign off on the addendum, City staff would not have the authority to sign the remainder of the agreement. It would be brought back to Council without the addendum or with alternate proposed language. She pointed out CALEA would not approve it in advance of it going to Council.

Ms. Peters agreed it was a good idea to have third party review, and commended staff in this effort.

Mr. Thomas explained he had concerns since the policies and accreditation process both had cloaks over them. He did not understand what they were protecting or what was so worrisome. Mr. Matthes stated they were concerned about competition in terms of their intellectual property. Mr. Thomas understood it was not about a police department using the policies without paying the license, and that it was about another company stealing their intellectual property and making money from it. He thought this might occur in other areas, and asked if it was solved in a different way. Mr. Matthes believed the copyright laws were enough to protect most companies, but it was a risk. They did not reveal to the world their internal product, but they provided a fairly detailed product at the end. Staff felt the addendum protected them with the Sunshine Law, and believed this was worth exploring if Council was comfortable since CALEA was the gold standard. It was the best external validation that the Police Department was operating with best practices. He stated they could always choose not to purchase the product or stop purchasing it if it was not acceptable. Mr. Thomas asked if similar discussions were occurring in other communities and if there was any resistance to going down a path that was cloaked in secrecy. Chief Burton replied he was not aware of any, but that did not mean it did not exist. He was sure other legal departments were having the same discussions, but was not sure the results were any different. Mr. Matthes thought most states had laws similar

to the Sunshine Law. His sense was that CALEA was trying to keep their information closed to make it more difficult for competitors to take their product and sell it.

Mr. Thomas understood the Council was being asked to authorize the City Manager to submit this contract with the addendum for review by the CALEA legal staff. Mr. Matthes stated that was correct. He noted that if they did not like the Sunshine Law option, he was not permitted to sign it. Mr. Thomas wondered if they wanted to go further than the Sunshine Law option. Mr. Matthes thought this would solve the problem with CALEA. It did not address the Lexipol policy issue. Chief Burton noted that could be addressed at the time of renewal with Lexipol. Mr. Thomas stated he thought they should start the negotiation now and asked when the contract was up for renewal. Chief Burton replied he did not know.

Ms. Nauser asked for clarification as to how people could obtain copies of the policies. Ms. Thompson replied the Law Department had suggested the Police Department place a copy of the table of contents on the website so there was notification to the public of the policies that existed. The public could request copies of those individual policies and receive those policies on an individual basis. The wholesale publication of the policies was restricted by the copyright. Mr. Thomas understood staff was not certain as to whether it had been placed on the website yet, and asked if they could be provided a definite time by which it would be on the website. Sergeant Dochler replied the table of contents could be placed on the website quickly. Mr. Thomas asked why it had been delayed. Chief Burton replied they had been trying to get through this process and wanted to ensure everything had been settled with the Law Department. Mr. Thomas clarified he was speaking of the Lexipol table of contents of the policies. Chief Burton stated that it had only recently been decided it would be placed on the website. Mr. Thomas asked that the Council be informed when it was done so they could inform the citizens. Chief Burton replied they would.

**The vote on R93-16 was recorded as follows: VOTING YES: NAUSER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

R92-16

Authorizing agreements with Caterpillar Financial Services Corporation for the lease of a trash compactor for use at the municipal landfill; authorizing a service agreement with Fabick and Company for maintenance of the leased trash compactor.

The resolution was read by the Clerk.

Mayor Treece understood an amendment was needed. Ms. Thompson stated that was correct. An addendum to the contract with Fabick and Company had not been included in the packet. It had the pricing proposal submitted in response to the request for quotations by the Purchasing Division.

Mr. Johnsen provided a staff report.

Mayor Treece asked for the term of the agreement. Mr. Sorrell replied three years.

**Mayor Treece made a motion to amend R92-16 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.**

John Clark, 403 N. Ninth Street, understood this was a short term lease and asked how much it would cost. Mr. Sorrell stated he thought it was around \$700,000. Mr. Clark understood they usually lasted for quite some time. Mr. Sorrell stated the maintenance expense was significant after three years. Mr. Clark understood they would wear out. He commented that there were concerns on longer term leases in terms of the implicit rate of

interest, but since this was only three years, he did not believe that was a necessary consideration.

