



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, October 17, 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 Monday, October 17, 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 PETERS, TREECE, RUFFIN, TRAPP and THOMAS were present. Council Members SKALA and NAUSER were absent. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meetings of September 19, 2016 and October 3, 2016 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Ruffin.

Mr. Thomas asked that B267-16 be moved from the consent agenda to old business. The agenda, including the consent agenda with B267-16 being moved to old business, was approved unanimously by voice vote on a motion by Mr. Thomas and a second by Mayor Treece.

#### II. SPECIAL ITEMS

None.

#### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC11-16 Board and Commission Applicants.

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

BOARD OF ADJUSTMENT

Hurley, Thomas, 907 W. Ash Street, Ward 1, Term to expire November 1, 2021

BUILDING CONSTRUCTION CODES COMMISSION

Lehman, Josh, 3811 Corinth Court, Ward 4, Term to expire August 1, 2019

CITIZENS POLICE REVIEW BOARD

Woods, Jayne, 4604 Bolten Court, Ward 2, Term to expire November 1, 2019

COLUMBIA COMMUNITY DEVELOPMENT COMMISSION

Lambert, Michelle, 5302 Wood Shire Drive, Ward 3, Term to expire November 1, 2019

Ritter, Mitchell, 805 Sandy Court, Ward 2, Term to expire November 1, 2019

Whatley, Paul, 1900 Potomac Drive, Ward 4, Term to expire November 1, 2019

COMMISSION ON CULTURAL AFFAIRS

Brewer, Tammy, 1312 Willow Creek Lane, Ward 5, Term to expire October 31, 2019

Kenny, Nicholas, 812 Leawood Terrace, Ward 4, Term to expire October 31, 2019  
Leemis, Caroline, 3608 Chestnut Drive, Ward 3, Term to expire October 31, 2019  
Rippeto, Ellen, 806 West Boulevard South, Ward 4, Term to expire October 31, 2019

PUBLIC TRANSIT ADVISORY COMMISSION

Hayles, Patricia, 115 Crestmere Avenue, Ward 4, Term to expire March 1, 2017  
Powell, Rene, 1201 Paquin Street, Ward 1, Term to expire March 1, 2017

SUBSTANCE ABUSE ADVISORY COMMISSION

Grim, Sarah, 1205 Club Meadows Drive, Ward 5, Term to expire October 31, 2019  
Smith, Gary, 204 Park de Ville Place, Ward 1, Term to expire October 31, 2019

YOUTH ADVISORY COUNCIL

Palipatana, Boonakij, Ward 5, Term to expire June 1, 2018

#### IV. SCHEDULED PUBLIC COMMENT

SPC53-16 Rachel Taylor - Impact of implicit bias on policing in Columbia, Missouri.

Ms. Taylor, 119 Clinton Drive, explained she was with Race Matters, Friends, and commented that it was dangerous to speak up at city council meetings for justice and compassion for people of color. She noted Andrew Hutchinson, who spoke at the last meeting, had been fired from his job as an outreach coordinator for the Columbia Housing Authority - Moving Ahead Program, and Race Matters, Friends was no longer meeting at the Blind Boone Community Center. She did not feel this looked good when Columbia was claiming it was working toward social equity.

Ms. Taylor commented that as of today, 761 people had been killed in 2016 by the police, and 188 or 24 percent were people of color. According to the 2010 census, African-Americans represented 13 percent of the population, which meant they were being killed at twice the rate of their population. She noted sixteen had been unarmed and six had been children. She stated police brutality was a very real and very present problem, and affected how people of color felt. She noted unarmed people of color were being killed at alarming rates in cities like Columbia, and felt it could happen here. She thought the current environment with implicit bias and stressed police could result in trauma and death of people of color. The historical dispossession of people of color represented by the destruction of Sharp End, disparities in employment and poverty, etc. revealed a pattern of system racism. The Attorney General's Vehicle Stop report indicated a pattern of disproportionate stops for people of color and differences in post-stop vehicle searches that reflected implicit bias. Outcomes were not equal for people of color at this time, and for her, there was no question that institutional racism was active in Columbia and it affected how they treated people of color. The Columbia Police Department (CPD) had a pattern of low morale and understaffing, but hiring more police did not always fix these issues. She recommended the CPD work on a culture that confronted implicit bias and taught officers de-escalation skills. If more officers would relieve the stress of the line workers that were most often in contact with the public, they suggested the hiring of officers that were calm enough to address emotionally fraught situations safely. They also wanted officers that were committed to the philosophy and ideals of community policing and had the tools and training to confront implicit bias in their own institution. In addition, she hoped they would work collaboratively with them in making good decisions about dismantling institutional racism. She commented that Race Matters, Friends had seen a deep division between police workers and their management. In the context of the clear evidence of systemic racism and police brutality, denying that racial profiling existed was and continued to be a deeply troubling refusal to compassionately interact with citizens. She understood things were getting better in that officers were being offered implicit bias training, written consent forms were being used, etc. She explained Race Matters, Friends had worked with the

CPD for free to interpret existing data, clarify what the Vehicle Stop report data meant, and recommend better data collection practices, and noted the CPD would participate in the police data initiative led by the White House. These were all positive changes, but more changes were needed. She explained she had attended the CPD Town Hall meeting for Beats 70 and 80 on October 13, and had met and talked to Lieutenant Eric Hughes. She noted she had been impressed with his articulated passion for helping people and keeping people safe. She saw the same kind of passion in the faces and actions of the other officers present. That perspective and the good hearts she had seen was not consistent with the video she had seen at the last council meeting of a young man threatened by a police officer with a drawn gun. She asked police officers and the CPD to continue to confront institutional racism and implicit bias, and for Columbia to provide them the support and training needed.

SPC54-16

Tara Warne-Griggs, Race Matters, Friends - Update on meetings with Columbia Police Department command staff regarding the vehicle stops data.

Ms. Warne-Griggs, 106 McBaine Avenue, stated she was representing Race Matters, Friends, and wanted to provide an update of their meetings with the Columbia Police Department (CPD) since they had met with Chief Burton at the end of July as it had been a bit rocky. They had met with Chief Burton's command staff on August 5 and September 8, and had participated in an ongoing e-mail exchange with them with the last contact being on October 7 when Don Love from Empower Missouri had sent them an updated analysis of searches. She explained there was a disproportionate rate of searches of African-American drivers, regardless of whether the search was by consent or it was a reasonable suspicion search, and the rate of finding contraband was much lower for African-American drivers than for white drivers. There had been numerous positive steps taken by the CPD recently, some of which had been going on prior to July. She noted the CPD had been willing to acknowledge there were disparities in the data reported to the Attorney General's Office, but they had not been willing to say the data meant anything with regard to their practices in policing. What she had heard at the Town Hall meeting at Parkade Elementary was that the data was bad and anything could be said with statistics, which differed from what the command staff had indicated to her privately at their meetings, and she thought that was problem. She pointed out the data sent to the Attorney General's Office was not complex, and black drivers were stopped more often than white drivers and were searched more often with things being found less often. She felt the CPD did not understand the reason for the data and report in terms of the need to look into it, and noted more study could be done, such as data with rates by age, location, etc. She understood all of this was information they had to pull in order to submit data to the Attorney General's Office, and they just had a remarkable lack of curiosity with regard to what the data could tell them. She thought more work was needed in this regard. She stated they had started to look at whether individual officers were disproportionately contributing to the problem, and had begun to have conversations with their internal legal advisor and the assistant prosecuting attorney about ways in which minor violations that snowballed into larger issues, such as arrest warrants, could be mitigated. She noted some communities, such as Ladue, had introduced a pilot program of no longer stopping people based upon minor vehicle violations. She understood the CPD was hesitant of this approach because it was the law, but pointed out they had also indicated they were not doing traffic enforcement due to manpower. She felt these were inconsistent statements, and that they did not realize the connections between their actual behavior and its impact. She commented that she had noticed the ability of command staff to speak about implicit bias in a more substantive way. She explained she had been impressed at the Town Hall meeting she had attended as Lieutenant Dickenson had stated Chief Burton had indicated they would talk about race whether they wanted to or not. In addition, in response to a comment made of being

supportive of police officer safety as they could die, Lieutenant Dickenson agreed that might be true, but noted they also had mothers of black men in this town that did not know whether their child would come home that night, and that was not okay and needed to be changed.

SPC55-16

Tom Devlin - Seminars and online video by departments, security deposit refunds, elimination of the tier structure for electric rates, grievance and complaint procedures, class action complaint against Water & Light.

Mr. Devlin stated he was a service connected disabled veteran and had a degree in business management with a minor in accounting. He commented that on Saturday, October 1, he had received his September utility bill and was shocked as it was the highest bill he had ever received. He decided the best approach in determining the reason was to have a very narrow focus on the electric rate structure and the electric rates. He thanked Jim Windsor for taking the time to help him understand the situation, even though they disagreed on a few things, and other staff who helped him to obtain records.

Mr. Devlin understood there was a peak in public interest and participation when there was a problem and the interest then dwindled. During these peak periods, there was an increased workload on City employees, and many times, it involved continuously answering the same questions. He suggested the City hold and record seminars as it would result in many questions being answered. In addition, it meant greater transparency and openness.

Mr. Devlin commented that currently the City required a security deposit of \$165 for utility services that was kept in a special escrow account that had a balance of about \$4 million. Section 27-20 of the City Code had a provision for security deposit refunds for those customers that had paid their bills on time for twelve consecutive months. He noted he had sent in his own request for a refund on October 4 and had not yet received it, but was looking forward to having it this holiday season. He stated he thought citizens could spend their money better than the City through an escrow account. He asked the Council to direct staff to immediately prepare and send out a special mailing to all utility customers with a notice and a form that could be signed and returned in an enclosed envelope.

Mr. Devlin suggested the Council consider a change from the electric tier structure and associated electric rates to a flat rate per kilowatt hour. He thought this change would make it easier for electric customers to understand the system and would create less confusion. Students and renters that lived in apartments usually had electric heating, and would go into tier three in the winter causing them to pay an unfair amount. He commented that he had recently moved back to Columbia from Quincy, Illinois, and this past March, Quincy had signed a three-year contract for electric energy with Homefield Energy at a flat rate of 5.795 cents per kilowatt hour year round. If Columbia were to do something similar, it could reduce electric costs for customers between \$40 and \$50 million based on the current citywide usage of 1,200 giga-kilowatt hours. It would result in electric operating revenue of \$103 million and an electric operating expense of \$78 million. He suggested the Council request the Water and Light Advisory Board to explain and publish the reasoning for the current various rate structures and rates with regard to residential service, small general service, large general service, industrial service, and heat pumps.

SPC56-16

John T. Conway - The power of public spaces.

