



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, August 5, 2019  
7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 5, 2019, 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 SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, and TRAPP were present. The Interim City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of July 1, 2019 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

The minutes of the regular meeting of July 15, 2019 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Peters.

Ms. Peters asked that B207-19 and B208-19 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B207-19 and B208-19 being moved to old business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Trapp.

#### II. SPECIAL ITEMS

SI9-19

Presentation of Well Deserved Award by United Healthcare Representatives to the City of Columbia Human Resources Department Wellness Program.

Allison Brungardt, a representative of United Healthcare, stated she had the privilege of recognizing the City of Columbia for receiving a Well Deserved Award from United Healthcare. She explained United Healthcare recognized ten employers nationwide for implementing innovative and industry leading workplace wellbeing programs that helped to improve the health of their employees. The City of Columbia had excelled in creating an innovative wellness program as demonstrated by the numerous programs offered to help City employees live healthier lives and avoid chronic health conditions. She stated the City provided a robust wellness program, and had adopted and was using several health programs offered by United Healthcare, including the Rally health online platform, the Rally rewards program, and biometrics screenings. She understood the City would soon offer Real Appeal, which was a lifestyle health and wellbeing program focused on weight loss through proper nutrition and exercise. She noted the City had demonstrated leadership support for health and wellbeing in the workplace by ensuring the right resources were in place to sustain an award winning wellness program. United Healthcare had assisted the City in measuring the outcomes and impact of the wellness program and they had seen the data points trending in the right direction. She explained there had been an increase in wellness exams and preventive cancer screening compliance, and an improvement in hypertension management among the rewards

program participants. She commented that in reviewing the award application, several personal success stories had been shared by employees and she read a few of those stories. She stated the City had a lot to be proud of for choosing to invest in the health and wellbeing of its employees. She congratulated the City of Columbia for receiving the Well Deserved Award and noted she looked forward to their continued partnership. She and Lynn Murdock of United Healthcare presented the award along with a \$1,000 check to Margrace Buckler, Kathy Baker, and Jenny Workman of the Human Resources Department and Mayor Treece.

Mayor Treece stated the City of Columbia appreciated its partnership with United Healthcare as well. He thanked the Human Resources Department staff for all of their work in this effort also.

### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

### IV. SCHEDULED PUBLIC COMMENT

SPC49-19 Debbie Johnson - Annual fireworks problem.

Ms. Johnson did not speak.

SPC50-19 Clint Brinkley - Discussing the lack of availability of residential food waste composting in the City of Columbia and possible solutions, including amending Sec. 22-165 of the City Code to allow for 3rd party food waste collection.

Mr. Brinkley did not speak.

SPC51-19 Jim Windsor - Climate Change, Transparency, Risk Tolerance, and Critical Infrastructure.

Mr. Windsor, 200 Manor Drive, stated Columbia had been lucky as they had enjoyed a rather mild summer while other areas of the United States and the world had experienced significant weather events. He provided a heat dome over Alaska, a death ridge across the Southeastern United States, a fire in an area the size of the Central United States in Siberia, and new temperature records throughout Europe as examples. He felt all of these weather events should make even science deniers realize increasing weather events were having a disruptive impact on society. He commented that recently this Council had adopted a Climate Action and Adaptation Plan (CAAP), and on page 19 of the CAAP was a climate vulnerability assessment for energy defined in the report as the electric utility, which had been placed at the lowest relative vulnerability. He thought that was illogical given the need for a resilient electric system as rooftop solar would be promoted and there was discussion of switching natural gas and motor vehicle fuels to electricity. He stated he could only attribute this incorrect vulnerability assessment to the lack of transparency on the part of the previous city manager. He wondered if the citizen group that developed the CAAP had access to all of the available information. The independent electric distribution reliability study for Columbia, Missouri, had been submitted by Quanta Technology on July 5, 2018, and page 10 of that study clearly showed five of the eight City substations had utilization factors greater than 100 percent. He explained that in order to be resilient and effectively maintain reliability, an electric system needed redundancy. For substations, the utilization factor answered the question as to whether the total loads of the substation transformers could be switched to another transformer if something happened to require the load switching. If below 100 percent, it could, but if above 100 percent, it depended on the situation or it could not. The highest utilization factor at 160 percent was for the Perche Creek substation, which provided power to ratepayers adjacent to Scott Boulevard. During peak load conditions,

he did not believe one transformer could pick up the load for the second transformer at that substation. He commented that the Quanta Technology report had used 2017 data when the high temperature on the peak day was only 97 degrees. That was also the highest temperature for the peak days during the previous four years. He noted they could continue being lucky, but thought they should be prepared for the higher temperatures predicted by the CAAP. There had been years of latent load growth within the system that would only be seen with higher temperatures, perhaps when a heat dome moved over Columbia. He stated history showed Columbia had experienced temperatures well above 97 degrees, and pointed out the last system peak had occurred on August 2, 2011, when the actual temperature was 105 degrees and the low temperature the previous night had been over 80 degrees. In addition, 105 degrees was not the record temperature for August 2 as the record was 108 degrees. He commented that record high temperatures for Columbia included 94 days of 100 degrees or higher, 49 days of 105 degrees or higher, and 14 days of 110 degrees or higher. He believed a redundant, resilient electric system was needed before Columbia's luck ran out. In April of 2015, the citizens of Columbia had approved over \$63 million in bonds for the electric utility, and over half of that amount was to build a new substation to offload already overloaded substations and to erect transmission lines to provide a transmission loop that would feed the Perche Creek substation with more than one path. Four years of customer growth had occurred since that vote while temperatures on peak days had remained at 97 degrees or below. He noted the Westbury Village development had recently been approved and construction had begun, and the Perche Creek substation would gain that load. He explained the electric system had been owned by the citizens of Columbia since 1904 and felt the risk tolerance for the electric system should be low. He stated investment in a resilient and redundant electric system would ensure reliability, and the voters had supported that concept in 2015. In addition to the Quanta Technology report illustrating the substation overloading issue, the Burns and McDonnell Option E evaluation had been released on July 6, 2018 and it had indicated Option E would cost a minimum of \$10 million more than Option A. He believed it was time to start being transparent and have a public discussion of the Quanta Technology and Burns and McDonnell reports, to stop paying for more studies of issues that had been answered, to stop relying on luck, and to complete the projects that were clearly defined and presented to the voters in 2015. He quoted Benjamin Franklin who said "by failing to prepare you were preparing to fail."

SPC52-19 Julie Shiebany - Current debate on sampling liquor/craft beers.

Ms. Shiebany did not speak.

## V. PUBLIC HEARINGS

PH34-19 Proposed construction of a traffic calming device on William Street between Broadway and Rollins Street.

PH34-19 was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Skala commented that he was interested in William Street north of Broadway and wondered where that ranked in terms of traffic calming. He agreed this proposed project was needed per the data provided and was glad there would soon be relief, but wondered about the other portion of William Street. Mr. Nichols pointed out this portion had not been the result of a petition. It had been on the list when the traffic calming program had started. He noted he was not sure of its origins, which was why there might not have been a champion for the project at the interested parties meeting.

Mr. Thomas asked Mr. Nichols to list the speeds at certain points on William Street. Mr. Nichols listed the speeds. Mr. Thomas asked if the speed limit was 25 mph. Mr. Nichols replied it was 20 mph. He explained the compromise from the interested parties

meeting was to install a table at the southern end where the speeds were higher.

Mr. Thomas understood staff was not proposing to do anything at the northern end where there were still some excessive speeds. Mr. Nichols stated not at this time. He explained the compromise was to address the southern end at this time due to the negativity toward speed humps on the road. He noted it would continue to be monitored and pointed out a four-way stop had been installed at Anthony Street last fall and a three-way stop had been installed at Rollins Street.

Mr. Thomas stated he thought staff preferred not to install four-way stops because it was not considered an effective traffic calming device. Mr. Nichols noted it was not effective for traffic calming, but had been warranted. He thought it had been warranted mainly due to sight distance issues. Mr. Thomas asked for clarification. Mr. Nichols explained it had been warranted per the American Association of State Highway Transportation Officials (AASHTO) guidelines, which involved eight criteria to include volumes, accidents, etc.

Mr. Thomas stated he thought stop signs were good traffic calming devices since people seemed to be compliant at all-way stops. Mr. Nichols pointed out that studies had shown that unwarranted stop signs caused a lot of rear-end collisions.