**The vote on R92-16, as amended, was recorded as follows: VOTING YES: NAUSER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

## **IX. INTRODUCTION AND FIRST READING**

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

- B157-16 Approving the Final Minor Plat of Sixth & Cherry Garage Subdivision located on the northwest corner of Sixth Street and Locust Street; granting a variance from the Subdivision Regulations subject to conditions (Case No. 16-101).
- B158-16 Approving the Final Plat of Russell Subdivision, Plat No. 6, a Replat of Tract 6 of Russell Subdivision and Part of Lot 1 of Russell Subdivision Plat 2, located on the west side of Russell Boulevard and north of Oakwood Court (407 Russell Boulevard) (Case No. 16-105).
- B159-16 Approving the Final Plat of Drury Subdivision Plat 1 located on the southwest corner of Keene Street and I-70 Drive Southeast (3100 I-70 Drive Southeast); authorizing a performance contract (Case No. 16-121).
- B160-16 Vacating a utility easement within Lot 1 of Country Gardens Subdivision located on the northeast corner of Fairway Drive and Country Lane (2201 Country Lane) (Case No. 16-117).
- B161-16 Vacating a utility easement within part of Lot 2 of Shultz Subdivision and within parts of Lots 2, 3, 40 and 41 of Atkin's Subdivision located south of Business Loop 70 West, between Madison Street and Jefferson Street (400 Business Loop 70 West) (Case No. 16-120).
- B162-16 Authorizing right of use permits with The Downtown Community Improvement District to allow construction, improvement, operation and maintenance of public art light hubs within portions of the Tenth Street, Fourth Street and Walnut Street rights-of-way.
- B163-16 Appropriating funds to offset expenditures as it relates to parking meter equipment upgrades, reconstruction of a parking ramp stairwell and an increase in the temporary positions budget for the Parking Division.

- B164-16 Authorizing the installation of active warning devices at the Columbia Terminal Railroad's (COLT) intersection with O'Rear Road in Hallsville, Missouri; calling for bids through the Purchasing Division; authorizing a supplemental agreement for highway/rail crossing signal improvements with the Missouri Highways and Transportation Commission.
- B165-16 Accepting conveyances for underground electric utility and water main purposes.
- B166-16 Accepting conveyances for sewer purposes.
- B167-16 Appropriating the balance of unused funds for the reinstallation of a City-owned public art sculpture located at the intersection of Cliff Drive and Ann Street back to the designated public art fund.
- B168-16 Authorizing an intergovernmental agreement with the County of Boone, Missouri relating to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the allocation of FY 2016 funding.
- B169-16 Authorizing a cooperative agreement with the Missouri Department of Conservation for financial support of a community conservation planner position within the Office of Sustainability beginning in FY 2017.
- B170-16 Appropriating funds to pay for the City's share of the cost of the November 2015 special election to reimpose a sales tax of one-eighth of one percent for the purpose of providing funding for local parks.
- B171-16 Appropriating funds to pay for the City's share of the cost of the August 2016 special election.
- B172-16 Authorizing a cooperative agreement with the County of Boone, Missouri for third party consultant services related to radio system infrastructure and FCC licenses.
- B173-16 Authorizing an agreement with the County of Boone, Missouri for the assignment of legacy assets, licenses and leases related to Public Safety Joint Communications.

**X. REPORTS**

## REP54-16 FY 2017 Annual Budget - Business Loop Community Improvement District.

Mayor Treece asked for clarification regarding the debt schedule.

Carrie Gartner, Executive Director of the Business Loop Community Improvement District (CID), replied they had acquired debt over the past year, and it was about \$250,000 or more. They had anticipated a three-year debt payment schedule. Much of this was based upon one month of revenue so it was estimated. They hoped to pay it off in three years. Mayor Treece understood the debt was actually debt service. Ms. Gartner replied yes, and explained it was outflowing in the yearly operational budget.

Mayor Treece asked where the City of Columbia stood in the debt schedule. Ms. Gartner replied it was one of the lower debts, and they were looking to pay a percentage across the board of all of their debt. Mayor Treece stated the City had been carrying it for a year and asked when she thought they could be paid. Ms. Gartner commented that she thought that could be a negotiation. It could be a third over three years of they could accelerate the schedule if needed. She stated they would be happy to work with the City.

## REP55-16 2015 Citizen Survey Final Report.

Ms. Messina provided a staff report.

Mayor Treece stated he read the focus group outcomes and thought it was very informative, especially with regard to people's perceptions of public safety. He felt the bottom line was that they liked the service they received, but wanted more of it.