Mr. Conway, 4902 Thornbrook Ridge, explained he was present to discuss a future citywide competition he had been involved in over the last five years through the National Society of Future Engineers, which affected the sixth, seventh, and eighth grade students. This year's theme was the power of public spaces. Each middle school team included an engineer mentor, an education mentor, and students from the sixth, seventh,

and eighth grades, and noted Jefferson Middle School and Lange Middle School were participants this year. He noted Missouri belonged to the Great Plains Region, which consisted of Missouri and Kansas. The competition was held in January in Kansas, in either Lawrence, Kansas or Manhattan, Kansas, and had five elements, which included a plan, the designing of a virtual city, an essay, the construction of a scaled model of a portion of the virtual city, and a presentation at the competition. He pointed out they also spoke to the students about core values, such as what they could do to entrust others, doing what was right when doing so might be difficult, becoming lifelong learners, etc., so they would be able to lead the community to a better tomorrow.

SPC57-16 Stephen Kleekamp - Social justice.

Mr. Kleekamp, 2905 Greenbriar Drive, explained he was with Race Matters, Friends, and stated he thought it was important for the City Council, Mayor, City Manager, and Police Chief to get more involved in social justice issues in order to provide police officers some relief. He thought it was unfortunate the police officers were on the front line on so many issues, to include mental health issues. He was afraid some of the steps taken recently, to include contracts with Mr. Kenney and Mr. Whitt, were inadequate and were not serious efforts to deal with the issues. He reiterated he thought it was unfortunate that the police had to deal with these social issues. He commented that he supported the police, which was one of the reasons he was speaking. He read excerpts from an interview done by Studs Terkel for a 1974 book entitled *Working* as there were important points still true today. He explained Mr. Terkel had asked a former African-American Chicago officer why he had become a police officer, and the officer had indicated a police officer was looked up to in the black community as important even though people were afraid of them. The position itself was of importance. He noted the officer had indicated he had quit a job that had paid more to become a police officer and he sometimes wondered if that had been the best decision. Mr. Terkel also asked the officer what had led to his disenchantment, and the officer had stated it was seeing blacks being treated one way while whites were treated in another way. The majority of police officers in his station had been white, and the opinion they had was that black people were all criminals, had no morals or scruples, and were dirty and nasty. He explained the officer indicated 60 percent of the police-citizen contact started with a traffic situation and certain units had really developed a science with regard to stopping an automobile. He stated they felt if they stopped 100 cars in the black community, the likelihood of them finding 1, 2, or 3 violations of some sort was highly possible, but after stopping 1,000 vehicles, they had 900 people that were very pissed off as they had not broken any law so the tolerance of police brutality with minorities was growing short. He noted the officer had stated they would not accept that treatment, the dehumanizing, degrading treatment, which was why more young kids were being killed by the police than ever before. Mr. Kleekamp commented that he did not believe there were more deaths by police proportionately than there used to be, but felt this was coming to a head because average, everyday people were affected. He believed it was the responsibility of the City Council, Mayor, Police Chief, etc. to help officers deal with these issues. He questioned if everyone with a taillight out or expired plates needed to be stopped. He understood not every officer did this, but questions were raised when it occurred. He explained his children had been pulled over and identification for everyone in the vehicle was requested. They had been told they had a taillight out, but it was fine when he checked on it later. There were no drugs or liquor in the car, but the officer still asked them for their identification. These types of stops happened, and they were aggravating to those involved. He felt this was one of the reasons they were in the situation they were in now.

## V. PUBLIC HEARINGS

PH34-16 Proposed construction of Phase II improvements at the Norma Sutherland Smith Park to include the installation of a new playground, basketball court, baseball field, walking trail, restroom and connecting ADA walkways.

Discussion shown with B266-16.

B266-16 Authorizing construction of Phase II improvements at the Norma Sutherland Smith Park to include the installation of a new playground, basketball court, baseball field, walking trail, restroom and connecting ADA walkways; calling for bids for a portion of the project through the Purchasing Division.

PH34-16 was read by the Clerk and B266-16 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.

Mayor Treece asked for the total acreage. Mr. Griggs replied 50 acres. Mayor Treece asked how that compared to the Cosmo-Bethel Park. Mr. Griggs replied it was about 10 acres larger as Cosmo-Bethel Park was about 40 acres. Mayor Treece thanked Mr. Smith.

**B266-16 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE. ABSENT: SKALA, NAUSER. Bill declared enacted, reading as follows:**

PH35-16 Consider project selections and prioritization of grant applications associated with Transportation Alternatives Program (TAP) funding for non-motorized transportation facilities.

Discussion shown with R158-16.

R158-16 Authorizing the City Manager to apply to the Missouri Department of Transportation for federal Transportation Alternatives Program (TAP) funding for non-motorized transportation facilities.

PH35-16 and R158-16 were read by the Clerk.

Ms. Christian provided a staff report.

Mr. Thomas asked how often the City had the opportunity to apply for Transportation Alternative Program funds. Ms. Christian replied it could be annually or every two years. In this case, the City was applying for the next two years' worth of funding. Mr. Thomas asked why there were different percentages of local matches as he thought they could apply for much more if they spread the local match around more thinly. Ms. Christian replied there was a \$400,000 cap on what the City could request. Mr. Thomas asked if that was for a single project. Ms. Christian replied yes. Mr. Thomas asked if they could divide the Perche Creek trail into four subprojects. Ms. Christian replied she felt that would be complicated.

Mr. Thomas commented that he believed these were all good projects and noted he did not have a problem with the prioritization either. He asked if the Carter Lane project involved the east side of Carter Lane. Ms. Christian replied it was on the east side. Mr. Thomas wondered if it was possible to modify the project. He noted there was a bus stop on Providence Road across from the Waffle House. If the sidewalk could be connected with a crosswalk across Carter Lane to the bus stop on Providence Road, he thought it would be a big improvement. He noted that was the exact location a pedestrian had been killed a little less than two years ago after getting off a bus that had been headed southbound and crossing to get to her home off of Carter Lane. He thought they should keep that in mind in terms of future improvements.

Mr. Thomas asked if the traffic calming and pedestrian crossing associated with the West Entry Gateway project would be around Fourth Street. Ms. Christian replied yes, and clarified it was near Fourth Street and Broadway. Mr. Thomas thought that was a good location and noted he felt it would create a nice entrance to downtown and an indication of this being a pedestrian-oriented area.

Mr. Thomas stated he was happy to see the Stadium to Bluffdale Trail was now called the Stadium to Bluffdale Trail, and not the Rollins to Shepard Trail, and that they were looking for funds for it. He asked about the status of the project as he had heard there

had been discussions with the University in terms of access. He wondered if that was moving smoothly. Mr. Griggs replied City staff was working with All-State Engineering to help identify the bridge locations for the route on the University side. He understood that once they had the bridge locations, the trail could be routed on that side and the University would have something they could review and provide feedback. Mr. Thomas understood there would be three bridges. Mr. Griggs stated that was correct. He noted the Public Works Department was handling the GetAbout portion of trail that would cross the creek and go to Rollins Street. Mr. Thomas explained the University was in the process of conducting a parking and transportation study, and based the preliminary results, they were making a new commitment to promoting alternative transportation for students, faculty, and staff, and he thought this trail could be a part of the solution to their parking and transportation issues.

Mayor Treece asked for the total amount of the projects. Ms. Christian replied \$1.8 million. Mayor Treece understood there was a \$400,000 cap. Ms. Christian stated the \$400,000 cap was per project. Mayor Treece asked if they would submit as many applications as possible. Mr. Christian replied yes.

Mayor Treece opened the public hearing.

Deb Sheals, 406 W. Broadway, provided a handout and explained she was present in support of the Gateways project and hoped the Council would move it up on their list of priorities. The Downtown Community Improvement District (CID) had been working on the Gateways project for a couple of years. She explained the project started with public input and then went through a design process. It involved public art, street beautification, and pedestrian safety. She commented that she agreed the Fourth Street and Broadway intersection was frightening in terms of pedestrian safety. She noted this would be the largest public-private art initiative in the community's history. She explained the Gateway project would include four gateways as well as light hubs, and she showed some illustrations. She noted three light hubs would be in service in a few weeks. She described the west gateway, which was the subject gateway tonight, and pointed out the area involved was the crossing for the African-American Heritage Trail. She displayed an illustration and explained it would have lighted columns, a landscaped median to slow down traffic, and crosswalks. It was a big project, and they were only asking for help to cover a piece of it with TAP funding. She listed the other costs associated with the west gateway and noted they had applied for a \$200,000 NEA Our Town grant for the art elements as well.

Mayor Treece asked if the light hub ball they had displayed was to scale. Ms. Sheals replied yes. It was one of the small ones. She noted the big ones were about three feet. Mayor Treece asked if they would be held up by cable. Ms. Sheals replied yes, and explained she thought there would be three cables for the grouping.

Ms. Peters asked if there would be HAWK lights or anything that would let traffic know of the pedestrian crossing. Ms. Sheals replied the design currently involved bulb-outs, the area of refuge in the middle, and marked crosswalks. She thought it was something that should be looked into, and noted the lights at the east end of Broadway were very effective.

Kim Wischmeyer, 904 Bourn Avenue, commented that if the cables involved included electric, they would be required to have an 18 foot clearance for semis and big trucks. He understood that was the actual code for electrical wiring over a main thoroughfare.

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

Mr. Trapp stated he thought this was a good list of projects, and noted he was happy to see the Oakland Gravel Road sidewalk project as there was definitely a gap area that needed to be addressed. He commented that his optimism was tempered by the fact funding for it had been previously turned down.

Mr. Ruffin asked about the likelihood all of these projects would be funded. Ms. Christian replied she understood one project might receive funding.

Mayor Treece asked for the timeframe on a decision. Ms. Christian replied applications were due November 1, and they would learn of decision around the beginning of January.

The vote on R158-16 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE. ABSENT: NAUSER, SKALA. Resolution declared adopted, reading as follows:

## VI. OLD BUSINESS

R144-16 Approving the Preliminary Plat for Kitty Hawk Manor, Plat No. 6 located on the southwest corner of the intersection of Northland Drive and Parker Street (Case No. 16-137).

R144-16 was read by the Clerk.

Mayor Treece understood a request had been received to table this item.

Mr. Teddy provided a staff report.

Mayor Treece asked if the dispute over the 100 foot buffer was completely off of the table. Mr. Teddy replied he understood there had been a conveyance back and forth from the property owner that had brought up the issue of the 100 feet as it had applied to that property owner. He also understood another gentleman was concerned about a private agreement for 100 feet north of Gypsy Moth Drive that was to remain as open space, but staff had not found any documentation in the City approval that had made that a condition.

