



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, December 18, 2017
7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 18, 2017, 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 PITZER, PETERS, TREECE, RUFFIN (left at approximately 12:28 a.m.), TRAPP, SKALA, and THOMAS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of November 20, 2017 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

Upon his request, Mayor Treece made a motion to allow Mr. Ruffin to abstain from voting on B376-17. Mr. Ruffin noted on the Disclosure of Interest form that he had served on the planning committee for the Gateway project. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Upon his request, Mayor Treece made a motion to allow Mr. Trapp to abstain from voting on B376-17 and REP102-17. Mr. Trapp noted on the Disclosure of Interest forms that his company has a contract with the Downtown Community Improvement District (CID) to provide homelessness outreach, coaching, and referral services. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Thomas asked that B361-17, B363-17, and B375-17 be moved from the consent agenda to old business, and for R183-17 to be moved from the consent agenda to new business.

Ms. Peters asked that R172-17 be moved from the consent agenda to new business.

The agenda, including the consent agenda with B361-17, B363-17, and B375-17 being moved to old business and R172-17 and R183-17 being moved to new business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

II. SPECIAL ITEMS

None.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC12-17 Board and Commission Applicants.

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

CITY OF COLUMBIA NEW CENTURY FUND INC. BOARD

Kleopfer, Lynn, 4106 Joslyn Court, Ward 4, Term to expire September 30, 2018

FINANCE ADVISORY AND AUDIT COMMITTEE

Oropallo, Maria, 208 E. Briarwood Lane, Ward 4, Term to expire December 31, 2020
Tunks, Tim, 2710 Greenbriar Drive, Ward 5, Term to expire December 31, 2020

HUMAN SERVICES COMMISSION

First, Nathan, 1007 Westwinds Court, Ward 4, Term to expire December 31, 2020
Kleopfer, Lynn, 4106 Joslyn Court, Ward 4, Term to expire December 31, 2020
Ortiz, Carlos, 2407 Pimlico Court, Ward 6, Term to expire December 31, 2020
Suhler, Diane, 902 Timberhill Road, Ward 6, Term to expire December 31, 2020

MAYOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Church, Jane, 400 E. Hinton Road, Apt. D, Boone County, Term to expire November 30, 2020
Dowell, Jerry, 1505 Canton Drive, Ward 4, Term to expire November 30, 2020
Truitt, Kara, 3307 Belle Meade Drive, Ward 5, Term to expire November 30, 2020

PERSONNEL ADVISORY BOARD

Devese, Secily, 5131 Clark Lane, Apt. 102, Ward 3, Term to expire September 30, 2020
Dragich, Martha, 1000 Prospect Street, Ward 4, Term to expire September 30, 2020

POLICE RETIREMENT BOARD

Hackmann, Michael, 1306 Morning Dove Drive, Ward 6, Term to expire December 31, 2019

PUBLIC TRANSIT ADVISORY COMMISSION

Cain, Dylan, 3708 Clydesdale Drive, Ward 2, Term to expire March 1, 2018

YOUTH ADVISORY COUNCIL

Khanna, Yash, Ward 5, Term to expire June 1, 2020

COLUMBIA AND BOONE COUNTY LIBRARY DISTRICT BOARD

Groshong, Lisa, 1120 Sunset Lane, Ward 4, Term to expire June 30, 2020
Harrison, Philip, 210 Westwood Avenue, Ward 4, Term to expire June 30, 2019
Hostetler, Lynn, 1204 Hulen Drive, Ward 4, Term to expire June 30, 2019
Markie, Kathleen, 316 E. Briarwood Lane, Ward 4, Term to expire June 30, 2021
Westerfield, Khaki, 101 S. Glenwood Avenue, Ward 4, Term to expire June 30, 2021

IV. SCHEDULED PUBLIC COMMENT

SPC68-17 Emily Cooke - Listen.

Ms. Cooke stated she wanted to talk about listening. She asked the Council what they heard when they listened to only the room, and what they felt when listening to themselves. She wondered if they felt any sensations. As a facilitator of somatic education, she explained she had learned how to listen to herself, those she worked with, her friends and family, the earth, inhabitants of the earth, etc. She stated humans were really good at listening as it needed to be done to survive, but in the last several hundred years, they were slowing forgetting how to listen. She noted they were not listening to themselves, noticing when they were becoming sick, listening to each other, nor listening to the earth. She stated that when she started listening she understood the earth just wanted loving attention and respect, like any other body. She did not feel the earth was separate, and believed humans were a part of the earth. She felt humans were currently largely participating with the earth in way that was like cancer as they were not listening, and they were rapidly multiplying to take over and destroy the earth. She believed they and future generations would no longer be able to live on earth if things did not change. She explained she was born in Columbia and had grown up playing in the creeks until the

age of eight when she had been uprooted, and that she had become unhappy until she began to learn how to listen again. She noted she had been drawn back to Columbia two years ago and was grateful for all of the land and forest areas. She stated quiet spaces were needed to listen, and thanked the Council for listening.

V. PUBLIC HEARINGS

PH44-17 Proposed construction of the Ballenger Lane improvement project, from Ria Street to Mexico Gravel Road.

PH44-17 was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Skala stated he had been presented with a letter that had been sent to Mr. Nichols with regard to a donation of right-of-way to enhance right turns, and assumed Mr. Nichols had seen it and that it would be appropriate to consider in the context of furthering the plans and specifications. Mr. Nichols stated staff would consider enhancements to the project they felt would be appropriate.

Mayor Treece opened the public hearing.

Jennifer Walters, 4801 Orchard Lane, explained she resided near the corner of Orchard Lane and Ballenger Lane, and wanted to know how this would affect her property line. She wondered if the City would be taking any of her property.

Mayor Treece asked Mr. Nichols to respond to the concern of Ms. Walters. Mr. Nichols displayed a typical section, and noted that particular corridor came with a fairly wide right-of-way since it was a MoDOT road, so he did not feel many permanent easements would be needed. He pointed out temporary easements on the other hand would be needed. He explained they would then begin the right-of-way acquisition stage if staff received authorization to proceed with the project.

Ms. Anderson asked Ms. Walters for clarification where she resided. Ms. Walters replied she was at the corner of Orchard Lane and Ballenger Road. Ms. Anderson thought actual improvements would be within the right-of-way so they would only need a temporary construction easement. She stated she did not believe they would need a street easement from her. If a temporary construction easement was necessary, it would go away once the project was completed.

Mayor Treece understood staff would be in contact with Ms. Walters if there was an impact. Mr. Nichols agreed.

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

Ms. Peters asked if the cost would be \$400,000 when completed. Mr. Nichols replied \$2.2 million. Mr. Skala stated \$1.8 million would be funded by MoDOT. Mr. Nichols agreed and noted the City would maintain the road once the work was complete. Ms. Peters understood the City was contributing \$400,000 and would be responsible for the maintenance of the road. She asked if they had enough CIP funding. Mr. Nichols replied yes.

Mr. Skala stated this was a long time coming and was almost an extension of the improvements on Clark Lane. He commented that since improvements with sidewalks were not possible at this time, Mr. Glascock had suggested narrowing the drive lanes on Clark Lane in order to accommodate 5-foot emergency shoulders for bicyclists, pedestrians, and anyone that needed to pull over in a motor vehicle. This had served the area well and had saved money so they were now able to expand these types of improvements to Ballenger Lane. He noted Ballenger Lane was a very long stretch of road with torturous topography. He believed it was a reasonable compromise in terms of public safety and suggested it be utilized as a temporary solution on Sinclair Road as well as it would provide the base for future improvements in terms of sidewalks, etc. He felt it was a good approach given diminishing resources as it allowed some of those resources to last longer. He stated he was looking forward to the project.

Mr. Skala made a motion directing staff to proceed with final plans and specifications for the proposed construction of the Ballenger Lane improvement project. The motion was seconded by Mayor Treece and approved unanimously by voice vote.

PH45-17 Proposed construction of the College Avenue sewer replacement project, between Rollins Street and Bouchelle Avenue.

PH45-17 was read by the Clerk.

Mr. Sorrell provided a staff report.

Ms. Peters asked if they were trying to get this done by September, which were before the end of the fiscal year. Mr. Sorrell replied yes, and explained since MoDOT would begin its project in March, they were hoping to get this project completed during spring break. Ms. Peters understood MoDOT would be replacing the road, and the City would install the manholes. Mr. Sorrell explained the City would excavate the pavement and replace the manholes, and MoDOT would then overlay the road. Ms. Peters understood the sewers would be lined afterwards. Mr. Sorrell stated that was correct.

Mr. Pitzer asked if was easier to do this than doing it at the same time as MoDOT. He wondered if the City would excavate with MoDOT then having to excavate again. Mr. Sorrell replied MoDOT would not excavate again. He explained the excavation would occur in the area where the manhole was located, and they would then replace the manhole and backfill and replace the small area of pavement that had been removed. Mr. Pitzer understood there was no efficiency gained by coordinating with MoDOT. Mr. Sorrell replied MoDOT would like them to be done by the time they got to this part of the project. He explained they planned to start on the north end and move southward.

Mayor Treece opened the public hearing.

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

Mayor Treece understood Bouchelle Avenue was a brick street and asked if they would get into it where it met College Avenue. Mr. Sorrell replied he did not believe they would get into it, but noted they would save the bricks if they did. Mayor Treece understood the brick street policy would be followed. Mr. Sorrell stated it would.

Ms. Peters made a motion directing staff to proceed with the College Avenue Sewer Replacement project, between Rollins Street and Bouchelle Avenue. The motion was seconded by Mayor Treece and approved unanimously by voice vote.

VI. OLD BUSINESS

B362-17 Approving the Preliminary Plat of Mill Creek Meadows Subdivision located on the east side of Old Mill Creek Road, approximately 3,000 feet south of Nifong Boulevard (4700 S. Old Mill Creek Road); granting a design adjustment to allow a sensitive area to be incorporated into a residential lot (Case No. 17-119).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked for a history of the lineage of this project. He understood the annexation had been approved in 2012, but assumed that was not the last date something had happened with the property. Mr. Teddy replied he did not have good sense of its history in terms of how long it had been active as a proposed development site. It currently had a single-family house on it. He noted there had been activity to the south as they had worked with Boone County in terms of some driveway crossings of the creek, and there had been an annexation of one of those parcels.

Mayor Treece stated he had heard from some neighbors indicating they had attended a meeting whereby they had been told the project would not be approved because development could not occur in the floodplain and that they would be informed if another meeting was held, but they had not been contacted. Mayor Treece asked who would have represented this and who would have been obligated to notify them of the meeting. Mr. Teddy replied the Community Development Department staff held public information meetings after an application was submitted. He did not know if the application had languished for any time, and since he had not been at the information meeting, he was unaware of any comments made.

Mayor Treece understood the maximum length for a cul-de-sac was 300 feet or less. Mr. Teddy stated that was how it was expressed in the ordinance with a caveat for topographic conditions or for other factors if it made sense to have a longer street to avoid certain features. Mayor Treece asked for the length of the proposed street. Mr. Teddy replied the length of the street was roughly 1,300 feet. He was not sure of the cul-de-sac length, but understood it would be more than 300 feet. Mayor Treece asked how a fire truck going to the last house on the north would be able to turnaround. Mr. Teddy replied they would require the standard width of a cul-de-sac. Mayor Treece stated it was not a cul-de-sac. Mr. Teddy pointed out a temporary turnaround was shown on the plat, and highlighted its location. Mayor Treece understood that would exceed the maximum length recommended. Mr. Teddy stated that was correct. In the short term, it would exceed what was typically the standard. Mayor Treece understood there was not a proposed connection between this and Southampton Drive in the long term. Mr. Teddy stated they were not working with anyone right now to allow him to determine when the street might be extended.

Mayor Treece asked for the character of the adjoining lots. He wondered if they were half-acre lots or larger. Mr. Teddy replied they were large lots of at least a half-acre or larger to the north and south. In addition, a couple of large city subdivisions were located in the southwest, which involved quarter-acre lots.

Mr. Skala commented that he was a little concerned over some of the testimony indicating the road would be raised by bringing in fill so that it was above the flood fringe because that would likely push the problem downhill. He understood the memo had indicated that the flood fringe and other sensitive areas were not permitted to be included on new developable lots, except under certain conditions which had not been met, and asked if that was a statement from staff. Mr. Teddy explained the staff was not convinced it was impossible to avoid the encroachment. He pointed out the ordinance language had used the term "practicable" with regard to avoiding the flood fringe area. It was the floodplain, and not the floodway, so it had a one percent chance of flooding in any given year. He noted they had participated in ongoing discussion with developers in terms of what this avoidance of the floodplain meant and why they were doing it for the flood fringe, and the answer was that they felt they should do as much as they could to keep lots that would have houses on them as far as possible out of the floodplain to provide a margin of safety. It did not mean they were disregarding anything that was in the floodplain ordinance, which indicated lots within the fringe could be built upon as long as there were safeguards.

Mr. Skala understood it had been a 5-3 decision of the Planning and Zoning Commission (PZC) so five of the members had decided not to follow the advice of staff. Mr. Teddy stated three of the members had not agreed with the design to extend the street. He displayed a diagram and described the likely last opportunity to have a connection to the east that would directly or indirectly join Sinclair Road at some point in the future, and noted it was a tenuous opportunity due to the creek.

Mr. Pitzer referred to a diagram with areas highlighted in red and green, and understood the red area was in the floodplain. Mr. Skala stated he thought it was the flood fringe. Mr. Teddy stated it could be referred to as the floodplain as floodplain was the general term for the entire floodplain overlay, and flood fringe was the zone outside of the

floodway. Mr. Pitzer understood comments made at the PZC meeting had indicated a house could not be built in that area due to setbacks and easements, and asked if that was correct. Mr. Teddy replied that was correct as they would have to be compliant with the front yard setback requirement so the lawn and possibly a driveway would be located there.

Mr. Pitzer asked for the minimum sized lot allowed in the Unified Development Code (UDC). Mr. Teddy replied 7,000 square feet for an R-1 zoned lot, and noted it had to be 70 feet wide at a minimum. Mr. Pitzer understood some of these lots were 0.16 acre, and asked how those computed in terms of square feet. Mr. Teddy replied those were good sized lots as 0.18 acre was close to 8,000 square feet. He explained 0.20 acre would be over 8,000 square feet.

Mr. Pitzer understood the public information meeting had been held in May, and it was now December. He asked if this was a normal length of time between a public information meeting and when the item came to Council. Mr. Teddy replied it was not typical, but noted delays were not uncommon. Mr. Pitzer asked Mr. Teddy if he knew the source of the delay. Mr. Teddy replied he would have to inquire as to whether that was the only public information meeting that had been held on the project. He agreed it had been a long interval if that meeting had been held in May.

Mr. Pitzer referred to Lots 24 and 25 to the southwest that backed up to the flood fringe and noted it did not appear there was much elevation as one went north. Mr. Teddy agreed the contours were fairly flat.

Mr. Pitzer asked if the floodplain and floodway lines had been updated for this area recently. Mr. Teddy replied he did not know if the lines had moved, but pointed out the base information was as of the April 17, 2017. He explained they had received revised data for most of the map panels, but did not know if there had been a shift one way or the other. Mr. Pitzer stated he was a little concerned because it was a relatively flat area, and if the lines were redrawn, those lots could be in the floodway. Mr. Pitzer asked if the existing home flooded or had water issues. Mr. Teddy replied he was not familiar with the history of the property.

Mr. Pitzer stated a comment had been made in the staff report indicating a request could be made to CATSO to determine the issue with regard to road connectivity, and asked if that would take action from the Council. Mr. Teddy replied that could be something the Council could direct if they wanted additional input on the larger picture. Mr. Pitzer understood that would be separate from this action. Mr. Teddy stated he would assume that would be in context of some kind of tabling of the plat to obtain further information or for information to be received prior to approval of the final plat.