Mr. Skala noted it had also been interesting to look at the crosstabs as it allowed for comparisons citywide across wards in conjunction with averages and the psychology of why there were different perceptions in different areas. He thought the message was that public safety and roads were important. Ms. Messina agreed those were consistent concerns. She believed the power of the survey was in the crosstabs. She thought it would be worth the payment if they used the data, and there was a lot of data to be mined.

## REP56-16 307 W. Alhambra Storm Water/Erosion/Floodplain Issues.

Ms. Nauser pointed out she had brought up this issue when they had discussed the CIP Plan earlier in the evening. She understood the project associated with this was scheduled for a 6-10 year time frame, but noted the immediate issue was the property at 307 W. Alhambra as her backyard was eroding. She asked that at least the portion along her property be completed with streambank stabilization so the property owner did not lose anymore of her backyard. She thought that would go a long way as she had not had any other complaints from people further downstream. There was only five feet of yard left in the backyard, so she felt that should be addressed soon. Mr. Sorrell noted they could investigate this further if the Council wanted to accelerate it into next year's CIP Plan to determine a project scope of work and total cost. Ms. Nauser stated she would like that to be done as she wanted the project moved up from the 6-10 year time frame as she believed the creek would be at the back deck within six years.

Mr. Skala commented that he felt this was similar to the situation at Again Street whereby a property was purchased. He also thought they needed to address these issues sooner. Mr. Matthes explained City staff always reviewed the situation as it could sometimes be cheaper to purchase and demolish a property. He stated this was another neighborhood that was built before the current stormwater standards were put into place. It was built on a creek, which would not be allowed today.

Ms. Nauser reiterated that she thought they should do what they could to alleviate the immediate problem, which was the fact the backyard was continuing to erode whereby she would soon not have a backyard. She thought they might have to purchase the home if they did not do something. She agreed they should look into a long term solution as well, but the immediate concern was that property. Mr. Matthes stated staff would

review the situation to determine if there was a way they could move the project up in terms of timing and if anything could be done in the short term.

REP57-16 Correspondance from the Environment and Energy Commission regarding East Campus lighting.

Mayor Treece understood the conclusion of the Environment and Energy Commission (EEC) was that an additional lighting consultant was not needed.

Mr. Skala explained he had attended the EEC meeting at which they had discussed this issue, and this decision was consistent with the evidence that had been presented.

REP58-16 2015 Annual Water and Light Advisory Board Report to City Council.

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

REP59-16 Intra-Departmental Transfer of Funds Request.

Mayor Treece understood this had been provided for informational purposes.

Mr. Trapp commented that they had been provided information as to what the codes meant for the capital transfers, but not the non-capital transfers, and asked that the short descriptor be provided for the non-capital transfers as well as that information was helpful to him.

## XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, understood Mayor Treece had requested a cost-benefit analysis with regard to the Henderson Branch sewer extension project, and stated he objected to that particular format. He suggested Mayor Treece reframe the request so it was decoupled from annexation because he did not believe they necessarily had to annex. As long as they linked sewers to annexation, they would be in the game of growing the community physically, and they had no idea of the fiscal impact of taking responsibility for all of the services. He thought they should know what the City would receive if the properties did not annex. He reiterated he believed they needed a fuller request, and hoped Mayor Treece agreed.

Mr. Clark understood someone had said it would be disrespectful to the process to look at the sewer extension issue again. They had been developing a discussion with regard to how the City would grow so he did not feel it was disrespectful to the past to revisit and reevaluate a process, especially after a significant change.

Mr. Clark asked the Council to pay attention to parking lot mitigation in terms of impervious surfaces because it could dramatically reduce the cost and effort needed to attain and reach the goals of protecting against a 100-year rain event.

Mr. Clark thought they could ask the two big businesses involved with the Henderson Branch sewer extension for large upfront connection fees. He suggested they not negotiate it away as they could assess the situation and set up a payment schedule to address the cash flow concerns of the businesses. They did not have to lower the charge as they could facilitate and make it easier for the business to pay within their cash flow structure.

Traci Wilson-Kleekamp stated she thought the sewer discussion in the beginning of the meeting had been very good. She noted she had moved to Columbia from Southern California where they had the California Environmental Quality Act, which was a notification law that outlined the process by which the public had to be notified of every step in a development. In addition, an environmental impact report was required for developments, and those reports had to have been completed within five years of the development. As a result, prior to any dirt being moved, an assessment of the impact to the environment was completed, and any negative impacts had to be mitigated up front before the project could proceed.