Mayor Treece opened the public hearing.

David Mehr, 714 Ingleside Drive, explained he lived close to Bouchelle Avenue and people zipped through the area all of the time. He noted he was quite enthusiastic about placing a speed table at the proposed location, and thought speed tables worked well. He stated the traffic engineers had indicated stop signs being placed in unwarranted locations could actually make things worse because people would ignore them. He agreed it might not be the perfect solution, but believed it would be a positive addition. He stated he was strongly in favor of it.

Richard Shanker, 1829 Cliff Drive, commented that cars coming south from Rollins Street tended to sweep through on William Street. He noted he had resided in the East Campus area for decades, and pointed out it was a diverse neighborhood with many different interests, i.e., residents, non-resident landlords, and resident landlords. He stated he was one of the latter. Within the last couple of years, staff had held public meetings with regard to traffic calming on William Street. Many that had attended the meetings had asked who had requested the study, and due to incomplete records, new staff, or the absence of files, City staff could not address how this had been generated. Regardless, staff had revealed their findings and had requested input at two meetings. Staff had indicated that traffic would naturally slow down due to the amount of traffic and the narrowness of William Street. He noted the majority of the neighborhood in a rare moment of agreement had wanted stop signs versus calming devices at certain locations. He understood a stop sign would cost about \$200 while calming devices tended to cost \$3,000-\$5,000. The neighborhood had recommended three locations for stop signs, and staff had installed them at two of those locations. He stated he was not sure if the miles per hour cited had been gathered prior to or after the installation of the stop signs. He asked the Council to either deny the recommendation of staff for this expenditure or to send the issue back to the neighborhood for further consideration. He believed the calming device was costly, redundant, and would be ineffective due to its location.

Ms. Peters asked where the third intersection was that the neighborhood wanted a stop sign. Mr. Shanker replied they had requested them at Dorsey Street and Anthony Street where the tennis courts for Stephens College was located. He stated he appreciated the ones at Anthony Street and William Street and by the veterinarian clinic as it stopped people from speeding around the corner, which was the location of the proposed ramp. He commented that the \$10,000 could go to another neighborhood and reiterated he did not believe it was needed here.

Mr. Thomas asked when the stops signs had been installed and when the speed measurements had been taken. Mr. Nichols replied he had been told the stop signs had been installed in the fall of 2018. Mr. Thomas understood one was done at Anthony

Street and William Street, and asked where the other was located. Mr. Nichols replied Rollins Street and William Streets. Mr. Thomas asked if the speed measurements done in 2018 had been done prior to or after the stop signs were installed. Mr. Nichols replied his understanding was that they were taken after the stop signs were installed. Mr. Thomas understood some measurements had been taken in 2019 showing a reduction in speeds, but not much. Mr. Nichols pointed out stop signs did not really slow traffic on corridors.

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

Ms. Peters stated she would support this traffic calming project. It was the only section that did not have a stop sign along William Street now that they had added two others. She noted people traveling south from Wilson Avenue to Rollins Street on William Street tended to floor it, and was not sure why. She believed a speed table similar to the ones on Stewart Road would resolve that problem fairly quickly.

**Ms. Peters made a motion directing staff to proceed with the installation of a traffic calming device on William Street between Broadway and Rollins Street. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.**

## VI. OLD BUSINESS

B187-19

Rezoning property located on the northwest corner of the intersection of Clark Lane and McKee Street from District R-2 (Two-Family Dwelling) to District R-MF (Multiple-Family Dwelling) (Case No. 142-2019).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala stated he found it unusual that they were talking about the density of a development that had not yet taken place in addition to one that had taken place to make comparisons as to what might be a projected use of the property when in reality they were only discussing a land use decision. Mr. Teddy commented that he thought it was an analysis to say there was multi-family housing beyond one and two-family units as that was the character of the area. He noted the location of a mobile home park, which had a higher density. He explained much of the other area was zoned R-2 and believed that was why the planned districts had been mentioned. He stated this was a more visible location with two street frontages.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, noted the property was zoned R-2 and the applicant was requesting R-MF zoning. He stated it provided a transitional zoning between the arterial roadway of Clark Lane and the R-2 development to the north. He pointed out there was adjacent property that was zoned PD. He emphasized the property was adjacent to an arterial roadway and within 500 feet of a major and minor arterial. He explained the current zoning of R-2 would allow for four duplexes, i.e., eight total units and roughly 32 total bedrooms. He explained his client had a strong desire to build one bedroom units as there was a strong need in the community for one-bedroom units, but in a duplex fashion, it was not affordable because there were too many exterior walls.

Mayor Treece understood four duplexes, i.e., eight total units with 32 bedrooms, could be placed on the lot with the current zoning of R-2. Mr. Crockett stated that was correct. Mr. Crockett explained the applicant was asking for R-MF, which would be open zoning. Mayor Treece asked for the maximum that could be constructed with R-MF zoning on a .85 acre tract. Mr. Teddy replied staff had calculated 14. Mr. Crockett agreed it would be 14 total units. Mr. Teddy pointed out staff had not reduced it for any future right-of-way dedication. Mr. Crockett commented that while 17.42 units per acre sounded dense, it was difficult to get to four-bedroom units due to the parking ratio. He reiterated R-MF was an open zoning and that his client had the strong desire to build one-bedroom units. Mayor Treece asked if his client desired to construct them or committed to construct

them. Mr. Crockett replied he strongly desired to construct them. He explained he was not sure his client could commit to it.

Mr. Crockett stated a reason for the rezoning was the substantial need for one-bedroom units in Columbia, and one-bedroom duplexes were not cost-effective to build. He noted multi-family units would act as a transition between Clark Lane and the minor arterial and neighborhood to the north. He felt this was a transitional zoning. He commented that R-MF would not increase traffic, crime, or any other negative impact. He pointed out staff had indicated that R-MF zoning was appropriate with the location and consistent with the goals and objectives contained in the Comprehensive Plan. While the vote had been narrow, it was supported by the Planning and Zoning Commission.

Judy Johnson, 1516 McKee Street, stated she was representing the Zahring Neighborhood Association and noted the property in question was located at a very heavily traveled intersection coming out of the roundabout and over a hill. She was concerned about the traffic situation there. She understood the development would involve one tall building close to the corner with a driveway on the north side and parking of 14-16 spaces on the west side of the building. She felt the large parking area would create a lot of water runoff and was concerned as to whether there was enough room for a retention area. She commented that the neighbors were also concerned by the fact fencing would not be required.

Mayor Treece asked if there needed to be some type of buffer or landscaping. Mr. Teddy replied a buffer was not required between the different types of residential zoning. Some design standards would apply, and depending on the distance relationship, the neighborhood standards would only come into play if it was a tall multi-family building.

Ms. Johnson stated the neighbors were also concerned about the lighting situation for the parking lot since some houses were really close to the property lines.

Mayor Treece asked Ms. Johnson if four duplexes, which could be built under the current zoning, would be more or less impactful than what the applicant indicated he wanted to build with the change in zoning. Ms. Johnson replied it would be interesting to see how it was configured. Mayor Treece understood Ms. Johnson thought it would be a challenge to build out to its maximum capacity. Ms. Johnson stated that was correct. She pointed out that most duplexes were three bedrooms and noted she was not aware of any four-bedroom duplexes in the area. She felt the numbers had been overstated. She explained the property to the north that was already zoned multi-family had involved a plan with a lot of greenspace, but it had never been developed. Once this property was approved for multi-family zoning, a lot more units with more bedrooms could be constructed. She thought it was a shame they could not have a commitment to the one-bedroom development.

Mr. Skala commented that this was interesting as it got into the discussion of shifting from previous processes of planned zoning into the unified development code (UDC), which had its own benefits and drawbacks. Benefits of the UDC were dependability, open zoning, and less regulation, but a drawback was the lesser input into the conceptual plan. Typically, PUDs had been put into place in an effort to preserve more greenspace in exchange for increased density on certain parts of the property. He noted a .85 acre tract was not very large and agreed with Ms. Johnson in that it would be difficult to construct four duplexes on the property if it was not rezoned. The rezoning did not guarantee a one-bedroom multi-family structure so it would amount to an upzoning where the neighbors to the west and north were duplex developments. He explained he was leaning toward not supporting this rezoning request as it was a land use decision without much in the way of guarantees as to what would happen on the property. It was also inconsistent with much of the remainder of the area.