Mr. Thomas asked Mr. Teddy to describe the character of Old Mill Creek Road in front of this lot. Mr. Teddy replied it had intermittent sidewalks as there was a sidewalk on the west side, and it had a rural cross section. Mr. Thomas asked if it was similar to Sinclair Road. Mr. Teddy replied yes.

Mr. Thomas understood this development would involve about 25 lots. Mr. Teddy replied he thought it involved 29 lots. Mr. Thomas asked if there was a concern with regard to traffic on Old Mill Creek Road with that number of lots. Mr. Teddy replied they assumed 10 trips per single-family unit in 24 hours as a general guideline, particularly when it was in a more peripheral location as people tended to drive more often to get to services. Mr. Thomas thought it would result in fewer trips with people consolidating their trips if they were further out. Mr. Teddy noted that was what the manual indicated in very general terms. He pointed out peak hour would be about 10 percent of that, which meant about two dozen vehicles entering and existing.

Mr. Thomas commented that the Columbia Public Schools (CPS) were required to do some widening and other improvements in front of their property on Sinclair Road, and understood that same requirement did not apply in this situation. Mr. Teddy stated a traffic study had not been required because the peak trip generation did not trigger it. Mr. Thomas understood they would be required to construct a sidewalk along Old Mill Creek

Road. Mr. Teddy stated that was correct, and noted sidewalks were required internally and along the perimeter. The trail easement was only an easement, and it had a long term focus. Mr. Thomas asked about curbs and gutters on the street. Mr. Teddy replied he thought the streets would have curbs and gutters as he did not recall a separate standard being requested. Mr. Thomas clarified he was asking about Old Mill Creek Road. Mr. Teddy stated curb and gutters were not required on Old Mill Creek Road. Mr. Thomas understood more had been required of CPS. Mr. Teddy explained the CPS development was a higher scale development, and the turn lanes were absolutely necessary in that context. He pointed out the project would go through engineering and another review, and if this was approved, the final plat would have to be consistent with it. He noted there would also be construction drawings and some additional data might be gathered with regard to sight distances, etc. He stated road improvements could be required if there were demonstrable safety issues.

Mr. Thomas asked if more development on Old Mill Creek Road was anticipated. Mr. Teddy replied there were large lots along there so he anticipated incremental development. Mr. Thomas asked if it was possible in the not too distance future that the traffic projections for Old Mill Creek Road would be similar to those on Sinclair Road, which would result in them having to find a tremendous amount of money to improve the road. Mr. Teddy replied there was the phenomenon of a lot of small projects adding up to one large infrastructure project, but he did not know when that tipping point would occur. He understood the average daily traffic had actually been higher on Old Mill Creek Road than Sinclair Road about four years ago, but that might have changed due to Southampton Drive.

Mr. Thomas understood 50 cents per square foot of the interior space of the homes would be required when the homes were built. Mr. Teddy stated that was correct, and explained it would go into a general improvement fund that could be used on major roadway projects throughout the City. Mr. Thomas asked Mr. Teddy if the amount collected would be enough for that section of Old Mill Creek Road to do the kind of improvements that would be necessary as the entire area developed. Mr. Teddy replied he had not done that calculation. Mr. Thomas stated he had and did not feel it would come close. He felt the development charge needed to be higher.

Dan Brush, an engineer with offices at 506 Nichols Street, explained the reason for the longer length of time between when this was submitted and when it had come to the Council was largely a result of the fact it was one of the projects that had been developed under the UDC so there had been a lot of discussions back and forth, and what was in front of the Council today was a lot different than what they initially had. He stated they had not planned the through-road. It was something that had been required by staff. He commented that the average lot density was about an acre or one and one-half of an acre because almost 50 percent of the tract was within a common lot. He stated the 300-foot design change would not be within a floodplain or a sensitive area once the road was extended, and this was the reason they wanted to include it in the lot. By the time the right-of-way was graded, the sewer was installed, and the slide slopes were constructed, it would be out of the floodplain and would no longer function as a sensitive area.

Mr. Skala asked for clarification regarding the road and wondered if the initial submission had included a cul-de-sac. Mr. Brush replied it had included a cul-de-sac that was longer than 300 feet. If it was changed to a cul-de-sac, it would likely be 600-700 feet in length.

Mr. Skala asked if it was reasonable to assume they would be shifting problems to lower elevations if they raised another portion of the area to be outside of the floodplain. He felt the problem would be exacerbated for others. Mr. Brush explained the purpose of a floodway designation was that the floodway carried the one percent or the 100-year flood without producing anything more than a one foot rise in the base flood elevation. The floodplain was the area that would flood according to FEMA. It was not the entire flooding area, which might be more or less than what FEMA had designated as a floodplain depending on the actual topography. He commented that when FEMA had conducted

their studies, they had run cross sections anywhere from a half-mile apart so some it involved so interpolation in different areas. Mr. Skala noted there was a reason for a floodplain and believed there would be a shift in burden to areas that were not in the floodplain. Mr. Brush stated not in his opinion.

Mr. Pitzer asked Mr. Brush if he knew when those floodplain lines were last examined. Mr. Brush replied the floodplain shown was based on the maps provided in April.

Mr. Pitzer asked how many lots had been included in the original proposal with the cul-de-sac. Mr. Brush replied there had likely been a few less, but he did not recall the exact number. He noted it had included platting in the floodplain, which could no longer be done. Mr. Pitzer asked if the lots were roughly the same size. Mr. Brush replied they were roughly the same size today because he could not include the area in the floodplain. The physical lot was smaller, but the average density was larger.

Mr. Pitzer asked if there was a history of flooding on Lots 24 and 25. Mr. Brush replied he was not sure, but did not believe the house had ever flooded. He thought it had likely gotten close a couple of times. He stated he envisioned bringing in fill material on those three lots to raise them up. He thought they had specified a floor elevation that was higher than the existing ground. Mr. Pitzer asked if that would create issues as had been suggested by Mr. Skala. Mr. Brush replied no because it would not be in the floodplain.

Craig Simon, 2620 Mill Creek Court, stated his property was at the very eastern end and directly north of this proposed development. He explained they had received notification with regard to this development after the zoning was approved in May of 2017, and he had contacted staff numerous times by phone and e-mail with little response. He noted they had not received any public notification of any informational hearing since May, and as a result, they had been quite surprised to learn this item was on the meeting agenda tonight. He commented that he had checked the City's website and had tried to track it on PZC meeting agendas, but had missed the one in the November when this had been discussed. He understood that while the tract was 15 acres, only half of it was developable, so it doubled the density. He felt placing that density, which was far more than anything in the immediate area, was a travesty, particularly when considering the current shape of Old Mill Creek Road as it was inadequate to handle the traffic it was subjected to today and adding a connector street would only magnify the problem. He stated he did not know if there had been any studies on the effect of increased density, the addition of hard surfaces, etc. on the floodplain, but believed it would have a tremendous impact on the floodplain and an immediate impact any time there was a significant storm. He felt the impact would not only be on those downstream and that those upstream would be impacted as well since there would be a delay in the flow from above. He thought all of the adjacent property owners would be impacted.

Mayor Treece asked Mr. Simon if he was an architect or engineer. Mr. Simon replied no, and explained he was a contractor. He built what architects and engineers designed for to him to build. Mayor Treece asked Mr. Simon if he would say these homes and lot sizes were compatible with the character of the existing neighborhood. Mr. Simon replied no. Mayor Treece understood the proposed road to nowhere was over 1,300 feet, and even if a cul-de-sac bulb was designed, it would exceed the maximum cul-de-sac length. Mr. Simon stated that was correct.

Tracy Graves, 4730 Old Mill Creek Road, commented that she and her husband had several issues with this plan. She thought most would agree a home was probably the biggest investment in one's life, and noted she did not agree with allowing a subdivision, such as this with lots this small to be located right next to lots of 3.3 acres with country farms. Since she had lived in the area, she had seen flooding up to the home many times. Those with a driveway parallel to her home had not been able to get to their homes at times. She commented that the trees and trail in the Magnolia Falls subdivision had been washed out. There had been a lot of flooding in the last six years whereby large trees had come down. She did not feel it was fair to allow people to make investments in homes that would ultimately flood. In terms of the roadway, she stated

she had seen many accidents as there was a 90 degree turn in it. She did not feel it was adequate for more traffic. She understood there might be an area where kids could play in the development, but it would be right by the road. She felt the road would need to be widened for safety reasons.

Dick Graves, 4730 Old Mill Creek Road, explained they lived on the other side of the creek from the proposed development so it would not affect them much, but it would lessen the value of homes for those living right next to it. He did not feel anyone would want the value of their home impacted by another development. He noted there many acres nearby that had not yet been developed, and felt those areas when developed would create even more traffic. He commented that 0.16 acre lots were not large, and suggested they look at lots that size to get a better feel for the size.

Mayor Treece asked about notice of the development. Mr. Graves replied they had received a postcard, but the meeting indicated on the postcard had been canceled. He stated he had spoken with someone and had asked to be notified if there were follow up meetings, and they had not been notified. Ms. Graves noted they had called multiple times in order to keep up as they understood staff had other things to do. Mr. Graves commented that the only reason they were there tonight was because someone at the meeting tonight had notified them. He explained he understood the desire to develop the property to make money, and noted the density was his main concern. It was not the project, it was the density.

Jan Otradovec, 2730 W. Mill Creek Court, explained they had built their house and had moved into it in 1984. She noted a creek that fed into Mill Creek was located on the west side of their house, and the water had backed up into their backyard multiple times. She stated she had previously asked if there was any provision in this development that would ensure it would not cause the water to back up any more than it already did, and she had not heard anything. She had been told what had been submitted met the City Code, and that there was not anything to be concerned about. During another meeting in June, she understood no alternate plan had been submitted. She stated she had a problem with this being before the Council when there had not been a previous meeting or notification of a prior meeting. Since 1984, they had witnessed multiple flooding events in the back area, and it was much larger than what the applicant had led the Council to believe. She suggested they take note of what had occurred in Texas due to development as she felt this was a similar situation.

Barbara Wren, 615 Bluff Dale Drive, commented that she also lived in a floodplain and flooding had affected her yard. She understood the City was the only developer that was allowed to develop within 100 feet of the Hinkson Creek, and could chose to do things to increase flooding. She noted she could not build a berm in her yard because it might threaten the property of someone else, but the City could raise a roadway or trail so many inches as long as it did not increase flooding by a certain percent. As a homeowner, another six inches could cause water to come closer to the house or flood the basement. She stated that was scary and felt more caution needed to be taken in addressing those situations. She believed development within 100 feet was included because the City had plans to develop a concrete trail along the Hinkson Creek, and any prohibition would have negated those plans. She pointed out concrete did not absorb water. Trees, grass, etc. absorbed water. Concrete also created flat surfaces, which tended to cause erosion when water was moving rapidly. She felt those types of areas needed to be treated with more respect. She believed there should be less concrete and gravel, and that an increased rise should not be allowed.

John Clark, 403 N. Ninth Street, commented that he had endlessly heard about notification problems, and it had not gotten much better over the 25 years he had been involved in City government. He suggested the Council direct staff to develop a policy resolution that included a penalty in terms of timing against the applicant for the lack of notification. This would result in the applicant pressing the City to make the appropriate notifications. He commented that the City was having stormwater problems today

because of the inadequate planning and review in the 1990s, and felt they still did not have adequate planning. He understood a ballot issue had recently been passed for some increase in funding for the \$3-\$4 million in necessary stormwater projects, but developments, such as this, would place more pressure on the small amount of funding they had. He suggested the Council either table or deny this preliminary plat as it was not a good plat since many issues had not been adequately addressed. He also suggested they determine the problems with this, which included how it had gotten on the agenda.

Mr. Pitzer understood there had been notification for the informational meeting in May, and asked if there would have been follow up notification for the PZC meeting in November. Mr. Teddy replied the only notification would have been the public posting of the agenda. He noted the application had been received in April, and the information meeting had been held about a month later. He explained this was done for subdivisions to explain the subdivision application, and if there had been a schedule for the project at the time, it would be a part of the explanation. The planner associated with the case would also provide contact information so anyone interested could contact them to periodically check on the project. He pointed out the ordinances did not require these types of notices. This was just something they did to inform people something was happening on land nearby. In this case, the land had the proper zoning for the purpose. If it had involved a zoning action, a 15-day notice would have been provided by mail to those within a certain number of feet from the proposed site. Mr. Pitzer understood the zoning had occurred in 2012. Mr. Teddy stated that was correct, and as a result, the 15-day notice was not done. He noted they had posted it to the dashboard, but it would not be updated so one would have to know the PZC meeting date to see the latest drawing. The dashboard would only show an application had been filed.

Mr. Pitzer asked if an analysis had been done on the impact of adding impervious surface to the area. Mr. Teddy replied drainage calculations would be required if a drainage structure was needed to cross the stream, so if the approval of Council included approval of a street crossing of Mill Creek, it would have to be designed with a no-rise certification, which meant the structure, once built, would not result in the rise of the base flood. Mr. Pitzer asked if it was just the bridge or if it would look at the rest of the development. Mr. Teddy replied they would have to estimate impervious surfaces, rooftops, driveways, the street, etc. for the rest of the development, and provide drainage calculations. He understood they had provided onsite detention to attenuate the flow of runoff. If they had done their calculations correctly, there would not be any difference in the runoff rate. If there were flooding problems now, and it could be shown with some certainty that the floodplain map was understating the issue, all bets were off. They would have to look at the documentation.

Mr. Trapp commented that the property was already zoned so he did not feel it was appropriate to discuss density when it had already been decided. The roadway capacity was shared by all of the zoning districts whether developed or undeveloped. Those that develop first did not have any more right to the roadway than those that developed later. He felt the roadway capacity issues were best examined during the zoning decision. If they wanted to upzone an area, they should look at whether the road capacity would absorb it. He stated there was always localized pressure to have larger lots, but that was not a path to sustainability or environmental justice. He commented that there were a lot of diffuse issues they had to take into account besides the interests of the people that had spoken tonight, and provided issues of road connectivity as an example. He thought it was reasonable to assume the big undeveloped tracts of land had a good possibility of developing in the future, and noted there was a huge gap in the roadway and CATSO maps that did not show that connectivity. Absent connectivity, people would drive more to get to where one wanted to go. He commented that, in general, he would characterize Columbia as a low density, sprawling city with poor connectivity and lots of cul-de-sacs. This caused lots of problems in terms of pushing snow and getting from place to place.

He stated that had been one of his pet peeves when he had become a new Columbian. He noted Columbia was a growing community and they were deciding the bones of the City for the future, and decisions such as this became important in terms of how the City would look. He explained the applicant had come forward with zoning already in place and had gone to City staff with a plan for development, and staff had indicated connectivity was necessary. As a result, the applicant had redesigned the development per City staff direction and the UDC, which had brought in more requirements involving the environment, connectivity, walkability, etc. He noted this was really the first thing they had seen that was not a planned unit development with the new zoning code, and stated he would hate to set a precedent of rejecting a proposal that had been based heavily on the recommendations of City staff and the zoning and subdivision codes they had recently passed after much public discussion and public involvement. He commented that there were not any notice requirements because it was not a zoning issue, so he did not feel that was an argument that could be made. He thought they should move forward tonight, and vote for approval.