Ms. Wilson-Kleekamp commented that she thought it was important to provide a

legislative history for items. She had noticed the legislative history was lacking a couple of weeks ago on an item related to the Blind Boone Home. There was also a roundabout issue that had been continued, and when that had occurred, the backup information had not been connected to when it was moved. She did not feel it was appropriate to say it was on the internet because not everyone had the internet. She thought they needed to make it as easy as possible to find items.

Ms. Wilson-Kleekamp stated she agreed with Mr. Clark with regard to issues of change and honoring the past. She noted as a parent she had learned she sometimes needed to change because it was the right thing to do and it would not harm anyone. She thought it was important to embrace the idea they needed to talk about things that might be difficult.

Ms. Wilson-Kleekamp explained she was really big on the idea of the Sunshine Law and understood Mayor Treece would address the issue later as it built a lot of trust. The easier it was for the public to get information and understand what was going on, the better they were as constituents when they tried to engage the Council and ask questions.

Eugene Elkin, 3406 Range Line Street, commented that stormwater and water runoff needed to be discussed regularly as these old issues needed to be addressed. He stated everyone was connected in terms of toilets flushing, etc., and empathy was needed.

Lucas Geisler, 501 Business Loop 70 East, asked about the pronunciation of Again Street as he had heard it multiple ways tonight. The Council responded in terms of how they felt it was pronounced.

Mayor Treece stated the Columbia Tribune had conducted an audit of the political subdivisions within the area in terms of how quickly they responded to requests for public information under Chapter 610 of the Revised Statutes of Missouri. Some departments of the City did very well, while others did not do well. He understood they were primarily looking at the date the request came in, the date the City responded to the request, the date the City delivered the materials by, how much was charged, and whether the charge for research and copies was a barrier to obtaining that public information. He commented that he wanted City government to be as open, honest, and transparent as possible under the records that were allowed. He noted his philosophy was that anything created with public resources on a public commuter by public employees should be a public record with the exceptions noted in Chapter 610. He explained he was frustrated as this was the third material breach of Chapter 610 in the 90 days he had been mayor. He wanted to make sure they were looking at the City's policies and practices to ensure they were complying with the letter of the law and the spirit of the law as well as recent case law on the issue. He stated he wanted a transparency policy as an ordinance similar to what they had in State government under Chapter 37 of the Revised Statutes of the State of Missouri, which indicated it was the policy of each department to carry out its mission with full transparency to the public, and that any data collected over the course of its duties should be made available to the public in a timely fashion, including data reports and other information resulting from those activities. In addition, each department should broadly interpret any request for public information under Chapter 610. He noted he had asked Ms. Thompson to draft it and place it on the agenda to determine if there was sufficient Council support for it. He commented that the other observation he made was that most political subdivisions had a single custodian of public record, and the City had 19 as each department had a different custodian of public record, which created the opportunity for the inconsistent application of Chapter 610. He stated he would ask the City Manager to look into the issue, and noted he could be dissuaded from it if having 19 different custodians of record meant they could respond faster since they were closer to



the data. If someone wanted multiple records out of multiple departments, he did not feel they should impair the public with regard to who to ask or getting the right person on the phone to make the request. He would like to see the City move to a single custodian of records if the City Manager agreed it was the best management philosophy. He also wanted to see the City become more aggressive in new technology and software to try to get as much information as possible in an online, searchable, electronic format as that would hopefully alleviate some of the demand. He commented that every City employee he knew and observed was very busy with regular duties, but when these requests came in, he felt those duties had to be pushed to the side so they could respond timely within that 3-day time period. As a result, it might be better to have one person in charge than 19 people.

Mr. Skala agreed it was disconcerting that there were people with different experiences when they came to the City as he thought they tried to pride themselves on being transparent. He stated he leaned toward having a custodian of record in each department because their juxtaposition with the data might facilitate quicker responses. He thought they might need an ombudsman that worked on behalf of the citizens asking for this information to facilitate or approach the relationship between the person asking for the information and the custodian of record. He noted he was glad Mayor Treece mentioned updating the information in an electronic format as much as possible because he thought much of the reason for the delays involved antiquated systems they had for record keeping in addition to redactions, etc. He stated he thought it might be good to have someone that acts on behalf of those asking for the information and communicating with the people that had the information.