Mr. Trapp understood the Council had discretion in approving preliminary plats. Mr. Teddy stated the preliminary plat complied with the R-1 regulations and the Planning and Zoning Commission had recommended approval subject to a condition that had since been agreed to by the applicant. Mr. Trapp understood this was not a ministerial action in that the Council was not legally obligated to approve it. Ms. Thompson replied the Council had greater discretion with preliminary plats than with a final plat.

Mr. Trapp commented that the neighborhood to the north had preferred a PUD plan when the original rezoning request was approved, and the compromise made was the private conservation easements. He thought it was clear in reading the minutes that the intent was to not develop north of Gypsy Moth Drive, and that the area would be kept as a buffer zone. As a result, he preferred for that area be maintained, and asked if the Council had discretion in that regard. Ms. Thompson replied she would have to review the minutes with regard to the rezoning and understand the commitments made at the time. Given what Mr. Trapp said, the Council had more discretionary authority when it came to platting and compliance as it related to zoning. She noted they could discuss the matter individually as she would not want to opine specifically at this point in time.

Mr. Trapp understood the applicant had requested tabling this matter so that would provide time to examine the issues.

Ms. Peters asked when this had originally been rezoned. Mr. Trapp replied it was about 20 years ago.

Mac Rouse, 2726 Northland Drive, explained his property was just to the west of the subject site, and this went back about 26 years to 1990 when the Burnams had requested a rezoning from R-1 to R-3 for some of the property to the south. The neighborhood association had come to an agreement with Mr. Burnam that they would support the change in zoning. He in turn deeded each of the landowners, of which there were about five at the time, 100 feet of greenspace along there individually. Mayor Treece asked for clarification as to the location of that area. Mr. Rouse described the area utilizing a diagram displayed, and noted it extended almost all of the way to Parker Street. He commented that there was a pretty distinct line of demarcation in terms of the greenspace. He noted they had given up something and Mr. Burnam had given up 100 feet of greenspace, and at the time Mr. Burnam's intention was to not develop it. As late as 2015, his nephew had indicated to one of the property owners that they had no plans to develop north of Gypsy Moth Drive. They felt Mr. Burnam had given the neighbors his word, and this was the way it had been since 1990, but they were now shifting things.

Mayor Treece asked if the 100 foot buffer was included in the red outline or if it was



somewhere else. Mr. Rouse described the 100 foot buffer using the diagram.

Mr. Thomas understood full depth of the lots was the area that an agreement had been made indicating it would not be developed.

**Mr. Trapp made a motion to table R144-16 to the November 7, 2016 Council Meeting. The motion was seconded by Ms. Peters and approved unanimously by voice vote.**

B254-16 Changing the uses allowed on O-P zoned property located on the north side of Berrywood Avenue and east of Portland Street; approving a revised statement of intent; approving the Mainstreet Health & Wellness Suites O-P Development Plan (Case No. 16-171).

The bill was given second reading by the Clerk.

Mayor Treece understood a request had been received to table this item.

Mr. Teddy provided a staff report.

**Mr. Trapp made a motion to table B254-16 to the November 7, 2016 Council Meeting. The motion was seconded by Mr. Ruffin and approved unanimously by voice vote.**

B262-16 Amending Chapter 24 of the City Code to establish a public inconvenience fee for extended temporary occupancy of public spaces.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Thomas understood this ordinance was based on the Miami model and asked if there was any analytical basis for the 20 cents per linear foot per day for sidewalk and the 30 cents per linear foot per day for travel lanes. Mr. Nichols replied he did not believe there was, and explained the calculation based upon the linear foot per day was what made the implementation of this model attractive. He did not have any background as to how they had arrived at those numbers.

Mr. Thomas commented that there was a basis for the parking lane as he assumed it was what the parking utility charged to bag the meter. Mr. Nichols explained the City charged \$10 per day for a parking hood. Mr. Thomas asked if a parking space was about 20 feet. Mr. Nichols replied it was about 19 feet. Mr. Thomas understood it would cost about 50 cents per foot currently for a parking space, but 30 cents per foot was proposed in this ordinance.

Mr. Thomas stated he was concerned about what appeared to be charging double with the bag fee and the public inconvenience fee.

Mr. Thomas asked if staff had been able to find examples of the public inconvenience fee in cities more similar to Columbia than Miami or Kansas City. Mr. Nichols replied no.

Matt Beckett, 2409 Marietta Falls Lane, explained he represented East 280 LLC, which was the developer of the patio lot at the Boone County Courthouse. He commented that he was excited about the happenings in downtown Columbia and noted he was grateful to be able to develop something he thought would be neat for the downtown. He stated his point of disagreement with the public inconvenience fee (PIF) ordinance involved the planning and budgeting that had already taken place by developers, and suggested a continued dialogue on the topic. He noted the planning for the courthouse patio lot development had begun two years ago, and pointed out they had always tried to be responsible by proactively communicating with the City so everyone knew what was going on when the project came forward for plan review and permitting. He explained their discussions had included staging street closures, sidewalk closures, etc. He stated they had a lot of challenges with their project, especially since space was tight in the downtown area. He noted he wanted to develop as quickly as possible, and did not feel

anyone had more of an incentive to develop quickly than the developer. He asked the Council to consider a continuation of the dialogue on this topic, and suggested the issue be tabled so they had something that worked better and was more predictable. This ordinance would create difficulties, especially in their situation, since they were close to starting the development of their project.

Jerry Dowell, 300 S. Providence Road, stated he was representing the Columbia Chamber of Commerce, and noted they had been actively engaged on this topic. They believed a more thorough process was necessary moving forward. He commented that none of their members had indicated any objection to having a PIF. They were only concerned about the process in terms of who was involved and the ability to provide input. They also felt more study was needed since the fees were high. The communities mentioned in the staff report were all large metropolitan areas, and not Midwest communities the size of Columbia. In addition, he thought other things could be discussed that would diminish the impact of street and sidewalk closures, and suggested caps along with a more equitable fee based on the size and the type of impact. He pointed out questions had also been raised as to the impact of this ordinance on MoDOT streets and sidewalks since those rights-of-way were not under the purview of the City of Columbia. He asked the Council to table this issue so it could be further discussed and input could be provided by others that might be impacted by it.

Mr. Ruffin asked if these questions had been raised in the meetings with staff. Mr. Dowell replied they had. Mr. Ruffin asked if they had not been answered to his satisfaction. Mr. Dowell replied some of the items raised had been included in the staff report, but noted they had not had the opportunity to determine if there were other cities in the Midwest of similar size for a comparison. He questioned utilizing a city like Miami as their inconvenience fee was likely not comparable. He explained some questions had been answered and felt continuing the dialogue would allow them to come to an agreement by which everyone might be happy.

Mayor Treece understood the Columbia Chamber of Commerce was not opposed to this. Mr. Dowell stated in theory they were not opposed to it. He noted they had not had a single member that had indicated this was a bad idea. He felt the devil was in the details and in its implementation. Mayor Treece asked if the Chamber had heard from any members that might be small business owners in the downtown that were impacted by sidewalk or street closures in front of their business. Mr. Dowell replied they had.

John Clark, 403 N. Ninth Street, recalled some consternation in that the staff had not brought this forward earlier, and noted he had issues with staff delays. He commented that he would encourage the Council to allow time for those impacted to provide more input, but suggested they not delay charging the fee. He recommended they look toward the House Ways and Means Committee in the U.S. Congress as he understood the legislation for something that had come out of that committee might not be finished for a year, but the effective date was the date it had come out of the committee. He did not know if what had been proposed in this ordinance was too high, and suggested they work with those impacted to develop the law while making the start date for charging those fees today. The end result could be fees that were either higher or lower. This would remove any stonewalling or grandfathering issue. He commented that he did not like the idea of talking forever as a way of putting an issue off. He believed his suggestion offered a good way for people to work together openly and cooperatively as those rates would be imposed. He commented that he wanted more information as to how this would impact a project budget because he felt this would be a very small amount compared to the total project cost.

Tom Trabue, 1901 Pennsylvania Drive, stated he agreed with the premise of the ordinance and noted it had already succeeded as his team was looking more carefully at construction fencing and construction barricading to minimize the impact to pedestrians and the traveling public. He explained he was concerned at the level of the fees proposed, and thought it should be an incentive to get the projects completed as quickly

as possible to minimize the inconvenience to the public. He felt there was a delicate balance between an incentive and a punitive policy, and he did not believe they wanted a punitive policy. He noted the fees were based on those currently in effect in Miami, Florida, and thought it would be more appropriate to look at the fees in Kansas City. He explained another concern he had involved the insurance requirements as the liability insurance requirements created a difficult situation. A lot of the closures would be related to building maintenance, and a lot of the local contractors might not be able to afford the insurance requirements proposed. He stated he was not in the insurance business, but he understood these were higher than what was typically required.

Mayor Treece understood Mr. Trabue worked at an engineering firm and asked if he had ever served as the owner's representative for a project. Mr. Trabue replied yes. Mayor Treece asked if he ever pushed back on a contractor wanting to utilize the sidewalk or street. He wondered if there was ever any effort to have them phase in the project a different way so the sidewalk and street were kept open. Mr. Trabue replied they had not thought about it much in the past, but they now had a heightened awareness of it. He explained they were concerned as they also worked for a lot of municipalities in terms of designing roads, and the last thing they wanted to do was close roadways. He commented that he thought that was why he, as a part of the design community, was not opposed to this. They only wanted something that was fair, equitable, and appropriate to the Columbia community.

Mr. Trapp stated he thought they were off to a good start in terms of the dialogue. He noted there was obviously a necessity for it, and explained he would feel more comfortable if they held at least one interested parties meeting or referred it to the Planning and Zoning Commission to have an organized body accept feedback. He thought it made sense to have a metric to base the fee upon. He felt this was a big change, which required them to be deliberate. He understood Mayor Treece's desire to bring relief to businesses that were impacted by sidewalk and street closures now, but believed they needed to take a little more time to be thoughtful.

Ms. Peters asked Mr. Trapp if he thought any meeting could take place within the next month or two so they could move forward by the beginning of the year. Mr. Trapp asked staff for their input and whether they had a preference. Mr. Nichols replied he thought input from the Planning and Zoning Commission would be helpful. Mr. Teddy pointed out the Planning and Zoning Commission had a lot to do already. He noted the Council did not have to refer a building matter to them.

Mayor Treece thought this could be referred to the Downtown Columbia Leadership Council (DCLC) as it had a broader cross section in terms of membership. He pointed out the Council had discussed and directed staff to bring back an ordinance on June 9, 2016, and since that time, they had approved two new sidewalk closures. Independent of each other, they were not a big deal, but when combined with other closures, a bottleneck in the downtown had been created without the concomitant benefit. He noted Mr. Beckett had made a good point in that he had a challenging site, but that sidewalk and street were still public assets, and if he or any other developer needed it as part of the project site, there should be compensation to the taxpayer associated with the loss of use of the asset to the public.