Mr. Teddy stated he had misspoke earlier in terms of a buffer. There would be a Type 1 buffer if a parking lot was involved. It would not be an opaque screening device, but noted there would be some form of landscaping where it abutted the R-2 zoned property.

Mayor Treece asked for the height allowed for a building constructed on property zoned

R-MF. Mr. Teddy replied 35 feet was the maximum, but it would have to be stepped down if it was within 25 feet of a neighbor zoned R-1 or R-2. Mayor Treece asked about the step down. Mr. Teddy replied it would have to be stepped down to 30 feet or set back 10 additional feet.

Mayor Treece asked for the maximum number of units that would be allowed on a .85 acre tract zoned R-MF. Mr. Teddy replied staff had calculated up to 14 dwelling units, which was different from the total number of bedrooms.

Mr. Teddy commented that the height of the building with the step down provision would actually be 24 feet.

Shan Rich explained he was born and raised on the north side of town. He stated he had lived on Crump Lane and noted he currently resided on Slickrock Drive. He commented that he understood the concerns of Ms. Johnson and pointed out that he planned to construct a two-story building with four apartments on each story.

Mayor Treece asked Mr. Rich how long he had owned the property. Mr. Rich replied about six months. Mayor Treece asked for the size of each unit. Mr. Rich replied less than 1,000 square feet. Mayor Treece asked if it would be loft-style. Mr. Rich replied yes. Mayor Treece asked if they would be front facing units with a corridor. Mr. Rich replied yes, and explained the AC units would be on the top with a flat roof. Mayor Treece asked if parking would be in the front or back. Mr. Rich replied there would be a combination of both.

Mr. Rich explained that without the rezoning he could not spend the extra money for the detailed drawings as it was not cost-effective. He reiterated he felt there was a need for this type of housing.

Mayor Treece stated he would trade the R-2 and four duplexes for one eight-plex building, but wondered what would happen if Mr. Rich decided to flip it. Mr. Rich replied he had no intentions of doing that. He explained he built, owned, and operated his developments. He was a part of SBSR and owned Enrich Construction, the company that would construct the building.

Mr. Ruffin asked if the surrounding duplexes were two stories. Mr. Rich replied no. He commented that this building would not be too much higher than the peaks of the rooflines of the surrounding houses. Mayor Treece understood they might not be two-story duplexes but they had upstairs bedrooms. Mr. Rich stated they could, and explained he had not been in any of those structures. Ms. Johnson stated she thought most of the duplexes in the area had upstairs bedrooms.

Mr. Trapp commented that he was supportive of this proposal. He noted there was a big need for one-bedroom apartments and felt there was an overall weariness with duplexes as they were overbuilt. He pointed out duplexes in the Second Ward had been affected by the student housing bubble. He explained smart growth talked about the missing middle, i.e., small apartment buildings that were affordable but difficult to develop due to zoning regulations. He believed this was a perfect example of that. He commented that he understood there were not any guarantees and it would be open zoning so they could fall prey to a bait and switch or the building could be torn down in the future for a more dense development, but thought a more dense development would be in line with Columbia Imagined. This upzoning was in conformance with the City's planning documents. He pointed out the best case scenario was better than what would be built with the current zoning because everyone would rather see the type of apartment building discussed than two-, three-, or four-bedroom duplexes, and the worst case scenario was that it would still be in line with the land use that was called for in Columbia Imagine. He believed it was something they should support as a step toward meeting the needs of housing affordability in the community.

**B187-19 was given third reading with the vote recorded as follows VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: SKALA. Bill declared enacted, reading as follows:**

B190-19 Approving the Final Plat of "The Backyard" located on Sixth Street and Seventh Street, between Locust Street and Cherry Street (120 S. Sixth Street and 119 S. Seventh Street); granting design adjustments relating to alley right-of-way width, corner truncations and reduced utility dedications (Case No. 82-2019).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Thompson pointed out a right of use permit was not necessary for a nonconforming use. A nonconforming use could continue in existence without additional approvals from the City Council. Mr. Teddy asked if that was the case if the Council decided to take the alley right-of-way. Ms. Thompson replied yes. Mr. Teddy apologized as the right of use had been mentioned in the staff report. Ms. Thompson explained it would be an option for new construction, but it was not necessary for existing construction as the nonconforming use laws would apply. Mayor Treece understood anything currently in existence would continue until the building was replaced. Ms. Thompson stated that was correct.

Mr. Teddy continued the staff report.

Mayor Treece understood that because the Planning and Zoning Commission (PZC) had denied the design adjustments, a two-thirds approval by the Council was necessary to approve this plat. Mayor Treece noted they could also delete the individual design adjustments from the ordinance, but the plat that was submitted by the applicant would then not be accurate. Mr. Pitzer wondered if it was an all or nothing situation. Mayor Treece commented that after some discussion he might ask the applicant if a continuation was desired to avoid the denial of the plat.

Ms. Peters asked if the applicant could go to the Board of Adjustment (BOA) if this was denied. Mr. Teddy replied the BOA was not a venue for subdivision variances.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, stated he believed the final plat was fairly straightforward and that they were really only talking about some design adjustments associated with the final plat. The first design adjustment being requested involved the alley right-of-way width. The current alley was 15 feet wide and the desire of the City was to have a 20-foot right-of-way dedicated, which would involve 2.5 feet from their property and 2.5 feet from the neighboring property. He displayed photographs showing the building, which was at the right-of-way line, and noted there was not any room for the additional right-of-way. He also noted a substantial retaining wall on the north side of the alley that was at the right-of-way line. He reiterated there was not any room to expand the alley. The requirement of the alley right-of-way would mean the existing building was within the right-of-way and any newly constructed improvements on a portion of the development would be within that right-of-way. In terms of newly constructed improvements, he explained they had constructed some improvements, such as stone columns, a small retaining wall, and a wrought iron fence. He displayed the photographs again and pointed out the solid line identified the existing right-of-way and the dashed line identified the location of new right-of-way line. He understood the building and improvements could be within the street right-of-way but felt it would be difficult to obtain a loan or financing on property within City right-of-way. He also understood the improvements could remain until such time the City deemed it was necessary to improve the alleyway, and wondered if that meant the City would require them to remove their building when they saw fit to improve the alley. He noted a comment had indicated the City needed the right-of-way so the alley could be immediately expanded from 15 feet to 16 feet. He questioned how that could be done without removing the building since the building was located on the property line.

Ms. Peters asked Mr. Crockett if they were reconstructing the building that was already there versus building in the back yard. Mr. Crockett replied they would like to construct some additional facilities in the back portion. Ms. Peters asked if something would have



to be done with the other building if that were to be done. Mr. Crockett replied the City had indicated to them that if they platted the property they would have to make the alleyway wider. Ms. Peters understood that if the property was replatted they would have to do something with the building that was there now. Mr. Crockett explained the City was saying the alley needed to be 16 feet wide and they had no intention of removing the building that was in the way.

Ms. Thompson pointed out the nonconforming use laws did not require a property owner to remove a building to enlarge the right-of-way. The nonconforming use was allowed to stay. She felt it was a total misstatement to say the City would require them to take part of the building away to enlarge the alley. She wanted to ensure the Council clearly understood that.

Mr. Crockett stated Ms. Thompson was correct, but noted there had been multiple discussions with staff, and staff had indicated that if the design adjustment was not granted, the applicant would be required to extend the pavement width to the required 16 feet. He noted that could not be done with the building in the way. He explained they had asked staff how they could expand the alleyway to 16 feet when they only had 15 feet available, but had not received an answer. As a result, it was a concern they had. Ms. Thompson stated that could not apply to where the building was located so the staff was incorrect if they had said that as it related to the building. She pointed out any new construction however would be required to be set off of the new property line. She explained one of the reasons the right-of-way was acquired when a plat came forward was due to the expansion of a use or a new building. She reiterated any new building would be required to be constructed to that width.

Mayor Treece commented that the Council might recall this had been done several times and provided a City-owned parking lot with a truncated corner and at the corner of Walnut Street and Ninth Street near Salon Nefisa as examples. He did not believe it would create a problem obtaining a loan, etc.

Mr. Crockett explained improvements with regard to the fence, columns, and the small retaining wall had been made recently, i.e. within 18 months and they were now being asked to remove those for one foot of additional pavement.