Mayor Treece noted the problem the Columbia Tribune had identified was that the Police Department needed \$4,000 and six months of time to research something they should have been keeping in a segregated file open for public inspection without cost. He thought an underlying court case had to do with a computer terminal, which was somehow separate from the other incident reports that could have been searched. His initial thought was that they might need someone in the Law Department to oversee it to determine what was public or not public information, but nothing seemed easy when lawyers became involved. He felt someone like the Community Relations Director might be able to help coax out what a person was looking for without being barrier.

Ms. Peters stated she would support the ordinance suggested by Mayor Treece, but also thought they should ask City staff what would work best for them. Having listened to some City staff address how to keep track of information and how to get it to the public in a timely fashion, she believed they might be the best people to determine how to fix it based on the new ordinance.

Mr. Matthes stated City staff cared deeply about this and did a massive amount of work to comply with what were great ideas in theory, but hard to implement in the field. He explained the Police Department had about 100,000 pages of laws they were supposed to know and enforce at all levels of government. In addition, every e-mail sent and every document produced was subject to the Sunshine Laws as it should be unless it included one of eleven items they were not permitted to release. The interesting thing about police records was that the status could change. It might be releasable when requested, but that could change later, or it might be closed early on, but releasable later. As a result, there had to be a pretty intelligent human being that knew all of this and was able to read every document to decide whether anything needed to be redacted or if anything in it would violate law if it were released. This was the reason it took so long and was so expensive for very broad requests, such as the one by the Columbia Tribune. He noted the Police Department was very different than the City Manager's Office. The items in the City Manager's Office were generally easier to deal with and there was less volume, but someone still had to read them all to make the decision as to whether the documents were releasable so they had highly trained people to do it. He pointed out they also had new employees whose responsibilities included being the custodian of record. He noted

they had one in every department because there were different laws associated with each business unit. It also allowed for better service in some situations. He commented that one of issues identified in the Columbia Tribune article involved a new employee who was learning how to do the job. He stated he pleased no one had violated law, and noted the issue he saw was with delayed responses and the costs to produce the documents. He reiterated the costs had to do with someone having to read thousands of pages to ensure the information could be released. He thought they could put information from a records request on the internet so anyone could see what was requested and a description of the answer. He explained they could not put all of the data out there since it could become complicated legally if the status changed. He commented that it was his intent to have a centralized figure from the Community Relations Department, and they were in the process of building the department as it had just been created last year. The Contact Center, which was a part of that Department, communicated verbally with the public and was tasked with being the coordinator of multi-departmental requests for information. If only one department was involved, that department would handle it. If it involved multiple departments, the Community Relations Department would handle it to help with the flow. There was improvement coming with how the City handled Sunshine Law requests. He commented that they were not perfect, but they were an incredibly transparent organization overall. He agreed there was always room for improvement.

Mr. Trapp explained he had received constituent contact with regard to drones as the person felt his privacy was being violated by his neighbor's drone flights over his property. He understood Ashland, Missouri had passed drone regulation, and asked if staff would look into an ordinance for Columbia.

Mr. Trapp noted the Public Health Law Center operated the Tobacco Control Legal Consortium, and the City was looking into a tobacco licensure. He thought it might be helpful to have supplementary legal opinion on the law, but the request needed to be made by the entire City Council for that organization to provide it. It was a simple form to be completed by the Mayor to request technical assistance. He asked that they empower Mayor Treece to make the request as it would provide additional legal resources as they looked at the complicated issue of tobacco licensing.

Mayor Treece asked if there was an existing legal opinion. Ms. Thompson replied she was not sure of the issue other than whether or not the tobacco licensing issue would have to go to the vote of the people, and it was the opinion of the City's Law Department that it had to go to the vote of the people. Mr. Trapp noted this would provide additional resources in review of the legal framework for licensure. He was not sure that was the only issue that would be reviewed. It would be up to them as to how they weighed the resources against others.

Mayor Treece stated he would proceed if the Council was agreeable, but noted he did not want to undermine the Law Department. He asked if anything prevented them from going ahead and providing an opinion. Mr. Trapp replied they would only provide the opinion at the request of a body.

Mr. Skala thought it was reasonable to have as much information as possible to make an informed decision. They could make an attribution according to the Law Department's opinion versus some other opinion that might be available.

Ms. Nauser asked if there was a cost associated with this opinion. Mr. Trapp replied there was not a cost.

Ms. Nauser stated she was happy to proceed with the opinion of the City's Law Department as they did for every other issue. She noted she did not know why they would want to do something different on this issue.