Mr. Thomas believed everyone agreed this was the right thing to do, and that they needed to compensate the public for the inconvenience, but noted he was always hesitant to rush into anything, especially when it stimulated opposition from a number of different stakeholder groups. Mayor Treece commented that he had not heard any opposition. Mr. Thomas explained he had heard from several people that did not want them to approve the current wording tonight, and he considered that to be opposition. He did not have a preference as to whether this was assigned to the Planning and Zoning Commission or the DCLC, or if an interested parties meeting was held. He understood there were several concerns to include the lack of analysis leading to the particular costs per linear foot as he thought Kansas City charged one-tenth of the amount Miami

charged, the double charging for parking lanes, etc. He commented that he liked the suggestion of Mr. Clark to set a date now, and recommended it be phased in regardless of the date chosen.

Ms. Peters stated she thought it would be reasonable to refer this to the DCLC and wondered if they could get something back by the first meeting in December.

Mr. Trapp noted he liked the idea of a phased system as well.

Mayor Treece explained he did not want to create the opportunity for projects that were premature to file applications in order to avoid paying this fee as they had already experienced it once this summer. He noted this had been part of the public dialogue since early June. He felt this would inadvertently lengthen the time the sidewalk or street would be closed because they wanted to get in now to avoid paying the fee even though the closure might not be needed right away. If they wanted to couple this with not providing any sidewalk or street closures, he thought they could take as much time as they wanted.

Mr. Matthes pointed out the next DCLC meeting was on October 25, and suggested they be specific as to what they wanted the DCLC to cover. The issue of researching other cities might take some time.

Mr. Thomas felt they would need to table this for two months to allow time for adequate advertising of a further public stakeholder input process, for that input process to happen, for the output to be analyzed, for further research to be done, etc.

Ms. Thompson pointed out there were two amendment sheets associated with this, and suggested the Council approve those amendment sheets prior to tabling the item as it would give the DCLC something to look at and something to consider that was more final than what they currently had.

Mr. Thomas made a motion to amend B262-16 per the amendment sheet that had been provided in the packet. The motion was seconded by Mr. Trapp.

Mayor Treece asked if there was general consensus for no sidewalk or street closures to come forward until this issue was resolved one way or another. Ms. Peters replied she was agreeable. Mr. Thomas understood they would not have any new development projects in the downtown now due to the administrative delay, and noted he thought that was reasonable. Mr. Trapp stated he thought they could take a hard look at them based upon Mayor Treece's rationale.

**The motion made by Mr. Thomas and seconded by Mr. Trapp to amend B262-16 per the amendment sheet that had been provided in the packet was approved unanimously by voice vote.**

Mayor Treece asked for clarification on the amendment sheet provided by Ms. Thompson tonight. Ms. Thompson replied she had gotten a bit aggressive in the amendment sheet they had just passed and had inadvertently deleted the ability of the City Manager's Office to issue block party permits. This amendment sheet would reinstate the ability of the City Manager's Office to allow a street closure for neighborhood events.

**Mr. Thomas made a motion to amend B262-16, as amended, per the amendment sheet that had been provided by staff that evening. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.**

**Mr. Thomas made a motion to table B262-16, as amended, to the December 5, 2016 Council Meeting, and to refer it to the Downtown Columbia Leadership Council for their review and to hold a public stakeholder hearing at their November meeting to address the various issues discussed tonight. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.**

B272-16 Authorizing a contract for sale of real estate with John and Vicki M. Ott, Alan Germond, James D. Baugher and Jacqueline Verdun, and Robert B. Price III and Alicia A. Price for property located on the southwest corner of Providence Road and Burnam Road to facilitate the construction of the Providence Road improvement project from Stadium Boulevard to Stewart Road.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Ms. Peters read the paragraph number 3 of Exhibit A and asked for clarification. She wondered if the City would be signing a tax form indicating it was worth more even though they disagreed. Mr. Matthes stated he would recommend deleting the second sentence of that paragraph. This was language City staff was generally comfortable with in the sense that the City would purchase the property for a certain amount and the property owners' relationship with the IRS was separate and they could claim a gift of some kind if it was worth more. He reiterated he would recommend deleting the second sentence.

Ms. Thompson clarified the tax form for a charitable donation of property required the donee to acknowledge receipt of the property and that they were a tax exempt organization. This was all the City would certify when it signed the tax form. The tax form was required when someone was making a claim of a charitable deduction. The City did not acknowledge the value of the charitable deduction. It was not part of what they certified. She reiterated the City only certified they had received the property and that the City qualified as a tax exempt entity.

Ms. Peters understood the City was not saying it was worth more than what they had paid for it. Ms. Thompson stated that was correct.

Mayor Treece asked if there was a dispute as to what it was worth. Mr. Nichols replied they had their own appraisal conducted. Mayor Treece asked what they thought the property was worth. Mr. Nichols replied he thought their appraisal had come in at \$300,000. Mr. Nichols understood that was more than double what the City was paying. He noted the City had an appraisal and a review appraisal conducted, and pointed out property owners were welcome to get their own appraisal as part of the right-of-way acquisition process. Mayor Treece thought it was not true for the City to say it did not dispute the value of the property because they disputed it. Mr. Nichols explained the City would not represent any value on the form. He noted the City's appraisal was different from their appraisal, and they were willing to sell the property at the City's appraised value.

Ms. Peters understood that by signing the IRS form, they were just saying they were tax-exempt and had purchased the property. They were not providing a price. Ms. Thompson read the actual donor acknowledgement form, which indicated the charitable organization acknowledged that it was a qualified organization under Section 170 Subpart C, that it received the donated property as described in Section B Part 1 above on the following date, and that the organization affirmed in the event it sold, exchanged, or otherwise disposed of the property in Section B Part 1 or any portion thereof within three years after the date of receipt, they would file Form 8282 Donee Information Return with the IRS and give the donor a copy of the form, and that this acknowledgement did not represent agreement with the claimed fair market value.

Mr. Thomas asked for a location description of this property. He commented that the southwest corner of Providence Road and Burnam Road appeared to have a driveway going south off of Burnam Road and two buildings, and asked if this involved a much smaller area that was just in the corner. Mr. Nichols replied yes.

Robbie Price, 111 E. Brandon Road, stated he was representing the owners of this property, which were four families. He described the location of the property, and noted it

was 10,006 square feet and did not have any improvements on it. He explained they had gotten their own independent appraisal, which had come in much higher than the City's appraisal. They felt utilizing the City's appraisal was justified when the entire lot was under consideration for purchase. He commented that it was an R-2 zoned lot, which allowed for a two-family dwelling, and the setbacks currently imposed upon the lot were 25 feet from Providence Road, 25 feet from the rear property line, six feet from the interior lot line, and a 12.5 feet from Burnam Road. This left just under 5,000 square feet, and a minimum of 10,000 square feet was needed for an R-2 lot. He noted only 5,000 square feet was needed in R-1. He displayed the area the City needed for a street easement, and explained the City had proposed purchasing the 4,100 square feet at \$12.50 per square foot. He pointed out that would have left a 5,890 square foot usable lot, but it would have downgraded their ability to use the lot as an R-2 lot and would have turned it into an R-1 lot since they would only be able to place one single-family dwelling on the lot. The owners felt this made it very difficult for them to be able to do anything and that the City would be better served by having the entire lot. He also noted that after setbacks from the new street easement, they would likely only be left with about 2,500 square feet of buildable space on the lot, so it would be very difficult construct a structure that would be economically viable. He felt it was an issue of real estate rights. The original proposal was to pay them for the street easement and not leave them with anything they could really use in the future. As a result, it was a common sense solution for the City to purchase the entire lot. He believed that was the fair and equitable outcome.

Ms. Peters asked why the appraisals were so different. Mr. Price replied the City's appraisal used a mixture of commercial and residential properties in the area and the property owners' appraisal used only residential properties and had come up with a value of \$30 per square foot.

Mr. Thomas stated he thought 7,000 square feet was the minimum lot size for R-1. Mr. Price commented that he thought it was 5,000. Mr. Nichols stated it was 5,000.

Mayor Treece asked if the property owners' appraiser had used the income approach or the comparison approach. Mr. Price replied the comparison approach. Mayor Treece asked for the comparables used. Mr. Price replied he did not have the appraisal with him. Mr. Nichols stated he did not have the appraisal with him either.

Skip Walther, 700 Cherry Street, stated he represented the property owners that had signed the contract to sell the property at Burnam Road and Providence Road. He explained the City had come to his clients several months ago with an offer to purchase an easement for the property, and the City had enlisted the services of Moore & Shryock, a leading appraisal firm in Columbia. His clients had enlisted the services of Cannon Blaylock, another leading appraisal firm in Columbia. The City and his clients began negotiating based upon these appraisals. He noted the appraisers had used very different methodologies in arriving at their opinions of value and their conclusions were dramatically different as well. He understood staff agreed with Mr. Price in that, as a practical matter, they would really not be able to use the property once the easements were taken, which was why they agreed to bring forward to Council the purchase of the entire tract at the value determined by Moore & Shryock. His clients had ultimately decided it was better to agree upon the sale at the value determined by Moore & Shryock. He noted the agreement before them represented a compromise after significant negotiation as his clients wanted to avoid the risk and the expense of going to court in a condemnation action. If the contract was not approved, they would have to go to condemnation, and in any condemnation, there was a risk of the unknown. He stated his clients felt this was a fair agreement and urged the Council to approve the agreement.

Mayor Treece asked Mr. Walther for the comparables used in the Cannon Blaylock appraisal. Mr. Walther replied some of the properties were what ACC was building on currently, and one of the properties was on Rollins Street that had been purchased by a sorority. Mayor Treece thought those were dramatically different properties with dramatically different uses. The purpose for which they purchased the property generated

much more income than a 10,000 square foot lot. Mr. Walther understood and noted he was not present to debate the methodologies used by people far more educated than him about appraisals. He explained he understood adjustments had been made because the properties were used for assemblage purposes as one of the properties had been purchased for over \$74 per square foot, and the Cannon Blaylock appraisal had come in at \$30 per square foot. The \$30 per square foot was just under the cost for the Rollins Street property, which was not used for assemblage purposes. He understood Moore & Shryock had used properties in East Campus and to the north, which were not located close to this property. He thought they could pick apart either methodology, which was why they felt this compromise was the best route.