Ms. Peters asked about the corner truncation. Mr. Crockett replied it was for a five foot truncation. He displayed a couple of diagrams illustrating the impact of the corner truncation. He understood the building would be fine per the comments of Ms. Thompson, but noted this requirement would take a substantial amount of right-of-way through the back part of the property. He commented that there were numerous places the City had granted variances to truncations, and provided Walnut Street and Ninth Street, Broadway and Hitt Street, and the City platted property between Cherry Street and Locust Street as examples. He understood a few had been granted and others had not been granted. He did not feel a design adjustment was out of the ordinary and explained Mr. Teddy had indicated it was somewhat uncommon for the downtown as most were at a 90 degree angle. They were asking to be allowed that angle here.

Mr. Crockett noted the last design modification being requested involved a 10-foot utility easement. He explained subdivision regulations indicated they had to plat a 10-foot utility easement adjacent to all street rights-of-way. He stated the easement would be in the middle of an existing building, but understood they were grandfathered in that respect per the comments of Ms. Thompson. The other issue was that the UDC required all buildings within the M-DT to be within 24 inches of the property line. As a result, he could not set a building back more than 24 inches off of the property line, but was then also required to plat a 10-foot utility easement. He wondered how he could construct a building on top of an easement. It was a discrepancy within the subdivision regulations and the zoning code and had not been required of other plats in the downtown area. He pointed out the Council had allowed a design adjustment for the Jefferson Middle School property even though it was not within the M-DT so they could go around the building.

Mr. Thomas asked where the 10-foot easement was supposed to go relative to the

sidewalk and the curb. Mr. Teddy replied within the lot, and explained it would be the first 10 feet from the street right-of-way. Mr. Thomas asked if that caused the building to be set back. Mr. Teddy replied they would not normally issue a permit for a building in an easement because that created an encroachment. Mr. Thomas stated he thought they wanted buildings up to the sidewalk in the downtown. Mr. Teddy believed that was correct and thought that was what Mr. Crockett was saying. He commented that they would normally not deliberately create an easement and building conflict, but the letter of the subdivision code required a 10-foot utility easement when creating new lots. It did not differentiate between zoning districts.

Mr. Thomas asked how this request constituted creating a new lot. Mr. Teddy replied they were creating two lots, one for the My House sports bar business and another for the patio area in the rear as a separate lot. The parcels had been created out of portions of three Original Town lots so it was essentially modernizing a plat.

Ms. Peters commented that sidewalks were typically in front of downtown buildings and asked if that was a part of the utility easement. Mr. Teddy replied sidewalks were within the street right-of-way. They were not a part of the easement. He explained the sidewalk was within the 66-foot street right-of-way and outside of the property line. The easement would be within private property. In a typical subdivision situation, it extended the amount of space that was available for public utilities to be installed. In the downtown, there would be numerous interruptions. There would not be much continuity of linear underground utilities because they would encounter a lot of buildings that were constructed against the right-of-way line.

Mr. Thomas thought they wanted the buildings to be constructed up to the right-of-way line. Mr. Teddy stated he would agree. His personal opinion was that they would not want to acquire an easement unless something was planned that would need that space.

Mr. Thomas asked where the utilities were located now. Mr. Teddy replied they were within the street. Mr. Thomas asked why they could not just stay there. Mr. Teddy replied an easement was not a plan for a utility structure. It was just a granting of a right for public utilities to occupy the space.

Mr. Thomas wondered if they should amend the subdivision code so the 10-foot utility easement was not required. He thought they wanted density in the downtown and did not believe they wanted to waste an extra 10 feet along every street for utilities if they could be placed under the roadway. Mr. Teddy noted he would not be in favor of amending the code to do away with it altogether within the M-DT. He explained some structures that were more monumental in scale were often set back and had adequate space for utilities. He believed there needed to be a process for waiving the requirement versus eliminating the requirement for the downtown.

Mr. Crockett stated he felt the plat was in conformance with the regulations and noted they were asking for the three design modifications presented tonight. He believed there were some justifications for them due the establishment of existing structures and because they had been allowed before within the downtown area.

Michael MacMann, 607 Washington Avenue, noted he was a member of the PZC. He agreed there were some conflicts within the M-DT and that staff had applied the ordinance as written, which had created conflicts due to some of the variables of this property. Rather than adjudicating it now, he suggested a process be developed for the future. He thought one of the reasons the PZC had voted against the plat was so a clear process could be developed for all properties with unique situations such as this.

Ms. Peters recalled discussions about tracking conflicts like this along with other things that might not be working when the Council had passed the UDC, and asked if there was a list and whether that list would be brought to the Council. Mr. Teddy replied staff had a goal for the coming year to bring forward what he referred to as housekeeping amendments. He stated they had made note of a number of items, but still needed to formalize and sort them out by category. Ms. Peters understood that would come to the Council at some point in the 2020 calendar year. Mr. Teddy stated that was correct.

Mr. Thomas asked if the idea of a case-by-case process for situations like this would be on that list. Mr. Teddy replied he thought they would note when exceptions might be warranted and develop criteria. He explained they would encounter this to the extent there was subdivision activity in the downtown, especially in the central downtown. He stated alleys were 15 feet wide and not an inch more with building faces on both sides. In addition, there were a lot of right angled corners. He noted there were also areas that would likely redevelop, and they wanted to manage those areas as well. He commented that the City would love to have wider alleys, but it was not possible with a lot of the existing developments.

Mr. Thomas asked why they wanted wider alleys. Mr. Teddy replied for maneuvering purposes. He explained there was trash storage in the alleys and emergency access would be aided with wider alleys. He pointed out he was not talking about making them significantly wider or into roads.

Mr. Thomas asked Mr. Teddy what he recommended the Council do now with the understanding that they would look at legislating a process in a year. Mr. Teddy replied he would suggest an amendment that indicated it was okay to grant relief based on criteria, such as existing buildings in the utility easement and it not being in an area where redevelopment was imminent. He thought they wanted to avoid conflicts between the right-of-way rights and existing buildings and wanted to look at pathways. An easement could be obtained for one lot, but infrastructure was linear and ran beyond a single lot. He suggested they look at block fronts when making decisions on rights-of-way and easements.

Mr. Thomas stated he was not convinced with the need for the 10-foot utility easement. Mayor Treece noted sometimes those could be a chase or conduit underneath a building. He did not believe the City would disrupt the building to put it through, but felt it was important to have it where necessary.

Mr. Skala commented that he was conflicted. He liked the idea of a process being put in place versus reviewing them on a case-by-case basis. He noted he also wanted to be fair to the applicant, and asked about the timing for the creation of a process. He stated he was concerned about the potential of setting a precedent for exceptions without a process being in place. He wondered how much tolerance there was for the ability of Council to craft a policy to ensure everyone was playing by the same rules.

Mayor Treece understood Mr. Skala believed there should be a consistent application of the UDC, and noted that was important to him as well. He wanted to avoid creating loopholes, variables, and exceptions as that had led them to the 40-year wholesale reform of the zoning code. He stated there had been a thoughtful process three years ago where they had discussed all of the issues. He commented that if they needed to revisit it, they could, but he did not think they should revisit it on a site specific basis like this.

Mr. Trapp stated he thought they had granted other people relief on corner truncations. He understood they had it in some areas and should obtain it when they could, but in this situation, there were two sides to the alley and one was built to the property line with a large retaining wall and the other had a building on it. He thought they wanted to facilitate replatting so there could be more infill and value added to the downtown. He did not believe they wanted to freeze it into what they had now. He commented that a 15-foot alley probably seemed like a great idea 160 years ago, and did not believe they want to take an additional 2.5 feet, which would make the building non-conforming and limit the uses of the back yard space. He believed they had debunked the idea of the need for the utility easement. He understood they might need it in some cases and felt that should be looked into when they considered the policy modifications. They might want it if someone was building a block-sized building with a setback, but it was not appropriate here. He did not believe the additional alley width and truncation were necessary, and noted he was supportive of granting all three design adjustments and approving the plat.

Mr. Ruffin asked Mr. Crockett if he had a timeline for the building project being proposed.

Mr. Crockett replied he did not.