Mr. Pitzer stated he believed the connectivity issue was important. He commented that he was struggling because it seemed as though it was up in the air as to whether it would be a recommended connection. It appeared to be a situation where it was a moot issue if it was not done, but if connectivity was expected and what was anticipated on the other side did not pan out, it would be a road to nowhere. There was also the issue of flooding, and building adjacent to the floodplain. He agreed the zoning was in place, and that they wanted to encourage development to occur within the existing diameter of the City rather than continuing to push it further and further out. In addition, there were a lot of tracts in the area that would probably be coming forward for development within the next few years, so density would increase overall and the area would transition from a rural setting to more of an urban setting. He reiterated the other issues were important, and noted he was not sure those had fully been resolved. He commented that he was not sure whether moving forward with this or defeating it and trying to address the issues before doing anything in the area was the better way to proceed.

Mr. Skala stated he was still a bit uncomfortable with the idea of pushing the flood problem on to others by increasing elevations to remove oneself out of the floodplain. Prior to the UDC, there was a tendency to feather some of the development so they had a buffer between higher density and lower density areas. He commented that this reminded him of a planned unit development because a large percentage was in the floodplain and not buildable, which meant the rest of it had to be higher in density to accommodate a reasonable return on investment. He stated he was troubled with the notification process even though it might have satisfied the letter of the law as some felt they had not been a part of the process. Unless one knew the details of the process, it was difficult to go to the website to determine the latest. He commented that he felt the only reason to table this issue was to obtain information from CATSO regarding road connectivity, and at this moment, he was inclined not to approve the plat as it appeared to be pushing the problem on to others.

Mayor Treece noted he planned to vote against this plat as he felt it undermined the integrity of the UDC when it came to the maximum length of a cul-de-sac street and allowed a street to nowhere to be built as it would stop short of the bridge necessary for connection. In addition, this did not appear to be on the CATSO or any other plan. He commented that the lack of notice or decency also ran afoul of his notion of open government.

B362-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, RUFFIN, TRAPP. VOTING NO: PETERS, TREECE, SKALA, THOMAS. Bill declared defeated.

B366-17 Amending Chapter 2 of the City Code to establish a parking advisory commission.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Annette Triplett, 201 W. Broadway, stated she was the Executive Director of the PedNet Coalition and noted they wanted to lend their support to the proposal for a Parking Advisory Commission. She pointed out she had served on the Parking and Traffic Management Task Force and could vouch for the need for a permanent commission. She commented that there was a science around parking and it had an impact on communities in terms of health, the environment, and economic development. She asked the Council to consider selecting representatives with experience in the science of parking as one of the tasks of the group was to reduce the demand for parking.

John Clark, 403 N. Ninth Street, commented that he had also been a member of the Parking and Traffic Management Task Force, and noted the recommendation of that Task Force was for a parking and transportation advisory commission. He felt leaving out "transportation" was a disservice to the work of the Task Force and would create a commission that was much less than it could be as parking was aligned with transportation patterns, especially in the downtown. He suggested that change be made to the ordinance. While the vote of Task Force was for this to not be solely about the downtown since they might be asked to review other areas of town, but he felt this really was about the downtown and the surrounding neighborhoods. As a result, he asked the Council to consider that when choosing members. He was afraid the Commission would waste a lot of time discussing the new parking rules in the UDC and suggested making the downtown and surrounding areas the initial focus. He understood many people felt smaller commissions were great, but he did not feel seven was enough, and recommended a nine member group instead. This would allow the Council to make six appointments instead of only four. He also recommended the Council appoint people from the downtown or surrounding neighborhoods. He reiterated his request to change this to a parking and transportation advisory commission.

Mr. Thomas made a motion to amend B366-17 by expanding the number of Council appointed seats from four to six for a total commission membership of nine.

Mr. Skala asked for clarification regarding the motion. Mr. Thomas explained there were three representative seats involving the University of Missouri, the Downtown Columbia Leadership Council, and the Downtown Community Improvement District, and four Council appointed seats. He agreed with Mr. Clark in that four was not enough, and suggested it be changed to six.

The motion made by Mr. Thomas to amend B366-17 by expanding the number of Council appointed seats from four to six for a total commission membership of nine was seconded by Ms. Peters.

Mr. Trapp stated he thought it was sufficient to have four appointees by the Council. He noted they were a body of seven and it allowed them to get to know each other, understand their inter-dynamics, and be an effective body. He explained the Parking and Traffic Management Task Force had been much larger, and they had to break into committees to have smaller types of conversations. He felt they would have been a more effective body had there been fewer members. This was a permanent commission, and interest in it would ebb and flow. A smaller number would allow them to choose the most dedicated applicants to ensure a quorum and the appointment of those most motivated about the issue.

Mr. Matthes pointed out that if an amendment was made to the number of members, they would also have to change what constituted a quorum. Mr. Thomas agreed that should be a part of his motion.

Mr. Thomas commented that he felt the smaller boards and commissions often ended up in struggles with City staff on big issues, and with so few Council appointees, there was

great danger of a particular viewpoint dominating the recommendations of the Council. He noted there were a lot of stakeholders and he did not believe nine was excessively large, especially when there would be one or two absentees at most meetings.

Mr. Skala stated he tended to agree with Mr. Trapp. He felt bigger might be better in terms of task forces, but did not feel the same for permanent commissions. He believed seven was a workable number, particularly when reviewed by the Council.

Mr. Pitzer commented that he felt expanding the number of members could potentially dilute the focus on the downtown area.

Mayor Treece stated he liked the idea of a larger commission. He did not want to replicate the Task Force, but felt additional diversity would be beneficial in terms of people from a couple of the surrounding neighborhoods, someone for the downtown ecclesiastical community, consumers of the downtown, etc.

The motion made by Mr. Thomas and seconded by Ms. Peters to amend B366-17 by expanding the number of Council appointed seats from four to six for a total commission membership of nine, and to make the other associated changes with regard to the quorum and staggered terms was approved by roll call vote with Ms. Peters, Mayor Treece, Mr. Ruffin, and Mr. Thomas voting yes, and Mr. Pitzer, Mr. Trapp, and Mr. Skala voting no.

Mr. Skala understood this Commission would be tasked with monitoring the future demand trend for public parking structures and examining neighborhood parking programs. He thought they might have to look at some parking issues in the wake of the approval of the recent TIF project. In addition, now that they had adjusted some of the permit fees, he felt they might be able to get more neighborhood parking programs started before developing a more comprehensive plan for those parking permit programs.

Mr. Thomas commented that he did not exactly agree with the writing of the duties and responsibilities of this Commission, but would not ask for changes. He believed an important goal of the Commission was to look at the actual outcomes of the different decisions around parking, learn from other cities, and learn from the science of parking. He noted they had already held a workshop where they had studied the issue through the existence of the Parking and Traffic Management Task Force, and recalled they needed much better parking enforcement and an option for downtown developers to buy out of constructing required parking because by continuing to build the parking supply, they would continue to build a driving supply on roads, which had associated costs. He hoped the fee in lieu idea would be an early topic the Commission studied as it could work well and help support alternative modes of transportation.

B366-17, as amended, was given third reading with the vote recorded as follows:

VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B378-17

Authorizing a charitable contribution agreement with Mill Creek Manor, Inc. for the donation of property located adjacent to the Perche Creek near the terminus of Dolly Varden Drive, West Kingston Court and West Fort Sumter Court.

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, explained this donation had been tied to another property, and there had been some question and concern as to whether this offer stood. He noted Mr. Overton had asked him to speak on his behalf, and to notify them that it was still his intention and desire to provide this donation to the City. He stated Mr. Overton felt this was a great park piece to tie the residential developments to the east to the future trail extension.

Mr. Pitzer referred to the lot to the northeast that abutted the cul-de-sac, and asked if that lot was for access or if it was an unbuildable lot. Mr. Crockett replied it would provide access, and building on it would be extremely difficult.

John Clark, 403 N. Ninth Street, stated he was glad to see Mr. Overton wanted to proceed with the donation, and asked if it was already within the city limits. Someone responded that it was within the city limits. Mr. Clark understood they were not making more areas contiguous, which would have been a concern of his if it was not within the city limits.

Mr. Thomas referred to the green and yellow routes in the diagram displayed and asked if they were two possible routes. Mr. Griggs replied yes. He explained those routes were in the master plan. The yellow route was in the current 2013 Trail Master Plan, but there was a possibility of avoiding the bridge if they stayed on the west side, which would result in a cost savings. He noted they did not have funding for that section. All they had funding for now was up to Chapel Hill Road. Mr. Thomas asked whether this donated property would connect to the trail plan. Mr. Griggs replied it was on the east side of the creek. Mr. Thomas understood there was currently not an option to build the trail on the east side where this property was located. Mr. Griggs stated it would require another bridge and pointed out the location of the bluffs. He explained it could be a project 20 years down the road depending on the community's interest in having a connection. Mr. Thomas asked Mr. Griggs for his thoughts in terms of park development in the area. He wondered if they should leave it as mulch trails. Mr. Griggs replied they would leave it as a natural area. They would not do any development on it.

Mr. Thomas stated he thought this was well worth accepting, and noted there might be the potential to connect to a future trail either to the south or north of the property. He believed it was good for the City to own it and keep it protected as it was on the banks of the Perche Creek.

Mr. Trapp thanked Mr. Overton for this donation to the parks system as it would protect a nice piece of wildland.

B378-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B361-17 Voluntary annexation of property located on the north side of State Route WW, approximately 900 feet west of Rolling Hills Road; establishing permanent R-1 zoning; authorizing a development agreement with The Brooks at Columbia, LLC (Case No. 17-76).

Discussion shown with R183-17.

R183-17 Approving The Brooks Preliminary Plat #2 located on the north side of State Route WW, approximately 900 feet west of Rolling Hills Road (Case No. 17-77).

Mayor Treece commented that B361-17 related to the voluntary annexation of property on the north side of State Route WW, and asked if the Council minded if they also pulled the accompanying preliminary plat, which was R183-17, from new business to be discussed in tandem with B361-17. This would allow them to consolidate the staff report. In addition, if the annexation were to fail, the preliminary plat would be moot. If the annexation were to pass, they could then immediately consider the plat. Mr. Thomas understood the request was only to change the order of the agenda. Mayor Treece stated that was correct. Mr. Thomas noted that made sense to him. No one objected to

the change.

The bill was given second reading by the Clerk, and the resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas understood this was within the East Area Plan and was designated as a neighborhood district. Mr. Teddy explained they had only used five land use designations so it was very broad, but it meant it would predominantly be residential. Mr. Thomas asked if the East Area Plan included a financial plan for the infrastructure, such as the road that would connect the area. He noted it appeared as though there had been negotiations with the developer for improvements along Highway WW. Mr. Teddy replied he would not term it as such. He explained the issue of development paying its way had been recognized in the public input, but there was not anything formal like a cost of public improvement study. He commented that a dilemma was that they went from area to area as the market showed interest in different places, so it was difficult to sustain a schedule in any one area of the community.

Mr. Thomas explained he was thinking ahead to the West Area Plan they had discussed a couple weeks ago, and thought it would be helpful for the plan to address a way to pay for the infrastructure that would be needed. Mr. Teddy stated he thought they could propose some things that were not detailed, but might have general application throughout the community in those types of situations, such as a process for calculating the costs and how those costs could be assigned.

Mr. Thomas noted this development, if built, would put a lot more traffic on Highway WW, and while there would be improvements along this frontage, the stress would be put on other parts of the street that had no plan for improvement and no way to pay for the improvement, which he felt was a flaw in the planning process even though they had done an area plan. Mr. Teddy pointed out there had been traffic building on that road for years. He thought they would want to apply that standard to all developments. Mr. Thomas stated he would like to try to apply that standard on the west side.

Mr. Skala commented that generally the area north of Highway WW tended to be Ward 3 and the area south of Highway WW tended to be Ward 6 with some exceptions. Further to east, Ward 6 extended north of Highway WW. He asked if this property would be within Ward 3 or Ward 6. Mr. Teddy replied the ordinance prepared for Council consideration assigned this territory to Ward 6. He stated he believed that was based on the line of latitude of Old Hawthorne, which was in Ward 6, however, the area just north of that and north of this tract, was in Ward 3. Mr. Skala understood Richland Road was essentially the boundary in this area. Mr. Teddy replied he thought Ward 3 had been described as north of Broadway in the City Code, but Old Hawthorne had created a dilemma as he understood it had not had contiguity to Ward 3 when originally annexed.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, commented that this development included 390 single-family residential lots on roughly 162 acres. The property was currently zoned A-R in Boone County, and they were requesting annexation into the City of Columbia with an R-1 zoning designation. They had direct access from Highway WW and Hoylake Drive. He displayed a diagram showing the layout of the development, and pointed out they had eliminated many of the cul-de-sacs due to the concerns of Council with regard to connectivity. He commented that Hoylake Drive was a major collector road, which had been identified on the CATSO Plan. He explained this property had already been involved in a significant approval process by going to CATSO, and pointed out they had requested a change in some major collectors in the area in order to serve this property and the whole area better. He displayed a diagram showing the Boone County and City of Columbia boundaries, and noted this was infill development as it was inside the outer limits of the City of Columbia. In addition, they were well within the urban service area. He displayed another diagram and pointed out there were a multitude of zoning districts around this property. In terms of the extension of Stadium Boulevard, he displayed another diagram, and explained the thicker darker lines came from the CATSO Plan and the dark red line that ran across the northwest portion was the

projected alignment of Highway 740 in some form or fashion. It was wide because they did not know the exact alignment. They only knew it would be on that side of the creek and would not impact this development. The two lines running through the development and adjacent to the development were the two major collector streets that had been modified as part of the CATSO process.

In terms of developer contributions, Mr. Crockett noted they would upgrade Hoylake Drive, which was a major collector that ran through the development. Mr. Thomas asked for clarification on its location. Mr. Crockett replied it was depicted by the yellow line that went through the development, and explained it was an extension of Hoylake Drive from the previous Brooks development and continued through this development. Mr. Thomas understood the previous Brooks development was to the northeast. Mr. Crockett stated that was correct. He explained the policy of the City was that the residential portion was the responsibility of the developer, and in many instances the developer would ask for other considerations for the upgrade, but in this situation, they were not asking for any additional considerations. They were willing to pay for it, and it was estimated at about \$186,000 on top of the residential street. Ms. Peters asked for clarification with regard to the purpose of the upgrade. Mr. Crockett replied it added thickness to the pavement for a thicker cross section and provided a wider pavement for added capacity. He explained that major collector road was being built for the entire area, and not just this development. He noted they felt 42-45 percent of the vehicles on that road would be internal to the development, so the majority of those using that road would come from other areas of the community. Ms. Peters commented that it did not look like it was a straight road as it had a fair amount of curves, and asked if they would need speed bumps in the future or have cut-through traffic in the subdivision. Mr. Crockett replied they had intentionally included curves in an effort to slow traffic down. In addition, driveways would not front that road so no one would have direct access to it. He noted the developer would also install the fourth leg of the signalized intersection at Elk Park Drive and Highway WW, which had been constructed as part of the Old Hawthorne development and had remained dark as MoDOT had determined the light was not yet needed. The Vineyards Plat, B363-17, which Mr. Thomas had requested be moved off of the consent agenda, would trigger turning on that signal. Mr. Thomas asked if the signal was to the east or west of the subject property. Mr. Crockett replied the signal was in the middle of their development. Mr. Thomas asked if it was where Hoylake Drive would connect to Highway WW. Mr. Crockett replied yes. He pointed out that when looking at the traffic impact study, the predominant movement from the development was a right hand turn movement, so the traffic impact study had determined a signalized intersection was not required for this development. Mr. Thomas noted people would be turning left when coming into the development. Mr. Crockett explained there would be gaps to allow the left turn movement. The fact the signalized intersection already existed would force them to participate at a cost of about \$87,000. He commented that they would also install a pedway along Highway WW. Typically, only a five-foot sidewalk would be required, but in this case, it would be a pedway at an additional cost of about \$56,000. Mr. Thomas asked if that was the case even though Highway WW was an arterial roadway. Mr. Crockett replied it was his understanding only a five-foot sidewalk would be required. Mr. Thomas asked Mr. Teddy if that was correct. Mr. Teddy replied yes, unless it was attached to a curb, and in that case, they would require an additional foot. Mr. Crockett commented that they would also construct turn lanes on Highway WW, which would result in about \$90,000 in additional fees. He understood those were needed for their development to some extent, but traffic generated by their development was only 42-45 percent of the traffic that would utilize it so they felt a portion of the cost could be considered a contribution. He noted they would also widen the shoulder along three-quarters of a mile along Highway WW, which would cost about \$82,500 and involved grading, and this would save the City money in the future because the City would not have to do construction in and along the backyards, which sometimes required fence

relocations, the disturbance of existing yards, etc. When adding everything, the developer would provide a total of about \$500,000 in in-kind services, and it was even more when looking at the services the City would not be responsible for in the future.