Mr. Skala pointed out there was a reason they called legal opinions, opinions. He noted he had full faith and confidence in the Board of Health to make a decision, and if the City's Law Department found objection, they would state their objection. Ms. Thompson

stated they had not had the opportunity to consult with the Board of Health yet. They had been requested legal counsel be sent to their next Board meeting so legal counsel would be attending.

Mayor Treece suggested they start with the Board of Health meeting with the City's attorneys. Ms. Peters stated she agreed.

Mr. Thomas thanked all of the utility crews that were out working long hours Saturday night and Sunday.

Mr. Thomas stated he would miss the August 1, 2016 and September 19, 2016 Council Meetings due to unavoidable work conflicts. September 19 was when the Council would most likely approve the FY 2017 budget. He noted he would try to get everything in he wanted the week before and hoped the rest of the Council would not remove it when he was gone.

Mr. Thomas explained there were several items he wanted considered in terms of the budget, and asked that staff make a recommendation with regard to each at the start of the budget process in August. He understood the City did not currently charge people for concept reviews for construction projects. He thought that might be appropriate for small projects, but large projects took a significant amount of staff time, so he wanted them to consider charging for large concept review processes and how that would be defined. He understood the cost was only \$100 for a demolition permit, and felt they needed to exert the community's interest in preserving property that was owned privately but interfaced with public space and was part of the community. He thought the \$100 fee was too low and wanted a recommendation for increasing it so it created value for existing buildings. He commented that he also wanted recommendations for increasing parking fees and fines. He understood the parking utility did not have time to work with the neighborhoods on the parking permit programs, which were important to the future of the transportation system. They had to be able to protect the inner-ring neighborhoods from overspill from the downtown, and parking permits were the best way to do that. He wanted these parking fees and fines to specifically provide better staffing to enforce existing parking rules and to work on new residential parking permit programs. He stated he did not support cutting the budget for CAT-TV from \$50,000 to \$25,000. He thought they should sustain that operation where it was as it had a big public benefit in his view. It was historically part of a system that allocated funds for the public, government, and school broadcasting. He preferred to see the budget for the City Channel be cut to sustain the budget for CAT-TV. He noted they had endured great cuts in the last few years, and he did not feel it should go any further.

Mr. Thomas commented that there were two policies he was interested in pursuing and both would require the gathering of data first. The first related to traffic capacity improvements. He did not believe the City had any data-driven system for deciding when a road needed to be widened or a four-way stop needed to be changed to a roundabout. He asked staff to develop a system for measuring traffic congestion in a reliable and transparent way. Council could then develop policy for when an improvement might be needed depending on the congestion metric. The other was a policy with regard to how much of the cost of public infrastructure for growth the growth driver itself would pay versus the public sector. He personally felt it should be at least 75 percent and possibly 100 percent. Per an amateur analysis he conducted, he thought it was well below 25 percent. He asked staff to look at the analysis he did and conduct a better analysis of the costs of growth in terms of roads, sewers, water, electricity, etc. This would allow Council to see the costs and the amounts growth paid, and they could then adopt a policy about the percentage of growth to be subsidized by taxpayers and ratepayers versus charged in fees.

Mayor Treece asked how much of that the Mayor's Task Force on Infrastructure would be compiling as he thought they had spent a good six months or so working on it. He suggested the Council allow them to complete their work so the work was not duplicated by staff. He stated it was a pretty comprehensive task force so he wanted to see their recommendations. He recommended Mr. Thomas visit with the Chair of the Task Force to determine if their product would answer the questions he was asking. Mr. Thomas stated he would communicate with Ms. Greever-Rice first.

Mr. Matthes introduced the new fellow, Chris Clubine, to the Council.

Ms. Nauser stated she had not attended the two meetings in June due to health reasons. She apologized to her constituents as she was far behind in her e-mail communications. She noted she would start chemotherapy next week, and wanted everyone to know she might not be able to make 11:30 p.m. meetings in the near future, but would do her best to be there to participate and make decisions on behalf of the constituents of the Fifth Ward. She explained this may result in her leaving meetings at 9:00 p.m. or 10:00 p.m. Mayor Treece wished her the best in her treatment, and noted they would be happy to absorb her duties. He believed her comments were a good reminder to all of them. He stated he liked the descriptions they all provided as to how they would vote, but thought they could all be a little more appreciative of the clock. He felt it might be better if they explained to their constituents or the media how they voted after the meeting as it might help them finish meetings earlier.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 11:27 p.m.