Ms. Peters asked about the hardship in terms of truncating the corner and the alley. She thought a fence was located there now, and not a building. Mr. Crockett replied the plan had been to construct another building in that location up to the existing property line and not to the newly created property line, which would be 2.5 feet further back. Ms. Peters asked if that could be adjusted. Mr. Crockett replied it could not be easily adjusted. Ms. Peters asked if the same was true of the truncation. Mr. Crockett replied the truncation would make it much more difficult because it pulled back quite a bit more at that exact corner. It would be a much larger transition at the corner at five feet when they were trying to build to the property line.

Mr. Pitzer commented that there was certain logic to granting the exception to the utility easement. He noted his problem with the alley was that it would run with the land. The building to the north was an older building that could be redeveloped someday, and they could be in a situation where the alley could not be brought to a conforming standard due to other exceptions. It would be a perpetuating problem.

Mr. Skala stated he believed they needed to consider the process so this was part of a bigger picture in terms of UDC. He noted he was not as concerned about the existing buildings as there were protections in terms of existing uses. He was concerned about granting more exceptions that were nonconforming for new construction. He was not sure how much patience the applicant had in terms of this particular plat and reiterated he would love to see the making of some policy decisions so they could standardize the process. He reiterated his concern with regard to new uses and conformance to the UDC.

Mayor Treece explained the ordinance was written with the three design adjustments being granted. The PZC had voted against the design adjustments and staff had recommended against the design adjustments. In addition, the PZC had voted for denial of the plat. Approval of the ordinance by the Council would require a two-thirds favorable vote. He noted they could also amend the ordinance in terms of Sections 3, 4, or 5 to remove the respective design adjustments.

Mr. Crockett stated he would respectfully ask that no modifications be made. If they did not grant the design adjustments, the underlying plat would not be in conformance. Mayor Treece explained he understood, but noted it would provide him the guidance needed to redraft the plat. Mr. Crockett commented that he just did not want a plat recorded that was not conforming. Ms. Thompson noted the ultimate issue was for guidance from the Council as to which design adjustments might be amenable and to then redraw the plat. As a result, the item would need to be continued to allow for the redrawing of the plat. If it was an up or down vote that did not result in two-thirds of the Council being in favor of it, the applicant would have to start the process over. Mr. Crockett understood that if they made adjustments according to the wishes of the Council, they would not have to wait for the 12-month window even if it involved substantial revisions. Mr. Teddy stated that was correct. The applicant would just need to resubmit the plat with the changes. Ms. Thompson explained it could be continued so they did not have to go back through the PZC process. Mayor Treece asked Mr. Crockett if he was asking for a continuance. Mr. Crockett replied no. He explained he thought they would like to have a vote to determine the direction of Council.

Mr. Thomas stated he would be interested in voting on the ordinance as drafted unless that would be the end of it at that point. Mayor Treece explained it would be the end if it failed to achieve a two-thirds majority. Ms. Thompson noted that meant the applicant would have to resubmit the plat and start the process over again. Mr. Thomas understood they would not have provided any guidance on which amendments the Council would support in that situation. Ms. Thompson stated that was correct. Mr. Skala noted the applicant would only have the comments that had already been made.

Mr. Pitzer understood the PZC had voted on each design adjustment individually, but the Council would have to vote on the ordinance as a whole. Ms. Thompson commented that

she thought the best way to give the applicant guidance was for the Council to entertain a motion to amend the ordinance on each design adjustment.

Mr. Pitzer made a motion to amend B190-19 by removing Section 3 from the ordinance, which involved the design adjustment for the dedication of additional right-of-way for the alley. The motion was seconded by Mr. Trapp.

Mr. Skala understood this would provide guidance to the applicant and any policy decisions made in the future would not be connected to this plat. Ms. Thompson commented that she thought staff could take the decisions made on various cases as the direction of Council. If Council did not want to acquire additional alley right-of-way as a whole, the rule would need to be changed. If they felt it was important to acquire it, staff would keep that rule in place. Mr. Skala understood this would be informative to staff in addition to Mr. Crockett. Ms. Thompson stated that was correct.

Mr. Thomas stated he would vote against the motion as he was not convinced they needed alleys wider than 15 feet.

**The motion made by Mr. Pitzer and seconded by Mr. Trapp to amend B190-19 by removing Section 3 from the ordinance, which involved the design adjustment for the dedication of additional right-of-way for the alley, was approved by roll call vote with Mr. Skala, Mr. Pitzer, Ms. Peters, and Mayor Treece voting yes, and Mr. Thomas, Mr. Ruffin, and Mr. Trapp voting no.**

**Mr. Pitzer made a motion to amend B190-19 by removing Section 4 from the ordinance, which involved the design adjustment for the corner truncation. The motion was seconded by Mayor Treece and approved by roll call vote with Mr. Skala, Mr. Pitzer, Ms. Peters, and Mayor Treece voting yes, and Mr. Thomas, Mr. Ruffin, and Mr. Trapp voting no.**

Mayor Treece made a motion to amend B190-19 by removing Section 5 from the ordinance, which involved the design adjustment for the 10-foot utility easement. The motion was seconded by Mr. Trapp.

Mayor Treece stated he believed this would help with preservation in that there would not just be one block or a half block of utility easements. Nothing would require them to take it, but it would be consistent with what they were doing everywhere else.

Ms. Peters understood the City did not have 10-foot utility easements for anything else on that street. Mr. Teddy stated he was not aware of any other. Ms. Peters understood the utilities were within the street and not on the property. Mr. Teddy stated he was not aware of a plat involving utility easements in recent times.

Mr. Trapp commented that he thought this requirement was inconsistent with the vast majority of the uses within the M-DT.

Mayor Treece asked if they had utility easements on private property. Mr. Teddy replied they would find that here and there in the downtown.

Mr. Thomas asked if they actually had utilities within them or if there was a need for utilities to be placed within this type of easement. Mr. Glascock thought they always wanted to have the option. He noted stormwater infrastructure ran through private property in the downtown without an easement. When the State Historical Society of Missouri was built, the infrastructure had to be rerouted in the street around the building. If they had had the utility easement, it would not have had to have been located within the street. Mr. Thomas thought it was a big price to pay to push back the front of all of the buildings by 10 feet. Mr. Glascock stated he understood, but pointed out they were looking at it for further into the future when existing buildings might be torn down versus today. Ms. Peters understood the hope was for uniformity over 30-40 years. Mr. Glascock stated that was correct. He agreed it did not make sense today, but it would make a difference in the future.

The motion made by Mayor Treece and seconded by Mr. Trapp to amend B190-19 by removing Section 5 from the ordinance, which involved the design adjustment for the 10-foot utility easement, was defeated by roll call vote with Mr. Skala, Ms. Peters, and Mayor Treece voting yes, and Mr. Thomas, Mr. Pitzer, Mr. Ruffin, and Mr. Trapp voting no.

Mayor Treece asked how they wanted to proceed on the ordinance as amended as the final plat was not congruous with the ordinance. Ms. Thompson replied she thought it would be wise to have a conversation with the applicant to determine whether or not to continue the item.

Mayor Treece noted the ordinance as amended still contained one design adjustment for the 10-foot utility easement, and asked if approval still required a two-thirds majority. Ms. Thompson replied yes, but pointed out the Council did not have an ordinance they could approve because they no longer had an accurate plat.

Mr. Skala asked if it would be appropriate to table this item. Ms. Thompson replied yes, and explained they would need the consent of the applicant to do that.

Mr. Crockett wondered if they should withdraw the plat and resubmit one that would be in conformance with the wishes of the Council. Mr. Thomas noted Mr. Crockett would then have to hope everyone kept to the same position they had now. Mr. Crockett understood. Mr. Crockett explained he did not want to table this to a date uncertain and thought it might be easier to withdraw it. Mayor Treece asked how they would dispose of the ordinance. Ms. Thompson replied the Council could not approve something that was noncompliant so if Mr. Crockett wanted to withdraw it, they could show it as withdrawn. She pointed out a withdrawal would cause additional delay because the applicant would have to go back through the PZC process. They would not have to go back through the PZC process if this was continued and the plat was redrawn to be compliant with the motions. Mr. Crockett asked how they could table this to a date uncertain. Ms. Thompson replied it would have to be tabled to a date certain. Mr. Crockett asked that it be continued to the September 3, 2019 Council Meeting.

**Mayor Treece made a motion to table B190-19, as amended, to the September 3, 2019 Council Meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

B207-19 Authorizing a mutual aid agreement with The Curators of the University of Missouri for law enforcement services and assistance.