Mr. Crockett noted City staff had indicated the proposed permanent zoning was generally consistent with the goals and objectives of the East Area Plan and Columbia Imagined, and the tract was compatible with adjacent zonings and uses appropriate for the subject property. In addition, City staff believed the preliminary plat was compliant with all zoning and subdivision regulations, and supported the annexation, zoning, and the proposed preliminary plat. The PZC had also approved it by a vote of 8-0. He commented that there was not a floodplain or steep slopes on the property.

Mr. Skala understood the property had an existing pond. Mr. Crockett stated that was correct. He explained they planned to leave it in place as a wet pond while also utilizing it as a stormwater facility. Mr. Thomas asked if there would be a common lot around the pond whereby people could walk all of the way around it. Mr. Crockett replied he was not sure if people could walk all of the way around it as that was still being determined, but the back side would be available. He noted they had discussed the property with the Parks and Recreation Department early in the process in terms of a park acquisition, and understood the property to the north would be required to grant ten acres for a park of some nature when it developed. There had been discussion as to whether the park should be moved south to this location, but the Parks and Recreation Department had indicated they would prefer for it to be on the property to the north as they wanted a linear park along the creek. There was also parkland associated with the Vineyards development.

Mr. Pitzer commented that there appeared to be potential connections to the north and west. Mr. Crockett agreed, and referred to the yellow line to the west on the diagram, which would be the other major collector in the area. He explained they anticipated tying into it in the long term, and for the intersection of Highway WW and El Chaparral to be signalized. He pointed out there was also a neighborhood connector within the development they had not discussed.

Mayor Treece asked for another development that was built out with about 500 homes and had a similar snake of interior roads. Mr. Crockett replied the Thornbrook subdivision had about 500 homes, but it did not the road network of this development. He explained that when Thornbrook had been developed many years ago, the intent was to divert traffic in different directions, so its collector system ran in a different direction. He did not feel it was as forward thinking as this development, but it was another development of about this size. Mayor Treece asked if the roads that stemmed out at the top of the proposed development would possibly connect to a future development. Mr. Crockett replied yes. He pointed out the property to north had originally been zoned PUD-4, and when they had conducted the traffic analysis, they had tried to account for the full potential build out of the site so they did not handcuff another landowner.

Mr. Trapp noticed the internal street network would involve lots of short blocks and looped streets that had arisen out of the new subdivision code, and wondered how it worked. He commented that it appeared to work much better with a larger site. Mr. Crockett stated it did work better with a larger site, but pointed out they had started this project in January or February due to CATSO and other processes, so it had been submitted before the adoption of the UDC. Knowing the UDC would be adopted, they had considered how it would affect the development of the site. He noted he was not sure there was anything that would not comply with the UDC.

Mr. Skala asked if the projection for a PUD-4 zoned property was roughly the equivalent of an R-1 zoned property. Mr. Crockett replied it depended upon the property. If that property was developed as R-1, they would not get anything near the four unit density.

Pam Pearn, 2003 S. Alamos Place, explained she was present on behalf of the El Chaparral subdivision, which was in Boone County, but was congruent to the Brooks subdivision and the Vineyards subdivision. She asked the Council to be sure the traffic

volume along Highway WW was addressed as the City continued to develop east. She commented that the neighborhood association had requested a MoDOT traffic study near their subdivision this past September, and MoDOT had conducted a 12-hour traffic study on a weekday between 6:30 a.m. and 6:30 p.m. During that 12-hour period, 11,000 vehicles came past their intersection with Highway WW, which she believed was a lot of traffic. She noted a major concern of the residents involved getting out of El Chaparral and on to Highway WW, especially to turn left to come into the City. Yesterday, which was Sunday, at about 1:45 p.m., it took her almost five minutes to turn left. She understood MoDOT and the Boone County Senior Planner had strongly advocated for a roundabout at that intersection, but there was not any MoDOT or County money available for the project. As a result, while they believed the new development of the Brooks, the additions to the Vineyards, and the larger Cedar Ridge Elementary School were great for the east side of Columbia, they wanted to ensure the Council worked hard to address the traffic impacts on Highway WW. She asked that solutions involving the three bodies be sought to allow for reasonable and safe access to that minor arterial road.

Sharon Seder, 1728 S. Sonora Drive, commented that she appreciated the consideration of the developer for traffic control at El Chaparral in the future as it was very difficult to turn left to go to the City of Columbia to spend money regardless of the time of day. She stated she did not understand why the Vineyards and Roseta Avenue could get a traffic light or some kind of traffic control, but El Chaparral could not. She noted she understood growth was necessary and did not have any major problems with the Brooks development. She was only concerned about the safety of those in El Chaparral. She commented that she drove a jeep so it was not difficult for her to see the traffic that was coming toward her, but it was difficult for those that drove sedans. She asked for some consideration for traffic control at El Chaparral and Highway WW at the same time the other traffic control measures were put into place.

John Clark, 403 N. Ninth Street, wondered about the adequateness and extensiveness of the CATSO study. He understood an East Area Plan had been done, and suggested an east and southeast transportation plan be completed as well prior to approving this development. He was certain the traffic people that worked directly for the applicant and with CATSO did the best they could, but he would be suspicious of that study rising to the level of quality of the Northeast Transportation Plan that had been completed by Boone County where they had looked at the whole area and possible future development. He did not believe a study of that nature would take that long as studies of some smaller areas had been done already and only needed to be consolidated. He thought they could even hire the same firms as the applicant had hired, but noted they would report to the City and have a much longer term perspective. He stated the Council, as the policy making body, needed good information to make good decisions, and the information provided by applicants was not enough to make meaningful decisions. He reiterated his suggestion of tabling this item and conducting an east and southeast area transportation plan jointly with Boone County.

Eugene Elkin, 3406 Range Line Street, asked the Council to keep in mind adjacent counties as people from Fulton and Millersburg were utilizing Highway WW as an alternative route to I-70. He also felt those in El Chaparral needed to be recognized and wondered if traffic would back up due to the future intersection changes. He asked that this be taken into consideration.

Ms. Peters commented that she thought this was a good development and appreciated all of the amenities that would be associated with the development. She noted she had also spoken with those in the El Chaparral subdivision and felt their issues would need to be addressed in the future. She understood this development would not be built out in a year so she thought they might have some time. In addition, she thought this might have been discussed in the East Area Plan, but was not certain as to how it had specifically been addressed as the City, County, and State needed to determine how they would deal with the issues involving Highway WW due to development.

Mr. Trapp stated he was also supportive of this proposed development as it was consistent with the East Area Plan and Columbia Imagine. In addition, there were significant developer contributions. He noted he enjoyed the street network and looked forward seeing more to come in terms of these subdivision designs. He commented that he had been in Louisville, Colorado, which was near Boulder, Colorado, and had seen lots of subdivisions built similarly. He noted it was a really exciting, walkable design.

Mr. Pitzer commented that this appeared to be a positive development as there was circulation and connectivity within the development and with the surrounding areas. There would be improvements along Highway WW, points of exit, and pedestrian access. He agreed there were issues in terms of increased traffic on the road network, which would need to be addressed, but felt this development was stronger than a lot of the other developments they had seen as it included a lot of things they had requested. He stated he was looking forward to it.

Mr. Skala noted he appreciated the fact this developer had listened to the concerns and request of Council, and understood the UDC might have been a catalyst. This development appeared to meet the street standards in terms of limiting the length of cul-de-sacs, providing curvilinear streets to slow down traffic, and connectivity. He thought they would likely have to have careful examination and cooperation between all of the jurisdictions to ensure no one was penalized and everyone played their part in improving Highway WW. He believed the contributions of this developer were significant and would support the proposed development.

Mr. Thomas commented that in preparation of the West Area Plan, which would be done in conjunction with Boone County, he wanted to emphasize looking at land uses, the density of those land uses, the impact on infrastructure, which included roads and utilities, and how they could pay for the necessary infrastructure improvements. He thought they should determine if they were charging enough in development impact fees or had other sources to pay for the infrastructure. He pointed out this development would generate about 5,000 more journeys if one anticipated 10 trips per household. As a result, if the traffic count was 11,000 now, it would increase to 15,000-16,000, which would reduce safety and create additional problems for the older subdivision of El Chaparral as those there did not have another way to get in or out. He thought a roundabout at that location was a good idea because there really was a safety issue. He appreciated the additional road improvements being done by the developer, which totaled about \$500,000 and was about \$1,250 per home. He explained if they were 2,500 square foot homes, \$1,250 per home would be paid as part of the development impact fee. He thought they at least needed to double the impact fee to get away from negotiated agreements with developers and collect enough routinely. He commented that he planned to support this proposal and noted he really liked the layout of the streets and the fact there would be good infrastructure along the front of the property.

B361-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on R183-17 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B363-17 Approving the Final Plat of The Vineyards, Plat No. 7 located on the south side of Elk Park Drive, approximately 150 feet east of Berkley Drive; authorizing a performance contract (Case No. 17-227).

The bill was given second reading by the Clerk.
Mr. Teddy provided a staff report.

Mr. Trapp asked if this was in conformance with the subdivision laws. Mr. Teddy replied it was, and explained the final plat was really just a sequel to parts of two preliminary plats that had been previously approved by the Council. Mr. Trapp understood it was a ministerial action on the part of Council. Mr. Teddy stated that was correct.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, explained this was a part of the Vineyards development, and the Vineyards and Old Hawthorne had come into the City under one annexation and one development agreement. The development agreement had certain offsite provisions required at the time based on the total density of the two developments combined. This plat was a part of that development agreement and coincided with the density of that development agreement.

Ms. Peters noted a number of things that would be done by the developer of the Brooks and asked if there was anything similar for this development. Mr. Crockett replied since this particular piece of property was under the previous development agreement, those items had already been completed. He noted that included the three-legged signal at Elk Park Drive that had been installed that MoDOT requested remain dark until a connection to the Vineyards was made. Everything north of Grindstone Creek in the Vineyards entrance would only have one in and out, and this connection provided that secondary access. He understood there was also supposed to be a signalized intersection at Highway WW and Rolling Hills Road, but that had been converted to a two lane roundabout. He pointed out some shoulder improvements on Highway WW had also been completed.

Mr. Thomas understood the Elk Park Drive connection with the three-legged traffic signal was directly across from Hoylake Drive in the other development. Mr. Crockett stated that was correct.

Mr. Thomas asked if the school would be south of the creek. Mr. Crockett replied it was south of the creek on the other side of the creek. Mr. Thomas asked if there was any plan for a pedestrian bridge across the creek. Mr. Crockett replied it was all common space, and some it was owned by the Homeowners Association for the Vineyards and the other portion was owned by another developer that owned the vast majority of the Vineyards. He noted his client did not have control of it so he could not speak to that issue. Mr. Thomas asked when the school would open. Mr. Crockett replied he understood it was ahead of schedule and would either open this fall or the following fall. Ms. Peters thought it would open this fall.

B363-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B375-17 Amending Chapter 14 of the City Code as it relates to careful and prudent driving.

The bill was given second reading by Mayor Treece.

Deputy Police Chief Gordon provided a staff report.

Mayor Treece asked if this was passed tonight if there would be primary enforcement on engaging, grooming, writing, drawing, or handling a navigation device. Deputy Chief Gordon replied no. Mayor Treece understood if an officer saw an individual engaging in those activities, that in and of itself would not trigger a stop. Deputy Chief Gordon stated that was correct. This would not be a primary offense. Mayor Treece understood if there was a symptom of careless and imprudent driving, such as a lane change or weaving, and the officer observed the behavior, it would be added similar to not wearing a seatbelt as one could not be pulled over for not wearing a seatbelt, but it could be added to the citation. Deputy Chief Gordon explained this would be a contributing factor to the careless and imprudent driving issue. If the person admitted the reason they failed to maintain lanes was due to the use of the cell phone, that comment would be used in

court, but it would not be a primary offense. It had to be an underlying moving violation in order for the officer to take action. Mayor Treece asked if there was an accident and someone had been texting in stop and go traffic if it would be written up now. Deputy Chief Gordon replied only if they admitted to the use of the cell phone or there was an eye witness. The problem was that most people would not admit to using their cell phones while driving. They most often said they were looking down at the radio.

Mr. Thomas asked if they had the ability to find out whether the phone number was in use for texting or speaking at the time the crash happened through forensic analysis. Deputy Chief Gordon replied they did, but it was a very lengthy process. A cell phone was no longer just a telephone as it had family pictures on them and personal information. As a result, when they did a forensic examination of a cell phone, it was done with a search warrant, and it was done for serious injury accidents or fatalities. As a police officer, he noted he would not feel comfortable doing that for anything else. Mr. Thomas understood this was done for serious crashes, but there were not any additional charges or punishment if one found out the driver was using the cell phone. Deputy Chief Gordon replied they could say the individual was operating the vehicle in gross negligence. He explained there were a lot of factors to consider, such as speed, what they were doing with the phone, the age of the perpetrator, etc., before going to a prosecutor asking them to file charges of gross negligence. When they were looking at a serious physical injury or a fatal accident, they did a lot with the full authority of the court, i.e. a search warrant. They did not request search warrants for minor rear end accidents because they were not able to download only a portion of the data on the phone, such as the text messages. They had to download the information on the entire phone, which likely would include personal information. As a guardian of the Fourth Amendment, they only did this in extreme situations.

Mr. Thomas asked what would be different after passing this ordinance. Deputy Chief Gordon replied this would provide the judge something more to consider when assessing the fine to the individual. If it was a first offense, the judge might issue a fine of \$100, but if the judge felt there was more, like driving very erratically, he or she might assess a higher fine.

Ms. Thompson explained careful and prudent driving was a separate and distinct ordinance violation. It was not just an enhancement. The enhancement came because it was a second offense that was typically written in addition to the first. There was then some prosecutorial discretion and judicial discretion as to the fines that might be imposed, but careful and prudent driving was, in and of itself, a separate offense that was written by the officer. Mr. Thomas understood this was a brand new ordinance to the Code. Ms. Thompson stated no as careful and prudent driving had been in the City Code. The change was that it would create prima facie evidence that one was not operating a vehicle in a careful and prudent manner if any one of these items were being done. If one was exhibiting erratic behavior and the officer observed the person with a cell phone, the burden of proof was now shifted to the individual to say they were driving carefully and prudently, and it made it easier for law enforcement and the prosecutors to their jobs. It also provided the judge the latitude to issue fines.

Mr. Thomas asked about the bills at the next legislative session related to this, and if any would pass. Ms. Thompson replied she did not know. She understood the State currently did not allow cell phone use under the age of 21 years old and for commercial drivers. It also preempted the issue in terms of municipal regulations. She commented that hopefully they would see the State move away from a municipal preemption and allow cities to regulate the issue directly. In the meantime, they were left with ensuring drivers were operating their vehicles in a careful and prudent manner for those over the age of 21 years old.