Mayor Treece asked Mr. Walther if he wrote Exhibit A to the ordinance. Mr. Walther replied he had not, and that it had come from the City. He noted he had made one change, which was to add the IRS form number that the donee of this type of transaction had to sign. He pointed out the contract specifically said the City was neither accepting or disputing the value, so there was not a question with regard to the City taking a position on it. The IRS would either agree with the property owners or they would not.

Mr. Thomas asked for a description of the project that would require this additional right-of-way. He understood they would install signals, crosswalks, and a sidewalk on the north side of this intersection. Mr. Nichols replied this would allow for dual left out of the subdivision, so there would be one lane in and two lefts out. The turn lane was to allow right hand movements. Mr. Thomas commented that with the way it was drawn, it was a short extra width for the right-of-way for the extra lane. Mr. Nichols stated it was the standard right turn lane through there. Mr. Thomas understood as one traveled east on Burnam Road, closer to Providence Road there would be three lanes. Two left turn lanes and one right turn lane. Mr. Nichols noted room was needed for the right turn lane to allow a few cars to make the right turn. There would be a significant impact to the intersection. He pointed out they were in negotiations for the property on the north side that would look similar for a right turn lane in. Mr. Thomas asked if Providence Road would go to three lanes for a short distance north of the intersection. Mr. Nichols replied yes, and noted there would be a right turn lane to allow the right turn movements to get out of the way of through movements. Mr. Thomas asked about the crosswalks. Mr. Nichols replied they were on the south side and would include pedheads, which was why the sidewalk was on the south side, and not the north side. The City was in the process of obtaining easements for it, but the idea was for the pedestrians to cross on the right side as the left turning movements exited the neighborhood. The pedestrians would also be received on the east side of Providence Road at the Delta Gamma house. He noted they were negotiating right-of-way with them as well. Mr. Thomas asked if it would be a diagonal crosswalk. Mr. Nichols replied no. It was pretty much straight across. He noted he would be happy to send Mr. Thomas the diagrams.

Mr. Thomas thought the financial negotiations seemed okay, but suggested the additional space be used for some sort of beautification project with landscaping, benches, etc. He thought it could be adopted by an organization or the neighborhood. Mr. Nichols stated this had already been discussed. He thought the neighborhood could pursue a Grasslands sign. Mr. Thomas thought it could even be a pocket park.

Mr. Trapp commented that he thought it made sense to purchase the entire lot as they were really impacting the usability of the lot. He stated he was happy to see this moving forward as the City had been working on this project for 8 years.

Mr. Nichols explained they were hoping to have all of the easements acquired so they could go out for bid in January. He noted they were already working with the University of Missouri to determine how to phase in the project as four elements would impact them.

Mayor Treece asked where staff was with negotiations on the other parcels associated with the sidewalk and Providence Road. Mr. Nichols replied they had filed some condemnations to allow them to start the dialogue due to initial non-responsiveness and the project timeline.

Mayor Treece asked for the minimum width of a turn lane. Mr. Nichols replied they were 18 on a highway so he thought it was likely around 14.

Mayor Treece thought there was a typographical error in the last sentence of paragraph number 3 as it stated "...City's sole obligations is..." and he thought it should say "...City's sole obligation..." or "...City's sole obligation is to pay..." Ms. Thompson stated she would agree it was grammatically incorrect, but noted she did not believe it changed the legal meaning.

Ms. Peters made a motion to amend the contract for the sale of real estate associated with B272-16 by deleting the second sentence of the paragraph identified as 3, which read "Sellers may elect to declare a charitable contribution in an amount to be established by Sellers." The motion was seconded by Mr. Trapp.

Mayor Treece explained he wondered if that was enough because they disputed the value. If they did not, they would pay the full value of the lot. Ms. Peters thought they were paying for the full value of one of the assessments and it was to the City's benefit to not pay the higher assessment.

**The motion made by Ms. Peters and seconded by Mr. Trapp to amend the contract for the sale of real estate associated with B272-16 by deleting the second sentence of the paragraph identified as 3, which read "Sellers may elect to declare a charitable contribution in an amount to be established by Sellers" was approved unanimously by voice vote.**

**B272-16, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE.  
ABSENT: NAUSER, SKALA. Bill declared enacted, reading as follows:**

B273-16

Approving a real estate contract, and associated riders and general addendums to real estate contract, with Roth Properties, LLP for the purchase of property located at 32 S. Providence Road to be used for future public improvements which may include park expansion, public transportation improvements and streetscape improvements.

The bill was given second reading by the Clerk.

Mr. St. Romaine provided a handout and he, Mr. Sapp, and Mr. Griggs provided a staff report.

Mayor Treece understood the City owned the Cherry Street easement. Mr. St. Romaine stated that was correct. Mayor Treece asked who owned the surface parking lot to the north of the subject property. Mr. St. Romaine replied it was owned by the City as well, and noted it would be approximately one acre of combined land.

Mr. Ruffin asked where the kickboxing facility was located. Mr. St. Romaine replied it was south of the area shown on the diagram, and was the next building south of the subject property. Mr. Ruffin understood it was south of the easement. Mr. St. Romaine stated that was correct, and explained that south of that building was the gas station at the corner of Cherry Street and Providence Road.

Mayor Treece asked if the building on the subject property were removed if anything could be rebuilt on the lot. Mr. St. Romaine replied he thought something could be built, but not in the same location as they would have to be so many feet away from the floodplain. It appeared half of the existing building was over the floodplain. There would not be a lot of room to site a building there so it would likely be improbable that a private commercial developer would want to develop that particular site.

Rebecca Wischmeyer, 904 Bourn Avenue, commented that she had lived in Columbia all of her life and that was the old MFA grain store. She explained her family used to bring walnuts there and purchased all of their grain from there. She understood the old ice plant was at the corner and part of it was gone. She was sad they would tear it down. She asked if this was the property where the drugstore had recently wanted to locate.



Mr. St. Romaine showed the location of the ice house on the diagram as it was to the east and north of the subject site and the site already owned by the City. He explained the CVS development would have impacted three lots, the subject site and the lots to the east. He stated the acquisition by the City would only involve the subject site, and the ice house would remain in its original condition. It was not the subject of this purchase. Ms. Wischmeyer understood it was only the old MFA store. Mr. St. Romaine stated that was correct.

Carlyle Foley, 2406 W. Rollins Road, asked for the plans with respect to the ice house and whether it was any part of this project. Mr. St. Romaine replied it was not a part of this project. Mr. Foley commented that he and others he had spoken with were concerned about the expenditure of this money. He noted this was the busiest intersection in town and he was concerned about building a park at that location. He thought the cost of \$1.1 million was only the beginning as there would be other costs in expanding the park, such as fencing due to the liability exposure of children going to the street and EPA considerations in tearing down the existing structure. He understood this was part of the Gateway project in terms of aesthetics, but noted there were three other corners at this intersection. He wondered what would be done at those locations. He explained he had concerns with the City rejecting the CVS proposal and purchasing this property as taxes would no longer be collected on it and there would not be any potential for sales taxes there in the future. He believed there were hidden costs as well as the actual costs of this contract. He stated he felt there were alternatives to this proposal. He understood the City had over 80 parks and almost three square miles of parkland. He questioned the need for more parkland as he believed there were other needs that were more important, such as additional police officers and repairing infrastructure. He noted \$1.1 million was a lot of money, and the taxpayers were paying it. He asked the Council to seriously think about whether this was a good use of the money. He stated he understood they had recently spent quite a bit of money on Douglass Park, which was only a few hundred yards from this park. He did not believe the Flat Branch Park needed to be expanded.

Lisa Meyer, 104 Sea Eagle Drive, commented that she loved the City's parks and recreation facilities, and noted she used them about 5-6 times per week all year long. They fostered a wonderful spirit of community. She stated the process involved in moving forward with this particular park had her concerned. She understood not every member of the current City Council had been a part of the decision, but the majority of the City Council had nixed the CVS proposal. The Council had controlled a decision between two private parties, and after it failed to pass, the Council then negotiated its own deal. This left a sickening and uncomfortable feeling that the market might have been manipulated and controlled. She asked those that voted against the CVS proposal to examine their conscience and consider abstaining on voting on this particular issue this evening. She commented that she had additional concerns as well. While she supported the park extension, she did not support the way the City had planned to pay for it. She understood the City would pay \$1.1 million of taxpayer money to memorialize a family member of the Trustee. If the family wanted a park in memorial, they could gift this land to the City with the spirit of philanthropy and restrict its use as well as its naming rights. If this was not an option, she believed the funds should come from the parks and recreation fund as the citizens had voted for it, and this was an example of the proper use of those funds. She commented that just because they could legally use the interest earned from other general funds did not make it right. As stewards of these funds, she believed the City should use these dollars for the long list of other needs they had, such as the police, road repair, and sewers. She reiterated she loved the concept and supported the park if the land was donated to the community or if the funds came from the parks and recreation budget. She again asked those Council Members that had voted against the CVS proposal to examine their conscience and abstain from voting on this particular issue.

Katie Essing, 11 S. Tenth Street, explained she was representing the Downtown Community Improvement District (CID) Board and noted they were in support of this proposal. An opportunity to expand greenspace downtown was very important. This was a great opportunity and its history was very important to the City. In addition, the CID was very passionate about the Gateway project, and they liked the option that included the Gateway project.

John Clark, 403 N. Ninth Street, commented that he felt the value of this property to the future of Columbia as a public or private site was not reflected in the current market value. He noted the Charrette process had included 3-4 options for the corner of Providence Road and Broadway and was disappointed those were not being considered now as they involved major economic development options for the entire area. He understood they had viewed it on a 25 year economic development plan basis. He stated he thought the possibilities presented by the Parks and Recreation Department were way too narrow, and suggested they look at the other possibilities. He commented that he had other questions, such as how they defined the capital improvement fund, the balance of the fund, the history of the last ten years with regard to that fund, etc. He thought this should have been referred to the Finance Advisory and Audit Committee, and felt it needed a bit more process before authorizing the final purchase as that would set a good precedent going forward.

Judy Johnson, 1516 McKee Street, wondered how this land could be worth \$1 million when it was in a floodplain and no one could build on it or use it for anything else. She noted the City had over 200 parks. In addition, they could not afford to keep their security cameras up and running and had to ask the Downtown CID to help when it was only a few thousand dollars. She could not believe they were going to pay \$1 million for property in the floodplain. She questioned why CVS had to go through such a process for the City to tell them they could not move forward with their proposal. Mayor Treece stated he wanted to be clear that this was not the CVS property. It was only the driveway to the parking lot. Ms. Johnson understood, but noted they were denied in that area when it would have provided jobs. She reiterated she did not understand how the property could be worth \$1 million when it was in the floodplain and could not be used for anything else.