Discussion shown with B208-19.

B208-19 Authorizing a memorandum of understanding with The Curators of the University of Missouri for Greek Town operational authority, mutual aid and primary response by law enforcement officers.

The bills were given second reading by the Clerk.

Ms. Peters asked for a staff report and for that staff report to include how this was different from what was currently being done or whether this was just codifying what was being done. She also wondered what this would mean. She wanted to know who would answer the calls and who citizens would need to contact with questions, i.e., the University of Missouri Police Department (MUPD) or the Columbia Police Department (CPD). Interim Police Chief Jones replied there were provisions for mutual aid under state statute, and this would formalize the already informal agreements they had with the University in terms of how they assisted each other during times of emergency.

Ms. Peters asked for examples and the definition of Greek Town as she defined it as the area on the west side of campus, but this seemed to also include Stewart Road, College Avenue, etc. It was much more spread out than she had anticipated. She asked if MUPD would respond to fraternity issues instead of CPD. Interim Chief Jones replied

they would. He explained they were also talking about two separate items. The mutual aid agreement was an overarching agreement. It would allow MUPD to help if something were to happen anywhere in the City or CPD to assist with anything on University of Missouri property. It was not specific to Greek Town. It was just an overall agreement to assist each other in a time of need. In terms of Greek Town, they were talking about fraternities and sororities and the surrounding properties. Although they did not give up jurisdiction in those areas, the primary response would come from MUPD as opposed to CPD. Citizens would still call the same numbers. Joint Communications would transfer the call to MUPD and MUPD would respond as the first responder instead of CPD. If there was a situation MUPD wanted CPD to handle, such as a sexual assault, or if someone showed up in the CPD lobby wanting to make a report, CPD would take the report. The primary response if someone called would be MUPD as the primary agency. It did not change anything for citizens as they would continue to call Joint Communications, and the call would then be routed to the appropriate place.

Mayor Treece commented that he had met with representatives of the Panhellenic Council last spring, and they had indicated they enjoyed the services received from MUPD. They said MUPD had the goal of having one officer in every fraternity or sorority once a month. They had a relationship with the officer, and when something bad happened, they wanted to communicate with that officer. As they talked about community policing, he believed the University campus was the community for MUPD, and felt they did that policing better than the CPD in that area. He had wondered if there were any limits, such as sexual assault, as he felt that was an area in which the CPD was better and might want to retain due to Title IX. He understood the volume for CPD calls within Greek Town totaled about 300 per year, and those would now be handled by MUPD. This would liberate CPD officers to respond to something downtown, in East Campus, or elsewhere in the community. He thought this had involved a lot of back and forth and trust between Chief Schwandt of MUPD and Interim Chief Jones. He also believed this was an extension of community policing with a very unique community within the City.

Interim Chief Jones stated he was not sure MUPD was better at responding to calls on the University campus, but noted they had different resources, such as student conduct. MUPD had an extra tool in terms of community care-taking that the CPD did not have to deal with students. This allowed them to utilize that toolbox and provided them the opportunity to serve the community, which included students, in a way that fit the policing model they all wanted. Mayor Treece understood they could enforce the student handbook. Interim Chief Jones stated that was correct. Mayor Treece understood the CPD would be required to put the person in the municipal or circuit court system for a first offense. Interim Chief Jones stated that was correct.

Mayor Treece explained he had spoken with the alcohol student conduct office on campus and they had a deliberate process that involved parents and multiple offenses, which he thought was a good model.

Mr. Trapp stated he was in agreement with the comments of Mayor Treece and noted his appreciation of Interim Chief Jones in improving relationships with MUPD and bringing this to conclusion as it had been discussed for several years. He also noted his appreciation for improved relationships with the Boone County Sheriff's Department. He referred to the disturbing mass shootings around the country and commented that having that cooperation between the various policing institutions that served Columbia was critical. He stated there was a smaller window of things they could do locally than at the state and national levels and was comforted to know they were moving forward in areas locally to keep them safer and provide a better policing product.

**B207-19 was given third reading with the vote recorded as follows VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

**B208-19 was given third reading with the vote recorded as follows VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. 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.

- B188-19 Rezoning property located on the northeast corner of the intersection of Brown School Road and Highway 763 from District PD (Planned Development) to District M-C (Mixed-Use Corridor), District M-N (Mixed-Use Neighborhood) and District M-OF (Mixed-Use Office) (Case No. 143-2019).
- B189-19 Approving the Final Plat of "Auburn Hills Plat 17" located on the northeast corner of the intersection of Brown School Road and Highway 763; authorizing a performance contract (Case No. 144-2019).
- B191-19 Approving the Columbia College Amended Development Plan dated April 2019 (Case No. 146-2019).
- B192-19 Approving the Final Plat of "Gas Light Industrial Park Plat 4" located on the east side of Highway 763 and approximately 550 feet north of International Drive (5210 and 5250 N. Highway 763); authorizing a performance contract (Case No. 147-2019).
- B193-19 Approving the Final Plat of "Wellington Gordon's Subdivision, Plat No. 2" located on the west side of Old 63 and south of Gordon Street (Case No. 129-2019).
- B194-19 Approving the Final Plat of "Tandy's Addition Plat 2" located on the southwest corner of the College Avenue and Wilkes Boulevard intersection (Case No. 151-2019).
- B195-19 Authorizing construction of a sidewalk along the east side of McKee Street between Orchard Lane and Nick Court; amending the FY 2019 Annual Budget by appropriating funds.
- B196-19 Authorizing the acquisition of easements for construction of a sidewalk along the east side of McKee Street between Orchard Lane and Nick Court.
- B197-19 Amending the FY 2019 Annual Budget by appropriating funds for municipal building repairs, and to finalize and close out completed capital improvement projects and to provide funding for current and future capital improvement projects.
- B198-19 Amending the FY 2019 Annual Budget by appropriating funds received from donations, miscellaneous revenue and Park Sales Tax revenue to provide funding for various Parks and Recreation Department projects.
- B199-19 Authorizing construction of the FY 2019 storm water rehabilitation improvement project along portions of Ann Street, Bluff Dale Drive, McKee Street, Ridgemont, Rollins Road at Brewer Drive and Sinclair Road; calling for bids through the Purchasing Division or authorizing a contract for the work using a term and supply contractor; amending the FY 2019 Annual



- Budget by appropriating funds.
- B200-19 Authorizing an agreement for professional engineering services with Weaver Consultants Group, LLC for the Columbia Sanitary Landfill Horizontal Expansion Permitting Project - Phase II; amending the FY 2019 Annual Budget by appropriating funds.
- B201-19 Authorizing Amendment No. 1 to the memorandum of understanding with the Missouri Department of Social Services - Family Support Division to expedite the filing and processing of electronic Medicaid applications for provision of presumptive eligibility for the Show Me Healthy Babies and MO HealthNet programs.
- B202-19 Authorizing Amendment No. 2 to the program services contract with the Missouri Department of Health and Senior Services for the Healthy Families Missouri Home Visiting program.
- B203-19 Authorizing an amendment and consent to assignment with The Curators of the University of Missouri and Columbia Family Medical Services, Inc. for physician services.
- B204-19 Authorizing renewal of the residential lease agreement with Property Professionals Management LLC for property located at 4507-A Orchard Lane to be used for the Police Department's northeast substation.
- B205-19 Authorizing a memorandum of understanding with The Curators of the University of Missouri relating to primary response areas by law enforcement officers for property owned or leased by the University of Missouri together with certain roadways and intersections within and bordering the University of Missouri Campus.
- B206-19 Authorizing a memorandum of understanding with The Curators of the University of Missouri relating to primary response by law enforcement officers for off-campus apartment buildings leased by the University of Missouri and staffed by University's Residential Life Program.
- B209-19 Authorizing a subrecipient monitoring agreement with Boone County, Missouri relating to acceptance of the FY 2018 Justice Assistance Grant (JAG) Program Award to purchase equipment for the Police Department; amending the FY 2019 Annual Budget by appropriating funds.
- R108-19 Setting a public hearing: setting property tax rates for 2019 for the City of Columbia.
- R109-19 Setting a public hearing: FY 2020 Annual Budget for the City of Columbia.
- R110-19 Setting a public hearing: proposed construction of the Kiwanis Park improvement project to include renovating the Talbert Thurston Shelter, resurfacing the parking lot and driveway, constructing an ADA walkway from the parking lot to the shelter, replacing existing lighting with LED lights and other miscellaneous improvements.
- R111-19 Setting a public hearing: proposed construction of improvements to the solid waste collection site located at 912 E. Walnut Street.
- R112-19 Authorizing the temporary closure of a portion of sidewalk and parking lane

on the east side of Waugh Street, between Paquin Street and Locust Street, to facilitate the removal and replacement of a retaining wall adjacent to Locust Street Elementary School.