Mr. Skala commented that when he was driving and saw someone eating a hamburger with no hands on the wheel or texting, he would start to watch that person as it could result in weaving in traffic, and asked if that was the way an officer would approach the

situation. He noted in that situation it was not the weaving that drew the attention to the person. It was the person eating a hamburger. Deputy Chief Gordon replied it depended on the situation. For him, it was the way the person was driving and then why they were driving in that manner.

Mr. Pitzer asked what determined primary and secondary offenses. Deputy Chief Gordon replied the primary offense was determined by people like the Council, i.e., the legislative body, as being an offense for which the officer could stop a vehicle with probable cause or reasonable suspicion. The secondary offense was something like a seat belt violation, which he observed after stopping the vehicle. Mr. Pitzer understood there was nothing in the ordinance that said anything about primary or secondary, so by default it was secondary. Ms. Thompson stated this was actually a primary offense. Deputy Chief Gordon explained that was his mistake. Ms. Thompson noted careful and prudent driving was a primary offense. She commented that Deputy Chief Gordon referred to the use and designation of the prima facie evidence for purposes of enforcement as a secondary offense because it would be added, but a careful and prudent offense was, in and of itself, a primary offense. The secondary did not exist. It was just an added item that created the burden of proof.

Mr. Pitzer asked if officers would pull someone over for it. Deputy Chief Gordon replied he would pull someone over for the traffic violation. He stated he would not stop someone for having a cell phone in hand. He would stop them for a lane violation, striking a curb, etc., which was essentially the careless driving, and would then add on the citation that he felt a contributing factor was the use of a cell phone. The prosecutor and judge could then consider this in the punishment phase if a person was found guilty. He reiterated the use of the cell phone would not give him a reason to stop the car. Mr. Pitzer asked if this was the case due to State Law. Ms. Thompson replied yes.

Ms. Peters understood the same situation would apply if someone was eating a hamburger or putting on makeup as the person would not be pulled over if they were staying in the lane and going the appropriate speed limit. Deputy Chief Gordon stated that was correct.

Barbara Wren, 615 Bluff Dale Drive, commented that there were a lot of visitors in the community that would likely use their phone for GPS to get around and questioned whether that could no longer be done. Deputy Chief Gordon stated they were not prohibiting the use of GPS. The problem was only when one was programming the GPS while driving all over the road. Ms. Wren noted she would hate to see someone get an additional penalty because the GPS was turned on in the car, and explained she also preferred people from out of town using GPS as it was likely safer. Deputy Chief Gordon reiterated they were not prohibiting the use of GPS. Mr. Ruffin pointed out newer cars would not allow the programming of GPS while the vehicle was in motion.

Annette Triplett, 201 W. Broadway, stated she was with the PedNet Coalition and noted they fully supported this bill as it would likely be an integral part of the Vision Zero strategy because distracted driving was one of the leading causes of crashes that resulted in deaths and serious injuries, which they were trying to eliminate. She understood this discussion had begun with the idea of prohibiting texting and driving, but that was not possible due to a State of Missouri prohibition. She believed, however, it had turned out for the best as texting and driving was not the only cause of distracted driving. She felt it was a better bill in the long run in that it allowed officers more flexibility. She reiterated her support as she believed it would be a great part of the Vision Zero strategy.

B375-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

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

- B364-17 Repealing Ordinance No. 022850 which authorized a road relinquishment agreement with the Missouri Highways and Transportation Commission; authorizing a revised road relinquishment agreement with the Missouri Highways and Transportation Commission to expand the conveyance of a portion of Business Route 63 from Business Loop 70 southerly to Route 740/Stadium Boulevard and from Route 740/Stadium Boulevard southerly to Route AC.
- B365-17 Authorizing a road relinquishment agreement with the Missouri Highways and Transportation Commission for the conveyance of a portion of Ballenger Lane between the Mexico Gravel Road roundabout and the Clark Lane roundabout, and a portion of Clark Lane between the Clark Lane roundabout and east of Woodland Springs Court, as part of the Ballenger Lane improvement project; appropriating funds.
- B367-17 Appropriating funds received from donations and miscellaneous revenue to the Parks and Recreation Department.
- B368-17 Accepting funds from the Community Foundation of Central Missouri to be used for FY 2018 annual arts agency funding; appropriating funds.
- B369-17 Appropriating funds from the 2017 Celebration for the Arts event.
- B370-17 Authorizing a software subscription agreement with Milsoft Utility Solutions, Inc. for implementation and hosting services for an Interactive Voice Response (IVR) system to manage incoming electrical and outage reports via phone call.
- B371-17 Authorizing a special service agreement with Union Electric Company, d/b/a Ameren Missouri, for the transportation of natural gas to the Columbia Energy Center.
- B372-17 Accepting a conveyance; authorizing payment of differential costs for construction of a water main serving Discovery Park Plat 3A.
- B373-17 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.

- B374-17 Authorizing an agreement with Columbia Housing Authority Low-Income Services, Inc. for Teen Outreach Program (TOP) activities in Boone County.
- B376-17 Authorizing a memorandum of understanding with the Downtown Community Improvement District as it relates to the construction of a Gateway Plaza on the southeast corner of the Providence Road and Broadway intersection.
- B377-17 Amending the FY 2018 Annual Budget by adding a position in the Law Department - Prosecution Division; appropriating funds.
- R173-17 Setting a public hearing: proposed construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane and proposed construction of the Forum Boulevard improvement project between Green Meadows Road and Nifong Boulevard.
- R174-17 Setting a public hearing: voluntary annexation of property located on the northwest and southwest corners of the Brushwood Lake Road and Scott Boulevard intersection (Case No. 17-238).
- R175-17 Transferring funds for meeting transcription fees for the Board of Adjustment.
- R176-17 Authorizing various Adopt-A-Spot agreements.
- R177-17 Authorizing a contract with the Central Missouri Humane Society for 2018 animal control and municipal shelter services.
- R178-17 Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program for the 2018 SPEEDO Sectionals Central Section Region VIII swim competition.
- R179-17 Authorizing the City Manager to execute agreements with various social service agencies.

- R180-17 Authorizing Amendment No. 1 to the agreement for professional engineering services with Bartlett & West, Inc. relating to the Nifong Boulevard/Sinclair Road and the Vawter School Road/Old Mill Creek Road intersections improvement project.
- R181-17 Authorizing application to the Missouri Department of Transportation for cost share partnership funding for the proposed Sinclair Road/Route K/Old Plank Road intersection improvement project.
- R182-17 Appointing the City Manager, or the City Manager's designee, as an alternate voting member of the Hinkson Creek Collaborative Adaptive Management Stakeholder Committee.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN (except for B376-17 on which he abstained), TRAPP (except for B376-17 on which he abstained), SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- R184-17 Establishing a Mayor's Task Force on Climate Action and Adaptation Planning.

The resolution was read by the Clerk.

Ms. Buffaloe provided a staff report.

Mayor Treece suggested the Council provide names to Ms. Buffaloe based on the categories identified in the resolution, and his hope was that appointments could be made in January. He noted he liked that the resolution indicated at least fifteen members as it would allow subject matter experts. He stated he had received a lot of interest from students, and thought that was indicative of their aptitude for it. He commented that they were likely the ones that would solve it in the long term.

Mr. Skala stated he liked the idea of a matrix as it had worked well in the past.

Mr. Thomas asked if they would communicate by e-mail with regard to the matrix. Mayor Treece replied not with each other. Mr. Skala asked if this would be done through the City Clerk. Mayor Treece replied he would suggest they e-mail names directly to the Sustainability Manager. Ms. Buffaloe explained her e-mail would include the categories and the Council could just respond with names associated with the categories. Mr. Matthes noted a Google form could be used. Mr. Pitzer asked for clarification as to whether these were appointments or applications. Mayor Treece replied he would consider them to be nominations. Mr. Thomas commented that if they were nominating certain people, they would likely want their consent to serve. Mayor Treece stated that was preferable.

Mayor Treece did not believe they would have a shortage of people interested in serving. He wanted it to be a balanced Task Force with an eye toward the future.

The vote on R184-17 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R185-17 Expressing support for legislation providing legal access to cannabis as a medicine together with the cultivation of cannabis for medical purposes; endorsing the Missouri Medical Marijuana Initiative.

The resolution was read by the Clerk.

Mr. Trapp explained he had asked for this resolution to be drafted. It would add medical cannabis reform to the lobbying agenda and encourage the public to support the New Approach Missouri petition that was currently collecting signatures, which would have an anticipated vote in November 2018. He commented that the Council as a body had found severe limitations in terms of what they could do as a municipality, specifically in regard to medical marijuana, and there had been a proposal to decriminalize cultivation of two plants. He noted it would have been similar to Columbia's successful decriminalization law for possession of small amounts of marijuana whereby it would result in a civil infraction. That law had been successful in keeping people from using marijuana publicly or causing other kinds of disruptions with it. It also kept it from going on the permanent record of those involved. Council had voted down the proposal to allow the cultivation of two plants because it would still be a felony under state law. He commented that a municipality acting alone could not do anything substantive with regard to medical marijuana because they were unable to provide protection to doctors to be able to make that medical recommendation. There could not be a medical marijuana program without doctors who could make a formal recommendation. It was sometimes called a prescription, but it was not allowed under federal law because marijuana was officially classified as a Class 1 substance that had no medical benefit and was an extreme danger. He stated that was an outdated political policy, which was not based upon science or fact. He commented that the health effects of cannabis and cannabinoids had been included in the packet. He noted marijuana was not an unmitigated good as there were some downsides to using it, especially with regard to smoking it as burning any type of plant material could cause medical issues, but there were also clear medical benefits. He pointed out not many studies had been done about its possible medical benefits due to the current status of cannabis at the federal level, but in looking at some state systems, there was clear evidence it reduced opioid overdoses. He stated this was what had caused him to bring this resolution forward. When they had looked at the prescription drug monitoring program, Mr. Viets had reached out indicating it would be more effective if the State of Missouri allowed a medical marijuana program. He noted he had to concede that point because there was clear research that states that had adopted medical marijuana programs had reduced opioid overdose deaths by a substantial degree. The agenda packet also included evidence that cannabis and cannabinoids were effective for the treatment of chronic pain in adults. He explained this had hit home because his 90 year old uncle, who had been a World War II veteran, and his housemate had cancer. Even with a fentanyl pack and oxycodone, it was difficult to get pain relief, and the urologist had indicated he wished they lived in a state where he could recommend a CBD product because it would be significantly safer and more effective than the options he had now. He noted he loved Columbia, but had some guilt for where he had chosen to bring his uncle for what should be his golden years. He reiterated there were clear medical benefits for some conditions that were irrefutable and morally persuasive and suggested they move forward with this legislation to recommend the State of Missouri take action through the petition process or through the legislature. He noted they were not creating their own regime in Columbia.

Sheila Dundon, 1 Club Court, explained she was present to discuss the New Approach Missouri petition as a person with an undergraduate degree in biological and health sciences and a Master's Degree in Public Health and as a registered nurse with experience working with cancer patients. She noted she had later become a cancer patient herself that had resulted in two surgeries, chemotherapy, and radiation treatment for breast cancer. She commented that it was a horrible experience, and providing chemo to someone else had not prepared her to have it herself. She stated the doctors had provided her with all sorts of pharmaceutical drugs to take care of the variety of things that occurred with chemo as it was poison. She explained she was not nauseas, but it had affected her brain in terms of psychotic thought processes and the feeling of early stage dementia. She also did not eat because she was anxious and worried. She

commented that marijuana had helped to deal with those types of symptoms. She stated she had many patients tell her secretively that they were using marijuana and how well it had worked. She believed physicians should be able to prescribe it to patients that could benefit from it in Missouri, and noted there were many diseases that could benefit from marijuana use. For her, the use of marijuana during her cancer treatment was the difference between day and night. The chemistry from the chemotherapy made it feel as though she had a black bag over her head as she could not think and felt crazy, and the use of marijuana made that go away. She had not told her physician and could not recommend it to her cancer patients because it was against the law. In addition, she did not know how they would get good quality, well-controlled safe marijuana or marijuana products. If marijuana was legal for medicinal purposes, she believed there were hundreds of thousands of patients that could benefit. She stated the human body had cannabinoid receptors in it. It was a trait they had gotten over the years through evolution. She commented that they had opioid receptors for the same reason. She believed these receptors meant those items were needed for something, and indicated opioids for pain and medical marijuana for a wide variety of things, such as PTSD, chemotherapy, appetite stimulus, etc. She asked the Council to support the New Approach Missouri efforts to make medical marijuana legal in Missouri for those Missourians that would benefit from the use of marijuana under the prescription or instruction of a doctor.

Thomas W. Mundell stated he was the past State Commander for the Veterans of Foreign Wars for the Department of Missouri and the past Chairman of the Missouri Association of Veteran Organizations (MAVO), and noted it was difficult for him to speak about this sensitive subject because he had lost so much due to it. He explained he had spent the last 44 months of his life validating the use of medical cannabis across the country as he had lost a son, daughter, and many friends to overdosing on medications, drinking while on medications, or suicide. They were losing over 22 veterans per day and nine family members of veterans from suicide. He agreed modern medicine was wonderful, but felt natural medicine and the understanding of natural medicine was important. In his research, there had been 400 young people 6-16 years old that had not had a grand mal seizure for about 29 months. A large portion of over 5,000 veterans and veteran family members that had tried suicide at least once had also been assisted with a reduction in pill intake by 80 percent. He stated he had seen many wonderful things and not any negativity. He commented that many were on board with medical cannabis, and believed people should view this with an open mind. He pointed out the Shafer Report under the Nixon Administration had been falsified, and had been a racially motivated issue since the early 1900s. He asked the Council to allow themselves to be educated and to learn what was happening in medical science now because he truly believed this plant would someday be considered the holy grail of natural medicine. He noted he was a completely different person since he had utilized it for medicinal purposes, and had not taken any pills for 30 months and had never felt better. He commented that they needed an option that did not have the side effects of pills.

Steven Faber, 3004 Woodbine Drive, stated he was an attorney in recovery and the President of the Mid-Missouri Chapter of NORMAL, which was the national association for the reform of marijuana laws. He commented that one of the last refuges of the haters of marijuana, which had started with J. Edgar Hoover, who thought controlling marijuana was a way to control those of color, involved the children. He noted they were quick to say to look at Colorado as the emergency rooms were full of children that had ingested marijuana accidentally. He explained that in 2016, six out of every 1,000 emergency room visits by children for accidental ingestion involved marijuana, and wondered about the other 994 visits. He asked if those were due to parents leaving medications out. In 2015, Colorado, which was a recreational state, had not yet put in place requirements for labeling edibles and childproof packaging of edibles. He pointed out they were only discussing medical use here, and those requirements would be in place for the change in

law suggested by New Approach Missouri. He stated they would also work closely with those writing the regulations. He echoed the comments of Mr. Mundell and asked those who believed marijuana was addicting, a gateway drug, or possible to overdose on to educate themselves because those were false statements. He felt marijuana was an exit drug and a way to escape drugs that could cause harm. He explained he had conducted his own statistical survey utilizing the CDC statistics and restricting it to states that had about 1,000 episodes of deaths from opioid overdoses and compared those statistics to those that permitted medical marijuana, and the rate in those states had gone down 110 percent while the rates for the country as a whole had increased 25 percent. He felt that was a powerful indication of just one of the many benefits of legalizing medical marijuana. He also believed it was their moral obligation. He commented that he loved Columbia and was proud to live here, and would like the Council to send a message to Jefferson City and to its citizens by working on the legislative process.

Douglas Keeth, 3200 Shoreside Drive, explained he had been collecting signatures for the medical marijuana initiative for the last several months, and stated it was not uncommon for people to thank him for what he was doing. Many were using marijuana to control nausea, seizures in children, and multiple sclerosis.