Eugene Elkin, 3406 Range Line Street, suggested a gateway in Columbia be a miniature Arch of about 6-8 feet tall with lettering saying "Welcome to Columbia." He commented that the spring of water on this site and Boone Hospital were central to the history of Columbia. He asked that this be put on hold as there were a lot of questions.

Tara Warne-Griggs, 106 McBaine Avenue, commented that she thought the expenditure of this \$1 million could go back to the social equity plan in terms of how this furthered those goals. She thought it was a beautiful concept, but wondered how it furthered the economic development plans for the City and how it related to the City's social equity needs.

John Kohl, 3904 Deerfoot Way, understood the City had many serious needs as sales tax revenues were down and budgets were having to be cut. He believed it was inappropriate and unwise to spend this amount of money on such a small piece of property. He understood the City's desire to add to the Flat Branch Park, but felt there were other more urgent needs in the way of public services to the residents. He noted he also found it hard to believe the property could be appraised at \$1.1 million if not much could be done with it since it was in a floodplain. He asked the Council to use the City's limited resources on the functions needed by the residents of Columbia.

Mr. Ruffin asked if the City was using funds that were not transferrable for other purposes. Mr. Matthes replied the funds identified were appropriate for this purpose. It was interest income from the City's capital improvement projects. Since they did not use the money at once, they would invest it while working on the projects. Most of the time, a project would come in under budget when completed so the interest income earned would stay in the fund and could be used for any capital improvement purpose. He noted this was clearly a capital improvement. It was also appropriate because it was money that only

existed one time and did not recur. As a result, it could not be used for any operating purpose, such as hiring police officers. Once it was spent, it was gone. He reiterated he believed it was an appropriate use of the funds.

Mr. Ruffin commented that a couple of weeks ago, the Blind Boone Home had been dedicated and a historical marker placed there had been unveiled in collaboration with the Sharp End Committee that had documented the significance of the Blind Boone Home and Second Baptist Church. At that moment, he realized documenting its African-American history was a rare and special thing for a city like Columbia, especially during these times when they were confronting the issues of social equity and racial relations in the community. He felt honoring the history of African-American citizens from immediately after the City of Columbia was formed was an important step. It also served to bring African-American history into the main stream of the history of Columbia and acknowledged the fact they had one history and not two separate histories. Interweaving those histories was an important step toward social equity. He commented that he viewed the acquisition of this property as a very simple first step in that direction. It would not only extend the African-American history trail, but it would also beautify the place where Columbia's history originated. Although there would not be a commercial development on the property, he believed it would attract more families and tourists to the downtown area, which in turn would have a significant economic benefit for all of the nearby businesses. He stated he was prepared to support the purchase of this property for those reasons, and noted he thought this was an exciting opportunity to continue their journey toward more inclusiveness in terms of the documentation of the City's history.

Mr. Trapp commented that with regard to the value of the land, a property nearby on Providence Road had been valued at \$300,000 by one appraiser and \$170,000 by another appraiser for a much smaller lot. The land was valuable because the building could be rehabilitated allowing commercial activity, and that had been the basis of the appraisal. He explained a new building could not be built, but the building that was still there could be rehabilitated. He understood 72 percent of the Flat Branch Creek was covered, and in some places it was completely underground. When Columbia was built, they had not understood the environmental sensibilities and had built a lot of things on top of the Creek, which had caused many ecological problems and stormwater issues. This would allow them to remediate some of those issues as he thought they could daylight about 215 linear feet of the Creek. He commented that he understood the point of Lisa Meyer as he had voted for the last iteration of the CVS proposal because it did not require a zoning change. He explained that when the CVS had first come to them, they had asked for a zoning change and all of the planning documents had called for something different. He stated when deciding on whether to vote in favor of a zoning change, he looked heavily into whether those zoning changes coincided with what the planning documents called for the future growth of the City. He pointed out the Brookside development, even though it was controversial, was pulled right out of the Downtown Charrette, which was why he had supported it. He reiterated he could not support the CVS proposal when they had asked for the zoning change, but after that was removed and they had made a reasonable accommodation for sewer, he thought it could be approved even though it still gave him some heartburn since it would have completely capped the Flat Branch Creek. He stated he felt the Creek was a big part of the City's history and noted one of Blind Boone's most famous pieces was titled *Strains from the Flat Branch*, which was based on the melodies one could hear from the Creek. He pointed out it was something they would never get to hear without making this purchase. He agreed the City had a lot of needs, but noted one time funds could not be used to buttress their operating costs. He understood \$1.1 million seemed like a lot of money. He pointed out they had taken \$5 million of excess general fund in last year's budget to pay down the pension liability, which allowed them to free up operating dollars to hire more police officers. He commented that he felt they had been frugal and had made wise choices with their money and would continue to do so. He noted the parks were a critical part of the City's economic development strategy. He

pointed out he lived in Columbia because of the amazing quality of life and because Columbia was still an affordable town. The parks contributed as 86 percent of residents had used a park and 92 percent had used a park or a trail in Columbia in the past year. He explained that was what had attracted IBM, which had created 600 jobs in their heyday and now had 450 living wage jobs. They only came and invested in the community because of the amazing parks and trails system. He understood this was not as big of a priority for some, but reiterated the quality of life in Columbia was what separated them from other communities at 97 percent of the average cost to live in the United States. They were still more affordable than most other communities. He agreed they had unmet needs with regard to hiring police, fire, and other staffing, which they needed to look into, and they still had real issues in terms of sales tax. Due to the conservative budgeting of past councils, they still had some reserve funds and could make critical one time investments. By his calculations, they had about \$1.7 billion in unfunded liabilities with regard to stormwater, streets, sewers, pensions, etc. for which they did not have replacement funds. He questioned whether they would never spend any money on anything until they dealt with the unfunded liabilities. He pointed out Columbia was not unique and was not financially reckless. They were in fact amongst the elite in cities in dealing with future issues. He thought this was well within acting judiciously, and investing in greenspace was one of the most important investments a growing city could make. He believed the city of the future would be so thankful they had made these hard decisions and scraped together these funds to make some solid investments, to include downtown greenspace. Downtown land was rising in value very quickly and their ability to make these types of investments would quickly evaporate. He felt this was truly a once in a generation opportunity. He wished they would have been able to get a better deal. He understood the naming rights had been requested, but the City had not agreed to it. He noted they were paying market rate for an expensive piece of property and felt a donation would be required for naming rights. He stated he planned to support this purchase.

Mr. Thomas asked for an estimate of the cost and timeline to develop the property along the lines that had been illustrated if they were to purchase it. He also wanted to know where they would find those funds. Mr. Griggs replied he did not have an estimate at this time. He commented that a lot of engineering would need to be done. Mr. Thomas understood it was very different from any other park development the City had done. Mr. Griggs explained they had done it for Flat Branch Phase I, but noted they had been able to get Brownfields grants to help with the clean-up, demolition, and restoration. He would anticipate moving forward in that direction again, but they first had to do the engineering in terms of what could be done, what were the impacts, whether there were hazardous materials, etc. He thought it would be prudent to work with the Downtown CID and develop a planning committee to help solicit the designs, etc. He did not think this would involve only internal staff. It would be a much larger group effort similar to what was done with Phase I as the committee helped fundraise as well. He noted the bridge that connected to the Chamber of Commerce building had been donated by Ron Shy.

Mr. Thomas stated he had some concerns about the funding source as he did not even know this capital improvements interest fund existed. He understood it had approximately \$3 million in it and they were proposing to reduce it to a little less than \$2 million with this purchase. He thought it created an appearance of non-transparency and noted he would prefer to purchase the property with existing funds that had been approved for the purpose of acquiring land for parks. He felt they should have had an earlier conversation with regard to budgeting for this opportunity. He commented that he believed they needed funding for police within the next couple of years and they would have to go to the voters for it. He did not feel this helped them win that vote in the future. He stated he thought it was the right thing to purchase this property right now as it was a unique opportunity that would likely not come again at this price. It sounded like a lot of money, but he felt the park would be an economic asset for the area. He explained he

had not supported the CVS proposal as he never really liked the idea of a large area of concrete over the entire three lot area along with a low slung suburban style building there. He noted he thought there was a great opportunity for the ice house to become an attractive, urban style multistory building with retail or a restaurant on the ground floor overlooking the Creek. He felt a CVS could be incorporated in part of the ground floor as well along with offices and apartments in the upper floors, and it would generate far more sales and property tax than the past CVS proposal. He also felt the value of the land would increase significantly as plans developed for a really beautiful park project around it. He stated he would support this proposal and looked forward to plans being developed.

Ms. Peters agreed with the previous comments made and noted she would vote in favor of this as well.

Mayor Treece stated he thought the acquisition of this property was a generational opportunity. It was an important site to Columbia's founding. There was not any other spot that was really the birthplace of Columbia. It was an important site for black commerce and General Richard Gentry had the first tavern and post office there as part of the original settlement of Columbia. It was from this spring that everything to the east to west flowed. This property had not come up for sale or been available very often in the last century. He thought this was a unique opportunity in advance of Columbia's bicentennial to honor the founding of the City, and felt they could use the next 2-3 years to really develop what it looked like and how they paid for it. He believed what was important now was to move on what he felt was a strategic acquisition for Columbia. They owned all four sides of this property and the ground underneath it. He thought they would be foolish not to add that to the inventory of assets.

**B273-16 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE. ABSENT: NAUSER, SKALA. Bill declared enacted, reading as follows:**

B267-16

Appropriating federal forfeiture funds for the purchase of mobile field force personal protective equipment for the Police Department.

The bill was given second reading by the Clerk.

Assistant Police Chief Hunter provided a staff report.