R113-19 Authorizing various Adopt a Spot agreements.

R114-19 Appointing members to the Columbia Parks and Recreation Fund Advisory Committee.

R115-19 Granting a temporary waiver from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages along a portion of Park Avenue associated with the 2019 Fortune Fest event.

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

### VIII. NEW BUSINESS

R116-19 Approving the proposal contained in a commitment letter from Regions Capital Advantage, Inc. to purchase Sewerage System Refunding Revenue Bonds, Series 2019, of the City of Columbia, Missouri, and authorizing certain matters relating thereto.

The resolution was read by the Clerk.

Mayor Treece understood they had an amendment sheet that reflected an interest rate of 2.49 percent. Ms. Thompson stated that was correct.

Ms. Thompson provided a staff report.

**Mayor Treece made a motion to amend R116-19 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

Mr. Pitzer asked why this was a private placement versus a public sale. Ms. Thompson replied the City's financial advisors had identified it as a lesser expensive alternative due to its size. Mr. Pitzer asked how the City was assured of the best bond pricing. Ms. Thompson replied they were relying on the professional judgement of the financial advisors in this particular instance. She explained that prior to making a recommendation, they had completed some market tests and had reached out to contacts they had. Mr. Pitzer asked Ms. Thompson if she knew the interest rate on which they had based the projected the savings. Ms. Thompson replied she did not, but thought this was a lower interest rate than what they had used for the projections. There had been a chance that they would have waited until tomorrow to set the rate, but out of an abundance of caution and due to the council meeting being held tonight, they had decided to lock in the rate today. Mr. Glascock pointed out this was just a commitment.

**The vote on R116-19, as amended, was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

R117-19 Establishing revised CDBG and HOME Program Administrative Guidelines.

The resolution was read by the Clerk.

Mr. Cole provided a staff report.

Mayor Treece stated he liked that staff had brought forward a subordination policy.

Mr. Skala thought there had been many timely updates in terms of the allowances.

**The vote on R117-19 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

## IX. INTRODUCTION AND FIRST READING

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

- PR118-19 Establishing revised guidelines for the City of Columbia Police and Fire Pension Statement of Investment Policy.
- B210-19 Appointing John Glascock as City Manager for the City of Columbia; authorizing an employment agreement.
- B211-19 Authorizing the issuance of Sewerage System Refunding Revenue Bonds, Series 2019; and prescribing other matters relating thereto.
- B212-19 Changing the uses allowed within the "Shapira Clinic" O-P Development Plan located southwest of the intersection of College Avenue and Rogers Street (411 N. College Avenue); approving a revised statement of intent (Case No. 153-2019).
- B213-19 Rezoning property located on the south side of Ash Street and west of Greenwood Avenue (906 W. Ash Street) from District R-2 (Two-Family Dwelling District) to District PD (Planned District); approving a statement of intent; approving the PD Plan for "Ash Street Community" (Case No. 154-2019).
- B214-19 Approving a major amendment to the "Spring Creek - Phase 2" C-P Development Plan located on the north side of Vawter School Road and east of Scott Boulevard; changing the uses allowed within the Spring Creek - Phase 2 C-P Development Plan; authorizing a revised statement of intent (Case No. 158-2019).
- B215-19 Authorizing a first amendment to development agreement with THM Construction, LLC to permit the relocation of a 69 kV electric transmission line on Lot 3 within the Final Plat of Westbury Village located on the northwest corner of Scott Boulevard and the southwest corner of Smith Drive (Case No. 177-2019).
- B216-19 Amending Chapter 14 of the City Code to establish permit parking in the municipal lot located on the south side of Walnut Street, between Tenth Street and Short Street.
- B217-19 Establishing an administrative delay in the requirement to obtain a permit to operate a sidewalk café in the Downtown Community Improvement District.
- B218-19 Approving a revised Kiwanis Park Master Plan; authorizing construction of the Kiwanis Park improvement project to include renovating the Talbert Thurston Shelter, resurfacing the parking lot and driveway, constructing an ADA walkway from the parking lot to the shelter, replacing existing lighting with LED lights and other miscellaneous improvements; calling for bids

- through the Purchasing Division for a portion of the project.
- B219-19 Authorizing a downtown street lighting replacement agreement with the Downtown Community Improvement District; amending the FY 2019 Annual Budget by appropriating funds.
- B220-19 Accepting conveyances for drainage and sewer purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B221-19 Authorizing a cooperative agreement with the Missouri Department of Conservation for financial support of the community conservationist position within the Office of Sustainability.
- B222-19 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission relating to air service promotion for the Columbia Regional Airport; amending the FY 2019 Annual Budget by appropriating funds.
- B223-19 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for aircraft rescue and firefighting training assistance at the Columbia Regional Airport.
- B224-19 Authorizing a road relinquishment agreement with the Missouri Highways and Transportation Commission for the conveyance of a portion of the relocated Route H as part of the project to extend Runway 2-20 at the Columbia Regional Airport.
- B225-19 Authorizing an environmental child care sanitation inspections participation agreement with the Missouri Department of Health and Senior Services.
- B226-19 Authorizing Addendum #1 to the agreement with the Boone County Fire Protection District.
- B227-19 Accepting a donation from United HealthCare as part of the “Well Deserved Award” program in recognition of the City’s demonstrated commitment to employee worksite wellness; amending the FY 2019 Annual Budget by appropriating funds.
- B228-19 Amending Ordinance No. 023721 to rename the Molly Bowden Neighborhood Policing Center to the “Molly Thomas-Bowden Neighborhood Policing Center.”
- B229-19 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B230-19 Amending Chapter 13 of the City Code to add a new Article XIII establishing medical marijuana business licensing regulations.
- B231-19 Amending Chapter 18 of the City Code as it relates to the investment committee of the police and firefighter retirement boards.
- B232-19 Setting property tax rates for 2019.
- B233-19 Adopting the FY 2020 Annual Budget for the City of Columbia.
- B234-19 Amending Chapter 5 and Chapter 11 of the City Code as it relates to Public Health and Human Services Department fees.
- B235-19 Amending Chapter 12A of the City Code as it relates to stormwater utility

charges.

B236-19 Amending Chapter 17 of the City Code as it relates to Parks and Recreation fees.

B237-19 Amending Chapter 29 of the City Code as it relates to planning and zoning processing fees.

## X. REPORTS

REP68-19 West Area Plan.

Mr. Teddy provided a staff report.

Mr. Thomas commented that he was happy to see that this proposal was moving forward. He was not sure he had any specific suggestions with regard to the geographical scope. In terms of the planning process, he hoped the outcome would give some guidance to the zoning regulations and whether areas should be annexed into the City and receive City services. He asked if that would be a part of the scope of the process. Mr. Teddy replied he thought they would get to some land use recommendations, which would include not only the category but also the intensity and form of development. He believed they would want to look at some unique forms of development since it involved a very interesting countryside, particularly in the southern half. He commented that they did not view these as annexation plans, but it would be implied that if any of the recommendations involved a more urban density, the City would be best equipped to provide services to those areas.

Mr. Thomas stated they had talked a bit about clustered village-type developments with both residential and commercial uses, and thought it might be helpful if staff could do some research on those examples. He did not believe there were any around here, but thought they were quite common in the northeast. Mr. Teddy noted there was some literature on that, and a technique that would probably be used would be to present some of those concepts and obtain a public response. He explained that was what they had tried to do with the Central Area Neighborhood Plan that included West Ash Street. He commented that not all of the concepts were well received, but it had helped to drive the plan process forward. Mr. Thomas thought there would be a lot of learning opportunities for everyone.

Mr. Skala asked if this would be similar to the process used for the Northeast Area Plan in that it would be an in-house process with collaboration with the County and with public outreach. Mr. Teddy replied they would ultimately want to bring something to the Council and the Boone County Commission and seek adoption on an area plan that was a little more specific than the City's overall plan.