Dan Viets, 15 N. Tenth Street, stated he had practiced law throughout the State of Missouri for the last 30 years, and in many cases, he had represented people that were clearly in need of marijuana for medical purposes. He pointed out they were treated just as harshly as those charged with marijuana crimes and those with no medical need. He believed a distinction needed to be made between the two. In 2004, a medical marijuana initiative had come before the voters of the City, and 70 percent of the voters had endorsed a measure that essentially eliminated penalties for the possession of small amounts of marijuana if one's doctor supported the medical need, but there was not a way for people to legally obtain marijuana for medical purposes, and the State could change this. He understood many on the Council were supportive, but wanted the State to act on it, and the resolution before them would endorse taking State action to do what 30 other states were now allowing. As a society, they currently allowed doctors to prescribe hundred and thousands of drugs, most of which had the potential to cause horrible side effects including death. He noted aspirin, which was a non-prescription over the counter medication, killed several hundred people each year, yet no one was even suggesting the requirement of a prescription for it. He wondered why they would not trust doctors for the authority to allow their patients to use a medication that had never killed a single human being. He commended the City staff for providing excerpts from the National Academy of Sciences Report in January, 2017, as the number one conclusion of their research was that marijuana was effective in the treatment of chronic pain. This was the reason why states with medical marijuana laws had a substantially lower opioid overdose death rate. He noted the range was from 20-33 percent. The states which had medical marijuana laws the longest had experienced the most dramatic reductions in opioid overdose deaths. He stated there was a correlation, which made it clear there was causation. It was not just a coincidence that those states had a substantially lower death rate from opioid overdoses. He did not believe there was a single more effective step they could take than to allow doctors to authorize patients to use cannabis for pain relief. It allowed many to eliminate or substantially reduce the reliance on opioid pain killers.

Eugene Elkin, 3406 Range Line Street, commented that he could not stand the smell of marijuana in college and still could not stand it. He believed it could get in the blood stream of others if someone was smoking it, and add or change the chemistry of that person, especially if they were taking medications. He stated any packaging should be regulated and that smoking should not be allowed. He agreed PTSD subsided for veterans that used it. He emphasized regulation was needed for the emittance of the smoke.

Heather Harlan, 302 Loch Lane, explained she was a certified reciprocal prevention

specialist and had worked in the prevention and treatment of substance use disorders for nearly 20 years. She noted she currently worked at Phoenix Health Programs, which held contracts with government bodies, so Phoenix Health Programs was legally bound to not have any position on suggested bills. As a result, she spoke only as a voting, working, and taxpaying resident of Columbia and a credentialed professional. She commented that proponents of marijuana were quick to say they would keep it out of the hands of youth, but pointed out Columbia was the drunkest city in Missouri per the CDC based upon binge drinking. The community could not keep alcohol away from underage residents so there was not any reason to think they would do better with pot. She pointed out the active levels in THC continued to rise. In the 1990s, it was about 3.7 percent. There were strains in Colorado that were now 33 percent. In addition, one could get online to find out how to create 94 THC dabs and put them in vapor pens. She believed kids were doing this where more marijuana was available. She commented that marijuana deposited four times more tar in the lungs than cigarettes. She stated legal drugs were promoted by commercial industries to increase consumption in order to increase profits, and the consumption was dramatically higher for legal drugs than illegal drugs. She wondered if they wanted another legal drug. She displayed a diagram from SAMHSA for 2014 and 2015 that showed the marijuana use rates of teenagers, and stated it was much lower in terms of consumption in Missouri where it was not legal. She commented that recent studies had determined it was not a good fit for treating the opioid problem so she did not feel there was a clear and convincing argument for unleashing another legal drug in Missouri. In September, the National Institute on Drug Abuse had released a study indicating cannabis use appeared to increase the risk of developing nonmedical prescription opioid use and opioid use disorder. In addition, the Washington State University College of Nursing had indicated it made it harder for those with opioid substance use disorders to manage their symptoms. She stated they did not have a way to administer road tests to see how recently one used pot or to measure impairment. She also did not feel anyone was discussing how more pot in the workplace would affect employers and employees. Ten years ago, prevention professionals had predicted the opioid crisis they had now, but people did not listen. Prevention professionals were predicting dire consequences for youth if more marijuana was in the communities. She stated very strong marijuana contributed to psychosis and depression, which caused death and car accidents. She asked the people to listen.

Mayor Treece commented that he thought this was an issue that was probably best between a patient and his/her doctor, but the resolution was something different. It was about whether they wanted this to be a priority for the Council. He stated he believed their priorities should be improving the airport, protecting affordable housing, and other clear municipal issues. He noted he also had wording issues with how the resolution was crafted as he did not believe there was evidence to support marijuana as a medicine with doctor supervision would dramatically reduce the number of deaths from opioid overdoses. He understood there were 26 different initiative petitions with regard to medical marijuana on the Secretary of State website, and was not sure how this one had been decided upon. Mr. Trapp explained he had reviewed the ones that were furthest along in terms of collecting signatures, and amongst those, he felt the New Approach Missouri petition was the most comprehensive, effective, and fair. He noted there had been another one, but that person had put himself as the decision maker of the licensing process. Mayor Treece stated he was reluctant to reference and endorse a campaign committee in a City of Columbia resolution. He also referenced two initiative petitions and thought they were collecting signatures on 2018-051, and not 2018-054. He thought there might be a drafting error in terms of which one might make the ballot.

Mr. Skala commented that he was on the record as being against the cultivation of marijuana when it did not differentiate between medical use and recreational use. He stated he was in favor of medical marijuana as he believed there could be tremendous value for it. He referred to a report included in the packet and noted it had dealt with pain

relief, but had not provided links to opioid. He explained he was not saying those links did not exist. He suggested this matter be referred to the Board of Health for some updates and an analysis between the competing initiative petitions as he believed it was dangerous for them to pick and choose between those petitions. He applauded Mr. Viets for taking this issue to the State of Missouri, but was reluctant to choose one over the other. He thought they should table this item for one month to allow the Board of Health time to review it and provide input for a decision.

Ms. Peters explained she only knew about recreational marijuana as she had seen its use in her patients that had come in with their babies. She commented that they did not allow one to breastfeed if they used marijuana even though it was allowed with the use of most other medications because of the research on breastfeeding when smoking marijuana, which had indicated it was concentrated in the breastmilk and ended up in the child causing problems with development as the child became older. While in theory she was supportive of medical marijuana, she agreed with Mr. Skala in that it might be difficult to regulate it as just medical marijuana. She suggested they leave the issue at the State level and noted she would not support any recommendation to the State.

Mr. Thomas commented that there had been a certain amount of research on each side of the issue, but in reading through documents in the past weeks, the preponderance of evidence seemed to be that medical marijuana under the recommendation of a physician had tremendous benefits and very few risks. He noted he personally knew people that had become addicted to opioid pain medication and others that had used marijuana to treat medical conditions and had received tremendous benefit from it. He stated he supported the petition and the City supporting the petition, and was not necessarily opposed to getting an opinion from the Board of Health, but would vote in support of this resolution if they voted tonight.

Mr. Skala made a motion to table R185-17 to the January 16, 2018 Council Meeting.

Mr. Thomas asked what would be requested of the Board of Health. Mr. Skala replied he would want them to take a look at the same material they had. He commented that their charge was to construct something to give to their lobbyist as a priority, and wanted the Board of Health to sort this out with respect to the correlation between opioid addiction and medical marijuana and any new information. Mr. Thomas understood Mr. Skala also had a concern about identifying a particular campaign, but did not feel that would be a matter for the Board of Health. Mr. Skala stated that was not their expertise, but that was a concern he shared with Mayor Treece.

Mr. Thomas asked Mr. Trapp for his thoughts. Mr. Trapp replied he thought they should move forward expeditiously in terms of advocating to the legislature as they were starting a new session and there was already a pre-filed bill that was raised as an objection. It was the same bill that had been offered last year. He understood the legislature had the ability to move on it quicker than the initiative petitions, and would hate to see a delay when people were needlessly suffering. He thought there was clear and convincing evidence, and noted he had asked the City Clerk to send out the Adie Poe document, which had been well researched and cited and had confirmed the same information that the Department of Public Health and Human Services had provided. He agreed there was vast and limitless information, and felt there was enough that was publically available to tell them they should move forward. He preferred this be voted up or down tonight versus delaying it a month.

Mr. Ruffin asked for the connection between providing legal access to marijuana with permission and for individuals to cultivate their own supply. He wondered why that had been included in the resolution as he felt those were two different issues. Mr. Trapp replied under the proposed legislation at the State, there would only be cannabis available through dispensaries, but under the petition there would be a licensed dispensary along with the decriminalization of medical patients so they were able to do home cultivation, which could bring the price down for people and provide access if they could not get to a dispensary. He stated marijuana was a plant that could be grown, and could allow

people to cultivate a strain that had been identified as useful for a certain condition as it would be most beneficial to them.

Mayor Treece explained his reading of the initiative petition was that it would create the constitutional right to grow up to six marijuana plants without any intervention from law enforcement, planning and zoning, building inspectors, etc. on any tenant occupied property, which included property one rented. He felt it was inconsistent with reasonable regulations they said they supported in a paragraph in the resolution. He thought they might benefit from tightening up the language so they were at least dealing with the right initiative because he thought 2018-051 was being circulated instead of 2018-054.

Mayor Treece asked which initiative petition was being circulated for signatures. Mr. Viets replied the New Approach Missouri medical marijuana initiative. He understood one was also being circulated by a doctor and personal injury lawyer. Mayor Treece asked for the number of the one being circulated. Mr. Viets replied he could not tell him the number tonight, but could get back to him on it. He pointed out it had not been assigned a ballot number yet. Mayor Treece asked which of the 26 initiative petitions that had been filed with the Secretary of State on medical marijuana was being circulated. Mr. Viets replied he would send Mayor Treece of the initiative and would also provide him the number.

Mayor Treece commented that he did not believe a hearing would be held by January 16, and thought they might benefit from taking some time as had been suggested by Mr. Skala.

Mr. Skala stated he did not feel this would come from the legislature, and that it would come from an initiative petition. Mr. Viets explained bills had been filed in the legislature for over 40 years, and none of them had ever gotten anywhere. He agreed it was unlikely it would be done by the legislature. Most states had passed initiatives. Mr. Skala noted that was the reason he did not feel they were in much of a time crunch.

The motion made by Mr. Skala to table R185-17 to the January 16, 2018 Council Meeting was seconded by Mr. Trapp.

Mr. Skala reiterated he thought it would be prudent to send the issue to the Board of Health with all of the updated information received.

Mr. Trapp noted this would also allow them to confirm they had the right petition number.

Mayor Treece asked when the Board of Health met. Ms. Thompson replied January 11, which meant a report would not be possible by January 16.

Mr. Pitzer asked if there was any issue with the Council, as a city government, endorsing a campaign committee. Ms. Thompson replied they would not be endorsing a campaign committee. It was a designation of which petition would be endorsed.

Mr. Skala modified his motion so R185-17 would be tabled to February 5, 2018 instead of January 16, 2018. Mr. Trapp, who had seconded the previous motion, was agreeable to the change.

The motion made by Mr. Skala and seconded by Mr. Trapp to table R185-17 to the February 5, 2018 Council Meeting was approved unanimously by voice vote.

R186-17

Expressing support for the location of the new terminal building at the Columbia Regional Airport to be on the east side of Airport Road and south of the existing terminal building.

The resolution was read by the Clerk.

Ms. Button provided a staff report.

Mr. Pitzer asked if this would restrict future expansion of the terminal in any way. Ms. Button replied it should not, and explained this location would provide for the same size footprint as had been previously proposed to accommodate all of the forecasted numbers and expectations for growth. Once they built the new terminal, they could expand north into the existing terminal if needed in the future as they would own it. Mr. Pitzer asked if the old terminal would remain. Ms. Button replied the existing terminal would remain operational while they were designing and constructing the new terminal, and it was

proposed the City would continue to own the existing terminal. They could lease it or hold it for future expansion.

Mr. Pitzer asked for the timeline with this change. Ms. Button replied they needed to ensure they were following all of the necessary regulations, processes, and procedures the FAA required. She anticipated meeting with the FAA in January to discuss the next steps, which would include the CATEX process for the abbreviated environmental review. They would also need to issue a supplemental Area Layout Plan (ALP), which would begin this year. In addition, a building and hanger would need to be demolished in order to construct it, so they would have to relocate the hanger. They could begin immediately in terms of submitting the necessary paperwork associated with the CATEX and the ALP, along with the relocation of the hanger.

Mr. Skala thought the plan was to expand the capacity from three slots to eight slots for planes, and that a benefit of building the new terminal next to the old terminal was that the old one would continue to function. He was surprised to hear there might not be plans for the old terminal. Ms. Button stated the existing terminal would remain operational while they were constructing the new terminal. Mr. Skala asked if the existing terminal would cease to be functional once the new terminal was complete. Ms. Button replied it would cease to function as a terminal, but the City could lease it for general aviation purposes or hold it until a different use was found for it. Mr. Skala asked if that meant they would not lose the three slots that existed now. Ms. Button asked Mr. Skala if he was referring to the gates. Mr. Skala understood there was one gate that could accommodate two planes. Ms. Button explained they actually had four planes overnight, and they had two gates at the existing terminal. Mr. Skala understood those two gates would eventually be discontinued, and with the new terminal, they would have five gates. Ms. Button stated they felt the footprint that had been proposed on the northern site could be accommodated at the new site, and on opening day, they would either have two or three gates open, but would have the opportunity to expand to five gates. Mr. Skala understood the benefit of this proposal was the savings of several millions of dollars due to the existing pad. Ms. Button stated that was correct. She explained they would be maximizing the midpoint of the primary runway, which would allow them to save \$8-\$10 million as they would not have to rebuild new infrastructure and pull utilities to the site on the north.

Ms. Peters stated she understood they would have general aviation to the north of this, and asked if that was still the plan, and if it would be separate from the new terminal. Ms. Button stated that was correct, and the separation of general aviation and commercial aviation was important to the FAA and MoDOT and existed with the proposed new location. The commercial aspects would occur on the south and general aviation would be to the north where the hangers swung around to the crosswind. The separation for security and safety purposes would exist with the new proposed location.

Mr. Thomas understood they had hired Parsons Brinkerhoff to look at a lot of possible configurations and wondered why they had not come up with this proposal. Ms. Button replied Parsons Brinkerhoff, which was now WSP, had studied the entire area and had initially provided six locations. In May of last year, they had brought forward three locations for the consideration of Council, which included the northern site, the existing terminal, and a southern site, and Council had identified the northern site as the preferred location then. She could not answer why Parsons Brinkerhoff had not identified this particular location, but staff had been working with the FAA during the conclusion of the work that Parsons Brinkerhoff had done and felt confident in the new proposed location in terms of meeting the priorities.

Mr. Thomas asked if this had been discussed with the Airport Advisory Board. Ms. Button replied they had been present at the announcement and press conference. She noted they had also spoken with the Chair. She thought they would likely discuss this with the Board at the January meeting.

Mayor Treece understood the FAA had accepted their Terminal Area Master Plan with no

further comment, and the ALP had been granted conditional approval. He believed they now had an expedited location that could save \$8-\$10 million by reusing some of the existing infrastructure and could shave 12-15 months off of the planning process with an abbreviated environmental review. Ms. Button stated that was correct. Mayor Treece stated he thought it was important for Council to address this and provide staff the direction needed so they could keep moving forward. He noted they were on track to have 180,000 enplanements, and the language in the letters from the FAA was that they needed to move swiftly to construct this terminal. He complimented John Glascock for coming up with an elegant solution that married the requirements of the FAA, the expectations of MoDOT, and the design that had been proposed on the greenfield as it would provide for the same opportunity while protecting the taxpayers.