Mr. Thomas explained he had asked for this to be removed from the consent agenda mainly because he was interested in the source of the funds. He understood the general principle of forfeiture funds in that assets were taken when there was an arrest or charges were filed. He asked if these funds specifically came from interactions between the Columbia Police Department (CPD) and members of the community and whether they were taken from people that were convicted of crimes or not. Assistant Police Chief Hunter replied they did not have the ability to specifically identify which investigations resulted in these funds. Occasionally, they received notification money would go to those funds. Mr. Thomas asked from where those funds came. Assistant Police Chief Hunter replied typically from interactions and investigations they had with federal task forces. Mr. Thomas understood the forfeiture funds Columbia received were not necessarily related to actions in Columbia and asked if it was something that was distributed nationally to all police departments. Assistant Police Chief Hunter replied the funds that were allocated to the CPD were a part of investigations in which Columbia police officers had been involved. Mr. Thomas asked who knew why Columbia received a certain amount of forfeiture funding and from where that money came. Assistant Police Chief Hunter replied that would be a question for their federal partners. A lot of the investigations conducted whereby money was allocated and disbursed throughout local jurisdictions was due to joint task force operations. Mr. Thomas asked under what circumstances forfeiture funds were generated. Assistant Police Chief Hunter replied

there were two ways, and one involved the state and the other involved the federal government. Most commonly the asset forfeiture funds that came to them were from the federal side. An investigation into narcotic distribution and the financial means that helped to run it was a good example. Mr. Thomas asked if assets were only taken in circumstances when the person owning the assets was convicted of a crime. Assistant Police Chief Hunter replied he did not know. Mr. Matthes explained he watched a show a year or two ago that had been focused on one part of the federal forfeiture rules that allowed civil forfeiture and Columbia did not practice that. The forfeiture funds Columbia received was only from the criminal side. A person would have to be convicted of a crime, which usually involved drugs, federal racketeering, prostitution, etc. The assets were seized and liquidated, and funds were sent to the agencies involved in that investigation years after the fact in most instances. Mr. Thomas asked if any of the police departments had an incentive to behave differently during an investigation because of the future return of forfeiture funds. Mr. Matthes replied he thought the amounts were so small that he did not believe any officer viewed it through that lens. It was not part of the budget process because it was so small. There was also a very narrow window on what it could be used for so he did not believe it crossed anyone's mind. Columbia mainly used it for equipment. Mr. Thomas asked for the approximate revenue into the City's budget annually. Mr. Matthes replied it was very random. He noted he would have review past budgets to provide that information.

Mr. Thomas explained he had concerns about the federal program. He would not vote against this use here, but felt this was an opportunity to start a conversation as he was not sure the forfeiture program was consistent with the City's strategic plan.

Mayor Treece commented that his only concern involved the use of the money for 147 air purifying respirators and asked if those were gas mask. Assistant Police Chief Hunter replied yes. He explained currently only officers on the Special Weapons and Tactics (SWAT) unit were equipped with them. Mayor Treece understood 147 would include all police officers except for the command staff. Assistant Police Chief Hunter noted he would have one. Mayor Treece asked if they would deploy 147 police officers. Assistant Police Chief Hunter replied not at one time. He explained this was an effort to move them from current practices to best practices, which involved outfitting all officers with the protective equipment necessary in the event it was necessary. Mayor Treece thought one of the lessons learned post-Ferguson was that the presence of gas masks on the officers that were protecting the asset did more the escalate the situation than deescalate it, and the intent was to use more minimally invasive interventions of crowd control. Assistant Police Chief Hunter stated that was correct. The soft uniform approach was what they were recommending and adopting. They were not asking for all of the equipment with which most riot control officers were equipped. After their study, research, and training, they had determined a few pieces were essential. He explained they felt gas masks were essential. Mayor Treece thought that was the case only if they intended to tear gas citizens. Mr. Matthes commented that he felt this came out of a preparedness scenario. They did not have any intent of ever using the gas masks, but they were not the only owner of gas. These were scenario-based prevention tools. It was similar to the armored vehicle they had purchased a few years ago as they had chosen the defensive model. It was for the protection of officers and to maintain their ability to act in certain situations. Mayor Treece asked whether the officers had been asked what equipment they might need that might be used a little more often than these, such as a rifle-rated vest. Assistant Police Chief Hunter replied in the past, the SWAT team had trained the most and had the most equipment, and would be the ones that would deploy in any situation of that nature. They were shifting that focus to line officers that would be there within minutes of any situation to gauge and determine if additional resources were needed. Something as personal as a gas mask had to be issued individually to each officer. It was not something they wanted to share as it needed to be maintained and kept clean. This was a piece of equipment they needed to have, but never wanted to use. He

thought they had better have it in the event it was needed.

Kim Wischmeyer, 904 Bourn Avenue, stated he was inclined to agree with the officers. He was not sure how much this would cost, but felt it would not be \$1.1 million and was something more viable and more important to the City than something they thought might draw someone downtown. He explained he personally did not like coming downtown because there was not a place to park. He thought the wise thing to do would be to approve this so they had the equipment they needed.

John Clark, 403 N. Ninth Street, stated he wanted to echo the concerns mentioned. He was not sure what other kinds of equipment might have been available for purchase with this money. If they had already been undertaking a community involved strategic planning process where citizens were meeting with the police over a sustained period of time to talk about the mission, vision, policies, etc., it might make sense if it had been agreed upon. He did not believe this decision should be made by a Police Department that was doing everything it could to make decisions internally as it would not do much to increase public and citizen trust. He stated he was not totally against this, but thought it should have come out of a citizen involved strategic planning process. If gas was around and they did not have the masks, they might have to think of some other way to deescalate the situation. He viewed gas masks as armoring up when wearing the body armor, etc., and was leery of going further down that route until they had citizen involved strategic planning and the resulting sense of legitimacy that the police deserved because they had earned it by being involved with their citizens in jointly deciding the kind of policing they wanted. He asked the Council to vote no as it sent the wrong message. It was not just a matter of social equity as it was about social trust, and these types of things did not do much to send messages to the community about trust.

Mr. Trapp understood only federal forfeiture funds came back to the police because in Missouri other forfeiture funds went to the schools to protect the corrosive influence of padding one's budget. It was a process and likely from investigations that had occurred years ago. He thought President Obama had signed an executive order to severely curtail federal forfeiture. He believed the City had received about \$60,000-\$100,000 per year during the four years he had been on Council. He noted they had paid for a piece of the Bearcat with those funds, which he had opposed because of its militaristic attributes. He commended the police for using the Bearcat judiciously and documenting its use. He thought they needed to look at buying this protective equipment in the light of the soft uniform approach. They were not talking about purchasing body armor. They were also talking about moving these types of things away from the SWAT team, which looked more paramilitary than regular uniformed officers. In general, he had been pleased with how the Police Department had responded to protests having been the recipient of police power in his misspent youth. He noted he still rubbed his sore spot from a pain pressure technique that had really seemed unnecessary. He appreciated the approach of the Columbia Police Department as they had showed a lot of discretion and respect for free speech and freedom of assembly. He felt this action would only take some necessary precautions and did not believe they would see gas masks unless there was gas in the air. He also thought they would take every step they could to deescalate and work together as a community to keep these things from getting out of hand. Since they did not always control their operating environment, they needed to give the officers the tools they needed.

Mr. Thomas noted the cost of these items was \$78,000. He reiterated he would not vote against this. He did not think they should be micromanaging these kinds of decisions and would support the recommendation of the Police Department. He noted he also supported the suggestion of Mr. Clark for a community engaged planning process whereby the Police Department and community came together to discuss the kind of policing they wanted along with the challenges the Police Department faced as a lot of people did not understand that. He felt the process would result in a common vision and strategy to accomplish that vision, which would include adequate funding to do it. He

believed this was the only way to get to the point of equilibrium. The Police Department was not in equilibrium now in terms of morale, workload, racial disparity stops, etc. He commented that he had provided a proposal to his colleagues and had not received much feedback. He urged them to look at it or come back with something similar as he believed they needed to make it a priority. He felt engaging the community in the process was the only way.

Mayor Treece stated he would obviously not vote against providing police officers additional tools to protect themselves. He only felt the City Manager had missed an opportunity to engage the officers with questions such as the kind of tools they thought they needed for protection and to improve morale in the process by providing what they might need on a daily basis as opposed to masks that were rarely used.

**B267-16 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE. ABSENT: NAUSER, SKALA. Bill declared enacted, reading as follows:**

## VII. CONSENT AGENDA

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

- B255-16 Rezoning property located on the north side of Old Plank Road and west of Abbotsbury Lane from District R-1 to District PUD-2; approving a revised statement of intent; approving Major Amendment #1 to Barcus Ridge PUD Plan (Case No. 16-172).
- B256-16 Approving the C-P Plan of Lot 7, Red Oak South Plat No. 1 located on the southeast corner of Grindstone Parkway and Grindstone Plaza Drive (Case No. 16-170).
- B257-16 Approving the Final Minor Plat of Boone's Pointe Plat 2, a Replat of Lots 44 and 45 Boone's Pointe, located on the south side of Timber Run Drive and the north side of Eagle View Court; authorizing a performance contract.
- B258-16 Approving the Final Plat of Discovery Park Subdivision Plat 3-B located northwest of the intersection of Discovery Parkway and Nocona Parkway; authorizing a performance contract (Case No. 16-72).
- B259-16 Vacating an unused utility easement along the south side of Lot 141 within Barcus Ridge, Plat No. 1 located on the south side of Timber Run Drive and west of Route K (3502 Timber Run Drive) (Case No. 16-198).
- B260-16 Authorizing construction of sanitary sewer and streambank improvements along the Upper Merideth Branch in the University Park and Oak Cliff subdivisions near the intersection of Chapel Hill Road and Cunningham Road/Grant Lane; calling for bids through the Purchasing Division.



- B261-16 Amending Chapter 22 of the City Code as it relates to the connection fee for residential sewer service.
- B263-16 Authorizing a contract for sale of real estate with William J. and Nancy J. Justus for property located at 1104 Worley Street; appropriating funds.
- B264-16 Authorizing a right of use permit with 6th & ELM, LLC for construction, improvement, operation and maintenance of a private storm sewer system in portions of the Fifth Street, Sixth Street and Lancaster Drive rights-of-way.
- B265-16 Authorizing a right of use permit with Columbia Automotive Management, LLC for construction, improvement, operation and maintenance of a retaining wall in a portion of the Jackson Street right-of-way.
- B268-16 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for the Show Me Healthy Women program.
- B269-16 Authorizing a memorandum of understanding with the Missouri Department of Social Services - Family Support Division for Tier 1 access to the Missouri Eligibility Determination and Enrollment System to expedite the filing and processing of electronic Medicaid applications.
- B270-16 Authorizing a memorandum of agreement with the Missouri Department of Social Services - Family Support Division for provision of presumptive eligibility for MO HealthNet programs and Show Me Healthy Babies.
- B271-16 Authorizing Amendment No. 1 to the contract with Boone County, Missouri for the Live Well Boone County pilot program; amending the FY 2017 Annual Budget by deleting a position in the Public Health and Human Services Department.
- R148-16 Setting a public hearing: proposed construction of traffic calming speed tables and speed humps along Rice Road between Hanover Boulevard and Shamrock Drive and along Kelsey Drive between Shamrock Drive and Lake of the Woods Road.

- R149-16      Setting a public hearing: proposed replacement and upgrade of a water main along a portion of Westridge Drive between Broadway and Rollins Road.
- R150-16      Setting a public hearing: annexation of property located on the west side of Highway PP and north of Mexico Gravel Road (3891 North Highway PP) (Case No. 16-196).
- R151-16      Setting a public hearing: annexation of property located at the western terminus of Smith Drive, approximately 3,000 feet west of Scott Boulevard (Case No. 16-178).
- R152-16      Authorizing agreements with various arts and cultural organizations; authorizing agreements of up to \$750 per agreement for arts programming or services for cultural organizations.
- R153-16      Authorizing an agreement with Job Point for vocational training programs to serve persons referred to the Alternative Sentencing Courts from the Boone County Circuit Court.
- R154-16      Transferring funds for legislative consulting services.
- R155-16      Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for construction phase services for the reconstruction and extension of Runway 13-31 and Taxiway B at the Columbia Regional Airport.