Eugene Elkin, 3406 Range Line Street, commented that he had heard a lot of griping on a radio station recently, and asked about the items on the diagram that looked like rulers. Mayor Treece replied one was a runway and the other was a crosswinds runway. Mr. Elkin understood the building was proposed for the solid area with the red arrows, and asked about the gap between the newest building and the postal service. Ms. Button replied it was the USPS building. Mr. Elkin asked if the new terminal would be right against it. Ms. Button replied they had not gone through the concept design, but the new proposed location was adjacent to the USPS building, and there would certainly be separation between the two facilities. Mr. Elkin asked if the planes would be parked in front of the proposed area. Ms. Button replied it would be similar to how they were parked in front of the existing terminal. She noted they had locations for four planes, and it would be the same with jetways. Mr. Elkin explained the reason he was asking was so they kept in mind anything related to explosives.

Matt McCormick, President of the Columbia Chamber of Commerce, explained the future of airlines and the growth of the airport had been one of top priorities of the Chamber for many years. It had been exciting to watch it grow and to partner with the City in its growth. He commented that they were also excited that the City had the opportunity to move the terminal forward with a substantial cost savings to taxpayers and in a shorter timeframe by using the infrastructure they already had. He reiterated the comments of Ms. Button in that the FAA had indicated the most efficient location for the new terminal would be at the midpoint of the primary runways, and encouraged the Council to move the project forward. He was excited about it and looked forward to continuing to partner for the success of the airport.

Mr. Skala stated he was on board with this, and the only issue he had was that he wished he had known a few days before the press conference that there would be a press conference.

Mr. Pitzer explained he was strongly supportive of anything that would accelerate the redevelopment of the airport and thought it was important to capitalize on the momentum they had now. He felt it was wonderful that they were working in conjunction with the FAA as it might accelerate and move the process forward. He was also glad to hear this would not limit future expansion potential. He was excited and eager to see this move forward, and with the savings he believed they had most, if not all, of the funding identified. He stated he looked forward to receiving future updates soon and often.

Mr. Ruffin commented that he thought it was a great plan and was in favor of it, and asked about parking. Ms. Button replied that they anticipated consuming a lot recently constructed by building in this location so they would have to look at parking to ensure they had the necessary number of spots available on opening day. Based on forecasted numbers, the consultant had indicated they would need 1,190 spots, and right now they had 904 spots. As a result, they would need to do some enhancements and improvements in terms of a surface lot or a structure. Mr. Skala thought there had been talk of a satellite lot across the way. Ms. Button stated they had put forward a lot of ideas, and as the process continued, they would be able to identify more locations for parking.

Mayor Treece stated he thought the opportunity to save \$8-\$10 million would close the funding gap that had the potential to eliminate the ability to provide free parking. He believed free parking was a real asset in using the Columbia Regional Airport and something people factored in when making the choice from where to fly.

The vote on R186-17 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mayor Treece asked that a letter be crafted expressing the support of Council to the FAA, the Congressional Delegation, and others. He noted he wanted this moved forward before the June FAA reauthorization period. Ms. Button replied she would proceed as requested.

R172-17 Setting a public hearing: proposed construction of the Shepard to Rollins Trail Project (Trail Alignments 1 and 3).

The resolution was read by the Clerk.

Ms. Peters explained she had a request from Barbara Wren to move the hearing back as she felt there was information missing from the packet and because it would allow for the opportunity to meet with City staff. She understood the request was to move the hearing to the February 5 Council Meeting.

Barbara Wren, 615 Bluff Dale Drive, commented that she had been accused of nitpicking and trying to find loopholes in this plan, but she viewed it as oversight. She noted it was called the Shepard to Rollins Trail project, but no longer included anything having to do with Shepard as it was basically Bluff Dale Drive to Rollins Street. She understood this plan was supposed to be based on mode shift and provide people with alternative modes of transportation, and believed the mode shift that was studied no longer applied because the trail had been changed so many times. The cost for Option 1 was estimated at over \$1.5 million, and page 6 of the trail study showed Option 1 as a short trail with a bridge. At the public information meeting, there had been a purple circle around the area indicating a connection study by the City, and when they had asked for clarification, they had been told it meant the portion of the trail west of the creek would be determined later. In addition, she understood it would be funded with City funds and there would be another interested parties meeting, which she did not believe had occurred, and that part of the trail had now been added to Option 1 without authorization. The study had estimated the cost of Option 1 without easements to be about \$600,000, which was different than almost \$1.6 million. She wondered if the options had been reversed because the cost estimate of Option 3 was at a lower rate of either \$600,000 or \$800,000 when it had initially been estimated at \$1.5 million. She showed where Option 1 was supposed to have been located utilizing a diagram, but noted it now encompassed more because those across the street did not want it to go through Clyde Wilson Park. She explained there had been additions to the project since Council had authorized staff to proceed to determine a cost. She felt a lot of the information in the packet was not correct and that the scope of the project had changed. She reiterated there had not been an interested parties meeting since January 26, 2015, and the west side of the creek had not been addressed as it was supposed to have been included in a different study. She commented that federal taxpayer funds would be utilized so they needed to ensure the rules were followed. If it would not benefit the handicapped community or pedestrians, and only helped those on bicycles, she thought the money should be used on other sidewalk and intersection projects within Columbia. She believed it had been the attempt of certain individuals that the money not be spent for that purpose, even though other

cities had used it for those activities.

Mayor Treece asked Ms. Wren how she would recommend improving the hearing process. Ms. Wren replied it might be helpful for a committee to work with public works in addressing these questions and reviewing the process as she believed there were inconsistencies. A difference of \$1 million meant that part had not been included in the cost estimate, and the easements had not yet been discussed and would increase costs. She stated she would be willing to bring forward her issues and reiterated she felt the project lacked oversight.

Sutu Forte commented that it was hard for her to not be emotional about this area she absolutely loved. It was a place to regenerate and rejuvenate. She noted Mr. Griggs had mentioned taking care of wild areas along the creek and keeping them natural on another project. She explained there was a beautiful grass path at this location. She stated she would bring the Council more facts and figures as she believed a balanced nature was necessary. The planet was too hot, and they needed to keep their trees and streams. It was a necessity to be able to park a car on a quiet street and go into a quiet woodland area that did not have any concrete or hardness. Because this was a very important project, they needed more time to ask more questions.

Ms. Peters suggested amending the resolution so the public hearing was held on February 5, 2018 instead of January 16, 2018 as it would allow time to meet with City staff to determine what Ms. Wren and Ms. Forte felt had not been done and was needed. Mayor Treece asked Ms. Peters if she would have any problem with providing notice of that meeting in case others were interested. Ms. Peters replied she thought it would likely need to be delayed longer if that was necessary. She suggested it only be them at this time to determine what they felt was missing.

Mr. Thomas stated he did not agree with delaying the public hearing. He noted he had not heard any valid reason to delay this project. It had been in the works and had received tremendous support for many years. He commented that he would like staff to respond to the concerns now. Mayor Treece felt that was more appropriate at the time of the public hearing. Mr. Thomas noted it was the reason they were discussing a delay in the public hearing. Mayor Treece stated they would only delay it for a short period of time. Mr. Thomas commented that he would not support delaying the public hearing.

Ms. Peters explained she did not feel this could be sorted out tonight when it was already late.

Mayor Treece pointed out it was really only a two week delay.

Mr. Thomas stated he was not willing to support it, but he was only one person.

Mr. Skala commented that he felt some clarification was necessary for some of the issues that had been brought up for which they did not have immediate answers. He thought it was reasonable to delay the hearing for a meeting.

Mr. Pitzer agreed it was not a tremendous amount of time, but noted he would not support it in terms of process. Everything he had heard tonight was part of the discussion that could come up during the public hearing. The resolution provided four weeks of notice to prepare for the public hearing. He stated they had a process to have a public hearing and thought they should move forward with that process.

Mayor Treece commented that he would defer to Ms. Peters since this was within her ward.

Ms. Peters made a motion to amend R172-17 by changing the public hearing date from January 16, 2018 to February 5, 2018. The motion was seconded by Mr. Skala and approved by voice vote with only Mr. Pitzer and Mr. Thomas voting no.

The vote on R172-17, as amended, was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: PITZER. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

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

- B379-17 Approving the Final Plat of Sidra Subdivision, Plat No. 3, a Replat of Lot 1, Sidra Subdivision - Plat 1, located on the northwest corner of the Stadium Boulevard and Primrose Drive intersection; authorizing a performance contract (Case No. 17-236).
- B380-17 Vacating utility easements within the former rights-of-way of Locust Street and Second Street and an east-west alley on the east side of Second Street (Case No. 17-200).
- B381-17 Vacating a sanitary sewer easement located on the west side of Bernadette Drive and north of Worley Street (817 Bernadette Drive) (Case No. 17-202).
- B382-17 Vacating portions of the utility and drainage easements on Lot 3 within Rockbridge Subdivision Block IX located on the northwest corner of the Monterey Drive and Providence Road intersection (3901 S. Providence Road) (Case No. 18-16).
- B383-17 Vacating a portion of right-of-way platted for Eugenia Avenue located on the east side of College Avenue (Case No. 18-19).
- B384-17 Authorizing a cost share agreement with the Missouri Highways and Transportation Commission for the proposed Keene Street and I-70 Drive Southeast intersection improvement project; appropriating funds.
- B385-17 Amending Chapter 14 of the City Code to prohibit parking along both sides of Turner Avenue between Tiger Avenue and Providence Road.
- B386-17 Amending Chapter 27 of the City Code relating to energy efficiency loans for commercial properties.
- B387-17 Authorizing the City Manager to execute a grant of easement for water utility purposes to Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the relocation of a water line along Route H near the Columbia Regional Airport.

- B388-17 Authorizing a pole attachment license agreement with MO Network Utility Transport, LLC for the installation and maintenance of communications facilities, distributed antenna systems and associated wireless equipment on City distribution poles.
- B389-17 Authorizing a contract of obligation with the Missouri Department of Natural Resources to satisfy financial assurance requirements for proper closure and post-closure care with respect to a permit for operation of a solid waste disposal area.
- B390-17 Authorizing the City Manager to execute a temporary construction easement for highway purposes to the Missouri Highways and Transportation Commission for property located on the east side of Route 763 and adjacent to Columbia Terminal Railroad (COLT) right-of-way.
- B391-17 Accepting conveyances for drainage and utility purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B392-17 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants in 2018.
- B393-17 Authorizing a non-federal limited design and implementation reimbursable agreement with the Department of Transportation Federal Aviation Administration for the relocation of equipment in the AFSS building at the Columbia Regional Airport.
- B394-17 Appropriating funds for the work space expansion project in the Community Relations Department.
- B395-17 Appropriating funds from the sale of a 2001 Sutphen Quint fire truck for the purchase of fire apparatus equipment.
- B396-17 Authorizing a contract for sale of real estate with Columbia Mutual Insurance Company for the purchase of property located on the northeast corner of the White Gate Drive and Towne Drive intersection.
- B397-17 Authorizing an agreement for the purchase of services with Boone County, Missouri for the Teen Outreach Program (TOP); appropriating funds.

X. REPORTS**REP102-17 Downtown Community Improvement District (CID) Board of Directors - Annual Membership.**

Mayor Treece explained he had asked the Downtown CID to provide a slate of alternate board members so he had a choice in those appointments. He asked the Council to join him in the appointment of Mike McClung, who was currently the Chair of the Downtown CID, Jesse Garcia, Dale Logan, Van Hawxby, and Lisa Klenke to the Downtown CID Board. The Council consented to the appointments recommended by Mayor Treece by voice vote with Mr. Trapp abstaining.

REP103-17 Central Missouri Humane Society Relocation Proposal.

Mr. Glascock provided a staff report.

Joe Ritter, 2412 W. Rollins, explained he was the President of the Board of the Central Missouri Humane Society and thanked the Council for considering their proposal. He stated they believed a new facility would be a fantastic asset for the City of Columbia, the Central Missouri Humane Society, the staff, and the animals in their care. He asked that they be able to move forward with a memorandum of understanding, and noted their appreciation for the long term partnership with the City, the County, the University, and others.

Mr. Skala commented that he thought they had made a decision a few meetings ago to hold some of the property donated to them and discuss potential uses. They were now being asked for a memorandum of understanding, and from his perspective, it was not really a contract. He asked how specific a memorandum of understanding had to be or how vague it could be. Ms. Thompson replied that from her perspective a memorandum of understanding was a contract and was binding as to the terms that were contained within the memorandum of understanding. A lot of times they would specify a memorandum of understanding was non-binding, but it was binding to the extent that it set forth the intent to negotiate in good faith to reach certain terms. She felt there was a misnomer to say it was just a memorandum of understanding. From the perspective of the Law Department, they tried to emphasize a memorandum of understanding was a contract and binding to the extent of the terms and conditions contained within it. She noted a lot of times they would put into a memorandum of understanding that it was non-binding, but at the same time, they still had an obligation of good faith.

Mr. Skala thought it would behoove them to ensure the memorandum of understanding was as detailed or as vague as would serve the needs of what most of the Council wanted. Ms. Thompson explained they could make the memorandum of understanding a statement of intent, and to the extent it was a statement of intent, they would express their good faith intent to work toward an agreement that met the parameters stated in the memorandum of understanding. Mr. Skala understood the memorandum of understanding would have to come to Council for review. Ms. Thompson stated the memorandum of understanding was broad, and if they were not able to negotiate the details in a way that was satisfactory, the memorandum of understanding was something from which one could walk away.

Mayor Treece stated he believed the Central Missouri Humane Society did a good job and was in need of a new facility, and explained his desire, as was discussed in October, was for the donated land was platted and annexed appropriately. As a result, he felt it was a bit premature to talk about potential uses when they had not annexed it or decided how it would be used. They did not know whether they would keep it, sell it, subdivide it, plat commercial lots, plat a roadway, etc. He reiterated he did not feel they were ready to decide whether they would give away four acres. He believed a more thoughtful discussion was needed prior to making that decision.

Mr. Thomas commented that he did not feel they were talking about giving away four acres. He understood the Fire Department wanted to use the property the Central Missouri Humane Society was currently utilizing in order to expand its training facility, and assumed the Fire Department was in support of this land swap. He asked Mayor Treece what other ideas he had for the land. Mayor Treece replied they did not know the potential, and explained they had an opportunity with a gift of 47 acres that had some substantial value. He thought they might decide to sell the entire tract, to include those four acres, and place the money in a real estate fund which could then be used to acquire some more strategic real estate. He noted they might also decide to give four acres to the Central Missouri Humane Society, the Boys and Girls Club, Job Point, or another entity, and plat commercial lots on other portions of it. He stated he did not know, and did not feel they should restrict themselves to a 1-8 year memorandum of understanding.

Mr. Thomas stated he thought it was relevant to point out that the Central Missouri Humane Society provided services the Public Health and Human Services Department required, and that they would benefit if the Central Missouri Humane Society had a better property for their operations.

Mr. Ruffin asked a representative of the Central Missouri Humane Society to discuss their timeline with respect to the capital campaign and how quickly they planned to move so the Council knew whether it was appropriate to delay a decision.

Diane Drainer, a representative of the Central Missouri Humane Society, indicated they were at a point where they had momentum and wanted to start the capital campaign in the beginning of this next year. They hoped to break ground and have a building in the next 5-7 years. She pointed out they needed to have a location determined in order to start the campaign because it was usually the first question. They could not wait five years to start a capital campaign as they were at a critical point. The proposed site would really meet their needs so they felt they needed to move forward.