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

## **VIII. NEW BUSINESS**

- R156-16      Authorizing an agreement with BYD Motors Inc. for the lease and option to purchase five (5) 40-foot electric buses and charging stations.

The resolution was read by Mayor Treece.

Mr. Nichols provided a staff report.

Mayor Treece asked where the charging stations would be located. Mr. Brooks replied they would be located at the Grissum Building. Mayor Treece asked what a Tesla required. Mr. Brooks replied he did not know, but these would be 480 volts. Mayor Treece asked if there were any public charging stations for electric vehicles. Mr. Johnsen replied there were a few stations around town. He understood 18 electric cars had been licensed in the area. He assumed most would be at residences because it took a while to charge the vehicles. He understood most were coupled with charging stations or

something one could do while the vehicle was charging. He thought there were charging stations at Target and Gerbes so cars were charged while people shopped. He also thought there were some at the Holiday Inn and Tiger Hotel, and that those were Tesla charging stations so they charged 5-6 times faster than level two chargers, which were typical for gas stations. Mayor Treece stated he was curious as to whether there was a way to incentivize that type of behavior with these charging stations. Mr. Johnsen reiterated there were only 18 cars in the area, and he believed most charged them at home overnight. It was also better on the batteries to charge them longer. He understood Tesla had discussed swapping batteries in and out, but it had not yet been perfected.

Mr. Thomas stated he was interested in the decision on whether to purchase the buses outright or lease them. Mr. Brooks explained currently there was very little federal funding for bus purchases. The last time there had been an opportunity, there was \$9 billion in asks for about \$200,000 million worth of funding. The City usually purchased buses with 80 percent federal funding and 20 percent local funding. As their fleet continued to age, they were looking at different ways to keep the buses on the street. This was an opportunity whereby they could pay for a bus with local funding over a 12-year period. They thought they could pay for this with the savings in maintenance and fuel costs. Mr. Thomas understood the City would pay \$5,000 per month for each bus, which would be \$60,000 per year for 12 years, and they would then own the bus. Mr. Thomas stated that was correct. Mr. Thomas understood that was \$720,000, and asked for the outright purchase price. Mr. Brooks replied it would be \$780,000 for a new bus. Mr. Thomas understood they were spending less over a longer period of time. Mr. Brooks stated that was correct.

Eugene Elkin, 3406 Range Line Street, wondered if it was worth looking into a hybrid version. Mr. Brooks explained the manufacturers that he had spoken with regarding hybrids had indicated they would never realize the savings over the lifespan of the vehicle due to the cost. He understood the communities that purchased them only had a handful, and they were mainly purchased for the public relations aspect. The electric bus was a much better option because the savings were so significant. Mr. Elkin explained he had heard on the radio that it cost more to operate new electric buses and suggested the Council look into the facts and figures.

**The vote on R156-16 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, THOMAS. VOTING NO: NO ONE. ABSENT: NAUSER, SKALA. Resolution declared adopted, reading as follows:**

R157-16 Approving Creek Ridge, Preliminary Plat #2 located at the western terminus of Waltz Drive and at the southern terminus of Heath Court (5420 Heath Court); granting a variance from the Subdivision Regulations regarding maximum terminal street length (Case No. 16-145).

The resolution was read by the Clerk.

Mayor Treece understood a request had been received to table this item.

Mr. Teddy provided a staff report.

**Mayor Treece made a motion to table R157-16 to the November 7, 2016 Council Meeting. The motion was seconded by Mr. Ruffin and approved by voice vote with Mr. Thomas being absent. (Mr. Thomas stepped out of the room during the vote on the motion.)**

## IX. INTRODUCTION AND FIRST READING

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

PR159-16 Approving a Minority and/or Woman Owned Business Program Plan for the

City of Columbia.

- B274-16 Rezoning property located on the north side of Lynn Street between Oak Street and Garth Avenue (107 and 115 Lynn Street) from District C-P to District R-1 (Case No. 16-184).
- B275-16 Rezoning property located on the west side of College Avenue and south of Business Loop 70 (1201 N. College Avenue) from District R-3 to District C-1 (Case No. 16-182).
- B276-16 Approving the Subdivision Replat of Sigma Nu Fraternity located on the northeast corner of College Avenue and Bouchelle Avenue; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way subject to a condition (Case No. 16-189).
- B277-16 Appropriating funds received from the Columbia Public School District pursuant to the terms of a development agreement related to public infrastructure improvement upgrades associated with the construction of the Beulah Ralph Elementary School.
- B278-16 Appropriating grant funds received from the Federal Aviation Administration for the Runway 13-31 and Taxiway B reconstruction and extension project at the Columbia Regional Airport.
- B279-16 Authorizing replacement and upgrade of a water main along a portion of Westridge Drive between Broadway and Rollins Road; calling for bids through the Purchasing Division.
- B280-16 Authorizing construction of the Hubbell Drive PCCE #39 sanitary sewer improvement project; calling for bids through the Purchasing Division.
- B281-16 Accepting conveyances for water and electric utility purposes.
- B282-16 Accepting conveyances for sewer, utility and drainage purposes.
- B283-16 Accepting a donation from The Downtown Community Improvement District for the purchase and replacement of two (2) safety cameras in the downtown area and associated funding of applicable technology support for the downtown camera system in FY 2017; appropriating funds.

B284-16 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services relating to the Teen Outreach Program (TOP).

## X. REPORTS

REP78-16 Intra-Departmental Transfer of Funds Request.

Mr. Matthes provided a staff report.

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

Kim Wischmeyer, 904 Bourn Avenue, commented that he had done more research as he was not happy with the false information that had been passed on to his council member. He understood there was no time limit associated with political signs, and the signs had to meet the size requirements of the zoning and street certification properly, which was typically 16 square feet in a residential area. Banner signs, which were the signs he had complained about, were only allowed for 14 days, but the signs had been up for longer than 14 days so he believed it was time for them to come down. He noted the signs were all over town and he had a list of addresses. He did not feel it should matter if it would offend anyone, and that the ordinance needed to be enforced.

Mr. Thomas explained he had inquired about this and had been told the signs were on private property and were not a hazard to traffic. He had followed up by asking if three 8 foot by 4 foot signs on private property at this location was not a violation of the sign ordinance and he had not yet received a response. Mr. Wischmeyer stated banner signs were limited to 14 days per year. Mr. Thomas noted he would prefer to hear back from the professional staff to ensure what Mr. Wischmeyer had read was applicable in this situation.

Mr. Thomas stated he would like the income and expense statement for the capital improvement interest fund for the last ten years. He wanted to know how much it accrued per year and what those funds had been spent for in the past.

Mr. Thomas asked for the step-by-step process for when a sunshine request was received. He understood someone took the search terms and reviewed all of the relevant people's e-mail archives, and for the Police Department, there might be information in those e-mails that could not be released because it was part of a pending investigation. He asked who made those decisions and for the medium used. He wondered if it was done online or with printed paper copies. He also wanted to know about the oversight for the redaction process that led to the information given to the requester. Mr. Matthes replied that was a complicated answer as there were many scenarios since there so many laws. Mr. Thomas noted he could narrow his request to just the Police Department. Mr. Matthes explained they were the most complicated. Mr. Thomas stated he was agreeable to a report in the future.

Mr. Thomas asked staff to research adding mechanical equipment noise limits to zoning and/or building codes. He noted this related to a number of complaints he had received with regard to unshielded equipment, such as air conditioning units that exceeded the noise ordinance limitations in the downtown. He asked that a recommendation be brought forward.

Mr. Thomas noted there had been discussions about a year ago with regard to two

amendments to the sign ordinance. One would prohibit flag signs, which were usually fabric and attached to a pole in front of a business, and the other would prohibit mobile signs held and waived by persons standing on a corner or at a business. He asked for the status of a recommendation. Ms. Thompson replied the sign ordinance was part of the Unified Development Ordinance (UDO) and all of that had been put on hold pending the UDO review process. She did not believe there had been any recommended changes to the sign ordinance coming out of the UDO process so it might be a project they would have to pick back up separately. At the time, they thought those would come forward to Council as part of the amendments. She pointed out mobile signs had always been deemed to not be covered under sign codes or sign ordinances. Mr. Thomas understood and noted he wanted to change that. Ms. Thompson replied it was a constitutional issue they could not change. The flag signs could be regulated and could likely be regulated under the existing sign code if they were not in compliance. Mr. Thomas understood the new sign code was part of the UDO. Ms. Thompson stated she believed it had been incorporated in the UDO. She pointed out attention getting devices were a little different because they did not carry a commercial message, and how far the Council wanted to go in regulating attention getting devices was another issue. Signs or signage could be regulated under the existing sign code if they were carrying an advertising message. She asked Mr. Thomas if he wanted them to look at the attention getting devices or those that were carrying a commercial message. Mr. Thomas replied both. He understood hand held signs could not be regulated and asked for a recommendation on the other one in terms of whether it should be incorporated in the UDO before it was adopted or afterward. He only wanted to get the process moving again.

Ms. Peters noted she saw a lot of the vertical signs that were not just the flag waiving attention getting ones at car dealerships. Ms. Thompson thought those might be an enforcement issue. They could talk to Community Development to determine if those could be enforced under the existing sign code as unauthorized temporary signs or if they fell under the current exceptions whereby additional regulations could be put into place.

Mr. Trapp commented that last Thursday he had hosted a community discussion on theft and burglary prevention activities that could be taken. He thanked Mr. Clubine for all doing all of the groundwork and making it easy. He also thanked the police for reaching accommodations with stakeholders. He understood a report would soon come to the Council as they had done some good work on finding something that was effective, but not too onerous on the business community. An idea that had come from the discussion was an anti-crime business network whereby people could share best practices and notify each other of stolen items. He hoped with the aid of his service learning student, Mr. Clubine could put together the framework of a basic network, such as an e-mail list or a social media platform.

Mr. Trapp stated there were some lighting issues on Texas Avenue at what was known the Texas dip. He thought some of the brush trimming had been done, but the road had not yet been striped. He hoped to see some progress in the future.

Ms. Peters understood the Central Missouri Subcontracting Enterprise on Bearfield Road used to have bus service, but no longer did. She wondered if there was any way to extend the bus route to that location. She asked if that particular route could be extended now, and if it was not possible, she wanted to know the reason.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 10:55 p.m.