Mr. Trapp stated he would like to move forward. He understood there was question as to what they wanted to do with the bulk of the land, but noted he was confident it would fit with the Central Missouri Humane Society. He pointed out they provided what in many communities was a municipal function, and in the absence of a Humane Society they would have some obligation to meet that need. He commented that it was a great community partnership with what they did in terms of animal welfare and providing facilities for animal control efforts. The existing facilities were inadequate and outdated, and there was a movement to bring this forward. He stated he was also confident they would want to site a fire station there. The response rates in that part of the community were some of the worst within the City. He explained he was not objecting to a real estate fund, but also thought they should bring together land and needs when they had the ability. He understood the Fire Department had expressed a desire to have a training facility at the Strawn Road site before they knew about the possibility of expanding their existing site. By moving the Central Missouri Humane Society to the Strawn Road site, it would allow the Fire Department to expand its current fire training area. He stated he would like to see them move forward with a memorandum of understanding if there was support from the majority of Council.

Mr. Pitzer understood the Council had asked staff to come back with annexation and a plat. Mr. Glascock stated he thought it was mostly done, and noted it still had to go through the planning and zoning process. He explained it would be split into two lots with a road through it. Mr. Pitzer asked if it would come forward at the same time if they decided to move forward with the memorandum of understanding. He wondered about the order. Mr. Glascock replied he did not believe it had to come forward at the same time. He thought they would want to address the commitments of the memorandum of understanding prior to proceeding with the memorandum of understanding. He explained they could plat it now, and after the commitments of a memorandum of understanding were addressed, they could replat it into the lots defined by the memorandum of understanding. Mr. Matthes pointed out the memorandum of understanding was easier

than everything else. The official creation of a lot would come after the terms of the memorandum of understanding were realized.

Mayor Treece explained he would rather do it the other way. He would rather have the discussion on the annexation and plat, and then have a discussion with regard to a memorandum of understanding. He stated he was not disinclined to support it, especially if there were some milestones and clauses that allowed them to continue to show progress.

Mr. Pitzer commented that he thought they could work on both at the same time.

Mr. Skala understood they could plat the property, and then replat it after the memorandum of understanding. Mr. Glascock stated the replat could occur after all of the criteria of the memorandum of understanding had been met. He did not believe they wanted to plat four acres and then find out the Humane Society was unable to meet their obligation. They would plat two lots and a road now, and 3-5 years later, they could replat the four acres if the terms of the memorandum of understanding were met.

Mayor Treece asked how quick they could get the annexation and plat through the planning and zoning process. Mr. Glascock replied the surveyor was currently reviewing it, and thought it should move forward within the next month or so. It would then have to go through the entire planning and zoning process.

Mr. Skala thought they could be thinking about the memorandum of understanding in the meantime.

Ms. Peters stated she agreed with Mayor Treece in that they had not had a thoughtful discussion with regard to the use of the donated land. She explained she supported the Central Missouri Humane Society so she was not necessarily against them using part of the land, but noted they had not discussed or made a decision as to what they wanted to do with it. She agreed the Fire Department would like the land on which the Central Missouri Humane Society was currently located, and felt it could wait a few months to allow them to plan.

Mr. Pitzer pointed out the memorandum of understanding could involve this land or another location if a better use was determined for this land. He wondered if a memorandum of understanding could be worded in that manner.

Mayor Treece commented that if five years from now the Council decided they wanted to do something else and the Central Missouri Humane Society had raised \$5 million based upon this representation, they would be crying foul to their donors. Ms. Peters agreed, and felt that was the reason they needed to know what they were doing.

Mr. Matthes asked the Council if it mattered when they had a memorandum of understanding to review. He wondered if they wanted it during any particular part of the process or if it could run parallel to the platting process.

Mayor Treece stated he could see both sides, but felt having the annexation and plat first would allow anyone an opportunity to provide input. If they did the memorandum of understanding first, it would appear as though someone had the inside track.

Mr. Matthes noted staff would come back to Council with a memorandum of understanding after annexation and the final plat.

Mr. Ruffin asked for a time frame. Mr. Matthes replied he thought it would take a couple of months. Mr. Glascock pointed out the planning and zoning process would take ten weeks. Ms. Peters understood that meant March. Mr. Glascock stated March or April.

Mr. Matthes explained staff needed to know if the majority of Council wanted a memorandum of understanding to accompany the annexation and plat. He thought it could be on the same agenda, but after the annexation and plat. Mayor Treece stated he would prefer it be at the next meeting. Mr. Skala commented that he was not sure that made much difference. He only wanted to see the annexation and plat first. He agreed they did not want to give the impression that someone had an inside track, especially since they had not yet discussed uses, but felt it would save time to work on it in parallel. He noted people could line up right now in terms of approaching the City with similar requests.

Mr. Trapp asked if anyone would prefer to have the memorandum of understanding negotiated now. Ms. Peters replied she would rather the property be annexed and for them to allow public input. She felt the memorandum of understanding could be placed on the next meeting agenda assuming no one else had a better plan.

Ms. Peters made a motion for the 47 acres of donated property to come forward for annexation and platting, and to allow for input on what could be done with the property, prior to a memorandum of understanding coming forward. The motion was seconded by Mr. Trapp.

Mr. Matthes understood staff could begin negotiating on a memorandum of understanding now, but the Council would not act on it until after they had seen and acted upon the annexation and plat and allowed for public input.

Mr. Skala pointed out anyone else could approach staff with an offer. Mr. Glascock stated staff had already been approached. Mayor Treece noted that was all the more reason it should be done in this manner. Mr. Thomas asked who had approached them. Mr. Glascock replied he had been asked not to say. He explained they had only asked what the City's plan was for the property. Mr. Matthes commented that they might want to do an RFP.

The motion made by Ms. Peters and seconded by Mr. Trapp for the 47 acres of donated property to come forward for annexation and platting, and to allow for input on what could be done with the property, prior to a memorandum of understanding coming forward was approved unanimously by voice vote.

REP104-17 U.S. Department of Housing and Urban Development Affirmatively
Furthering Fair Housing (AFFH) Requirements.

Mr. Cole provided a staff report.

Mr. Thomas commented that he thought Mr. Cole had laid out an excellent process and that the suggested make-up of the task force looked good to him. He believed this would be one of the most important things they did as a City in the next few years as affordable housing and social equity were critical issues, and this could mobilize public support for the kind of policies that would improve the quality of life for many people in Columbia. He hoped the task force would look into inclusionary housing and creating more mixed-income housing as there was tremendous data showing the benefits, particularly for children, and because it would increase the affordable housing stock.

Mr. Thomas asked if the City offered any permit waivers or discounts for private sector affordable housing. Mr. Cole replied there was an affordable housing permit fee waiver ordinance for any project funded with HUD funds or local funds for affordable housing, so Habitat for Humanity, Job Point, etc. received it for CHDO funds. For the Lynn Street Cottages, they had contracted with a private developer that was accessing those funds, and that contractor had also received a permit fee waiver. Only profit or non-profit contractors doing a project funded by affordable housing funds had the opportunity for the waiver. Mr. Thomas understood there was not any incentive for a private developer not working with these public programs. Mr. Cole stated there was not anything outside of an agreement with City funding. Mr. Thomas thought that would be another good topic for the task force.

Mr. Trapp commented that he thought this appeared to be a great process. Since they were obligated to do it, he felt they might as well try to get as much value as they could from it. It was not any harder to do a meaningful engaging and substantive process than to go through the motions to justify funding. He believed this allowed for some great opportunities to open some important conversations and appeared to be an appropriate way to move forward.

Mr. Skala agreed this was important and that inclusionary zoning was an aspect they needed to discuss. He understood it could have tremendous results if they could generate enthusiasm for it.

REP105-17 Annual Report of Volunteer Service to the City of Columbia.

Mr. Teddy provided a staff report.

Mayor Treece commented that they all benefited monetarily from the dedication of time from volunteers.

Mr. Trapp pointed out the volunteer hours had been up two years in a row, which bucked national trends. He also liked the fact volunteers were involved substantive things, like removing non-native and invasive plants, as they were getting important and hard work out of those that volunteered.

REP106-17 Intra-Departmental Transfer of Funds Request.

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

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, asked if there was a contact number for someone that wanted to volunteer. Mayor Treece replied 874-CITY.

Mr. Elkin stated he was very impressed with the housing being constructed on City-owned land, and asked who was making the decisions. Mayor Treece replied the Community Land Trust Board. Mr. Trapp explained it was a Board of Directors of a non-profit that had been fostered by the City. He noted he served as a liaison. Mr. Elkin asked for the head of the group. Mr. Trapp replied Jerry Dowell had been recently elected President of the Board. Mr. Elkin asked if there would be a grand opening of the houses. Mayor Treece replied he thought there would. Mr. Elkin commented that the 1990 Habitat for Humanity houses were across the street, and thought they were doing the right thing by placing the new houses there.

Mr. Elkin thanked the Council for the \$36,000 for Room at the Inn this year.

Mr. Elkin asked what happened to the newsletters and trash vouchers for those that were no longer receiving trash service from the City. Mr. Matthes replied he would get back to him on that issue.

Mr. Elkin asked the Council to review the happenings in Colorado with regard to pot as there were many negative things, to include weaving on the roadway.

Mr. Elkin commented that in 1982 he had been in Hallsville looking toward Centralia where houses had blown up due to a natural gas issue, and he wondered if Columbia was prepared if a natural disaster were to occur.

Mayor Treece explained the Council had approved an application for tax increment financing (TIF) at the last meeting. He noted there was still another vote on the redevelopment plan, and wanted to have a discussion with regard to directing staff to negotiate some taxpayer protections similar to claw backs or kick-out clauses like they had for Chapter 100 and other tax incentives. He commented that staff could negotiate this with the developer or he could offer them as an amendment to the redevelopment plan. He stated he had reviewed the representations made at the meeting and understood there had been a commitment of \$18 million in private investment. He thought they should ensure the minimum private investment was equal to the \$18 million amount. He also thought they should require the final certified project cost to be at least 95 percent of the projected project cost or for the amount of the TIF to be reduced proportionately. He believed they could express the amount of TIF assistance as a maximum dollar amount or as a number of years, whichever occurred first. By doing this, they could cap the overall rate of return and apply any of the excess TIF assistance back to paying off the TIF debt earlier so the taxing jurisdictions were able to see a benefit sooner. He noted the developer had represented a minimum number of jobs that would be created, and suggested they allow a set number of years to create those jobs. He thought there were a number of ways they could ensure taxpayers were protected.

Mr. Skala commented that he thought it was prudent to have claw back provisions when

providing incentives.

Mr. Skala understood there had been discussion of addressing the gap financing with a community improvement district (CID) on top of the CID that was already in existence, and noted he had been told that was not legal, and asked for clarification. Ms. Thompson replied she believed CIDs could be stacked.

Mr. Skala stated he thought the suggestion of Mayor Treece was reasonable, and that the discussion should not be held in a vacuum. He suggested inviting Mr. Parmley and his representatives to a meeting. Mayor Treece explained he thought it was up to staff to negotiate the redevelopment plan, and he just wanted to express his preference for having some taxpayer protections. He understood the City would not issue bonds to cover the gap, and believed the developer or bank could provide a line of credit or the developer could loan himself money and pay himself back from the TIF revenues, but was concerned there was not a cap on the interest rate that could be charged. He felt prime or prime plus one percent was realistic as opposed to a ten percent interest rate that would prolong the payback period.

Mr. Pitzer commented that he was agreeable to having that discussion. As long as it was legal, he thought the TIF dollars could be the last dollars in if the project came in under cost. In addition, by statute, if the funds received were above projections, he thought they went toward repaying the debt faster. He stated he wanted legal to weigh in on those discussions as well.

Mayor Treece asked if there was any objection to his suggestion. No one objected.

Ms. Thompson clarified this negotiation would be associated with the redevelopment agreement as the redevelopment plan had already been approved.

Mr. Skala stated he thought it was important to stress there was not a municipal risk with this, but felt the claw back provisions would be useful.

Mayor Treece commented that a week ago they had another homicide with an active murder investigation, and this was a 17-20 year high depending on how one counted homicides. He explained he did not need the City Manager to come back to Council, nor did he need the details of the investigation, but noted he wanted to know they had a comprehensive crime reduction strategy with a short term objective of getting on top of these murders and investigations. He stated he wanted to know what the City could do and what additional help was needed from the Council to achieve it. He believed the detectives were spread thin, and thought they should do a short term surge of detectives, if there were officers with prior experience as a detective, or authorize overtime. He noted he did not have a solution, but needed to know everyone was working on the issue.

Mr. Ruffin left the meeting.

Mr. Thomas stated he had received a memo from Mr. Johnsen, and it appeared as though from an engineering point of view, they could connect the Perche Creek substation to the 161 kV and the 345 kV Ameren already had without having to build anymore pylons or wires. At the other end, they would need to extend to the Bolstead substation to satisfy the federal liability requirement. Mr. Matthes explained this was a concept staff wanted to explore as it had not been in the mix of ideas that had been vetted. Mr. Thomas understood it had been one that they had been working on since Mayor Treece had suggested an Option E. He understood it was feasible, and asked for a cost estimate. Mr. Matthes replied he could not say it was feasible, and staff wanted to explore the option at this time. Mr. Thomas stated he thought they had been doing research on this alignment for a year or more. Mr. Matthes agreed they had been reviewing the alignment. He understood it was a dangerous approach if they did not do it correctly as it involved some very high powered electricity. They did not want to fry their own system by hooking up to something without really vetting it.

Mr. Thomas understood another part of the transmission line project involved an additional

substation on Peachtree Court for extra capacity, and that the Water and Light Advisory Board had been told that extra capacity in south Columbia was no longer needed, and asked if that was correct. Mr. Matthes explained there were two problems. One was the Perche Creek substation and the need to keep the system from causing outages. Mr. Thomas understood that was a federal requirement. Mr. Matthes stated that was correct, and that they had to be good neighbors. The other was the amount of load the substations were bearing. They were operating at a higher level than they would like so they would wear out faster. He commented that they had changed circuits and added transformers where they could to avoid outages while thinking through other options. He explained that if they separated the two issues, the load factor was much more important from a day-to-day use of electricity basis than the transmission line.

Mr. Thomas thought they had separated the two issues a long time ago when they had started to talk about Option E. Mr. Matthes noted Council had never approved any action on the substation, and staff had not taken any steps.

Mayor Treece understood Mr. Johnsen had told the Water and Light Advisory Board that the projections for the load required to meet the demand in southwest Columbia was not meeting expectations, and that the projections were substantially lower than what they had anticipated.

Mr. Thomas asked if staff felt a substation at Peachtree Court was needed. Mr. Matthes replied the load was too high on some of the substations, but the rate of growth was significantly lower than had been planned for ten years ago. He noted that enabled other options, and they would like to explore those other options.

Mr. Pitzer understood a study was being conducted by Quanta, which had been approved a couple of months ago, to look at exactly that issue.

Mr. Skala asked if the federal regulatory bodies had a different priority on this. He wondered if they were facing sanctions because of one or both of those issues. Mr. Matthes replied he understood they cared more about what they did to their neighbors than within their own brownouts or blackouts. He noted they could use those as a strategy to deal with the other issue, but that was not acceptable to the City due to its customers. Mr. Skala asked if they were facing any deadlines. Mr. Matthes replied there was nothing looming at this point, but the statutes existed that created the exposure. It was the double fail scenario for which they did not have a fix. Mr. Thomas commented that he thought the double fail scenario had affected the Atlanta Airport the other day.

Mr. Trapp noted Mr. Thomas had referenced a west area plan a couple times tonight, and the Council had talked about it in reference to the expansion of the City limits. He asked for a report that would identify the scope of a west area plan, those who would need to be involved, a time frame, and the staff commitment that would be needed.

Mr. Pitzer stated he would like to see that as well, and thought the majority of Council had mentioned that at the previous council meeting.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 12:34 a.m.