Mr. Pitzer asked if the Midway area north of I-70 would be included. Mr. Teddy replied yes. He stated he thought they were considering the Henderson Branch basin area and the area south of it. Mr. Pitzer commented that he thought the geographic scope suggested made sense. It sounded like a large area, but there was a lot of floodplain and it included the wastewater treatment plant. There were a lot of undevelopable areas so it was not as large as it seemed.

Mayor Treece asked how far south it would go. Mr. Teddy replied they were thinking to around Route K. He noted they would not go to McBaine. Mayor Treece understood it would be to the north and west side of Route K.

Mayor Treece stated he liked that this would be done in-house and in conjunction with the County.

Mr. Thomas asked if it would go as far out as the metropolitan planning organization (MPO) limits. Mr. Teddy replied he thought that was what would be proposed.

Mayor Treece asked when they would get started. Mr. Teddy replied he believed the next step would involve some ramp-up time, so likely in September, but noted they would want to consult with both planning and zoning commissions.

Mayor Treece understood the legislation that would be brought back would include some

of the detail to include the scope. Mr. Teddy stated they would outline a plan process once they had a chance to have more open discussions with the commissions.

REP69-19 Waiving application fees for rezoning to District O (Open Space District).

Mr. Teddy provided a staff report.

Mayor Treece asked Mr. Teddy if he would propose this as an amendment to the downzoning ordinance. Mr. Teddy replied the fee schedule had downzoning content in it. He noted a fee ordinance had been introduced tonight, and with the permission of the City Counselor, the Council could potentially amend it. Mr. Thomas asked if those fee changes were a part of the budget process. Mr. Teddy replied yes.

Mayor Treece asked if there was any objection to this. Mr. Thomas replied he viewed this as providing the same relief people received for downzoning to R-1. He noted he would support it and asked his fellow council members to support it as well. Mayor Treece thought they could visit it during the budget process if they were all agreeable.

REP70-19 Housing and Community Development Commission Recommendations on FY 2012 Surplus Funds.

Mr. Cole provided a staff report.

Mayor Treece asked if the funds had to stay within the scope of the CDBG. Mr. Cole replied they were general revenue funds so not necessarily. Mayor Treece stated his preference would be for those to be reverted back to the general revenue fund. Mr. Skala wondered if this should be discussed as part of the budget process as well.

Mayor Treece asked about the timing of the original allocation. Mr. Cole replied the original agreement had been dated August 19, 2013. Mayor Treece understood that was six years ago and reiterated he would be inclined to return it to general revenue and reappropriate it. He suggested they treat it the same as everything else. He commented that if it had been CDBG money, he would have kept it for that same purpose, but it was not.

Ms. Peters asked how they were funding the Cullimore Cottages. Mr. Cole replied they had \$70,000 left from the amount that had been allocated from general revenue funds and the remainder would come from CDBG and HOME dollars along with the development financing they would receive from a local bank. Ms. Peters asked for the total cost of that project. Mr. Cole replied he anticipated it would be close to \$2 million as it would involve a fairly major stormwater improvement project. He noted that would be about \$200,000 per house.

Ms. Peters asked if there was any requirement for this to come back to Council due to the cost or if staff would reevaluate the project. She thought that was significantly higher than had been anticipated. Mr. Cole explained most of their houses were about \$175,000-\$185,000. They were seeing an increase in costs each year. When they had put a bid out for the Lynn Street Cottages in 2017 the cost of the structures alone was around \$128,000. They put out a bid for those exact plans recently and they were around \$135,000. This was due to a variety of reasons, such as the tariffs, natural disasters, etc.

Mr. Trapp understood there were larger stormwater needs in the area and it was the wish of the neighborhood to deal with those robustly. Since it was a community benefit project, there were larger reasons for it. If there were funding difficulties, they would have to do it in phases. He noted he had been at the Housing and Community Development Commission meeting when they had made the recommendation and they had been enthusiastic about supporting that project. In 2013, microlending was a part of a social equity initiative and this seemed like another project that was for the community good. He asked Mr. Cole if that accurately represented the thinking of the Commission. Mr. Cole replied he believed it did.

Mr. Cole commented that if they took these funds away, they might be able to get it all out of CDBG and HOME dollars, but that would mean they would have to pull it from

someplace else, like the rehabilitation program or downpayment assistance, or they would have to construct it in phases, which would likely result in increased costs. He noted they would figure it out one way or another.

Ms. Peters stated she was not sure she would want to put the money back into the general fund when they already had it allocated even though the use of the funds would change. She commented that she would have to think about.

Mr. Pitzer felt it had been appropriated once through the budgeting process for one need and it was now not needed for that purpose. He thought it should be reappropriated, if desired, for this other purpose, but that it needed to go through the regular budgeting and appropriation process to do that. He felt the interim step would be for the funds to go back into the general fund. Mr. Skala stated he agreed. Mayor Treece agreed as well.

Mr. Ruffin asked if the selling price would be \$200,000 since that was the cost. Mr. Cole replied no. He explained they tried to obtain an 80 percent loan to value ratio of the appraised value. He was not sure what the homes would appraise at, but thought it would be \$135,000-\$145,000. That meant the base price would be \$104,000-\$115,000. He understood \$200,000 was a high price tag, but it included stormwater and other costs associated with building a home today. He pointed out many public goals, such as durability, matching the aesthetics of the neighborhood, energy efficiency, etc. were being accommodated. He noted the total development cost of some recent infill developments that had not included stormwater improvements had been \$165,000-\$170,000.

Ms. Peters understood the City would maintain the land and only sell the house. Mr. Cole stated they would donate some of the land to Community Housing Development Organizations (CHDOs) and some to the Land Trust. At closing, the land for the ones being developed by the CHDOs would go to the Land Trust too, so eventually all of the land would end up with the Land Trust to protect the subsidy.

REP71-19      Amendment to the FY 2019 Annual Budget - Intra-Departmental Transfer of Funds.

Mayor Treece understood this had been provided for informational purposes.

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

Jana Stephens, 6401 Druid Lane, explained she lived off of Coats Lane, which was a gravel road just west of the area on Gillespie Bridge Road that was sometimes submerged by water, cutting off the short route to town. Periodic flooding was the tradeoff of living in this rural area. She noted she was the co-founder of the Perche Hills Neighborhood Coalition and was speaking tonight on behalf of that entire Coalition. She stated they strongly supported the creation of a West Area Plan. Their Coalition included 73 members living along Coats Lane, Normandy Lane, Druid Lane, Celtic Drive, Johnmeyer Lane, and Gillespie Bridge Road from Coats Lane to Highway UU. It represented 36 households. She pointed out they had formed to oppose Fred Overton's city-density subdivision at Coats Lane and Gillespie Bridge Road, and had valid concerns, which included the area's flooding history, access to emergency services during flooding, road safety issues related to an increased population density, and the environmental degradation of urban sprawl. She stated they had reminded the Boone County Commission that the City of Columbia would begin discussion of a West Area Plan. They had suggested the County pause and then together with the City and local citizens make a plan for a thoughtful development. Two of the three County Commissioners had voted against them even though they had agreed the arguments of the Coalition had been significant and compelling. Both had also indicated Mr. Overton had met all of the requirements so they felt they had no choice other than to follow the guidelines of the County Master Plan, which had been enacted in 1973 and revised in 1995. At the County Planning and Zoning Commission meeting in July, Mr. Overton had presented six letters of support from people owning a total of at least 266 acres along

Gillespie Bridge Road, and Kanco LLC owned an additional 162 acres as well as an adjoining 88 acres about a mile south of Gillespie Bridge Road. That was a total of about 516 acres. She commented that Mr. Overton's now approved city-density subdivision could well represent the first domino to fall west of the Perche Creek. She asked the Council to work with the County Commission as fast as possible on a West Area Plan. If this area was to be developed, as it inevitably would, the goal of the Coalition was to retain, to the greatest degree possible, the natural beauty and the environmental integrity west of Perche Creek and close to the City of Columbia.

Mr. Ruffin commented that the Atrium on Tenth opened last Thursday with the hosting of an event that had launched the new COMO Magazine, formerly the Columbia Business Times, and that it had now relocated to Orr Street in the First Ward. He also noted that this Saturday at 10:00 a.m. the Center for Missouri Studies, which was another wonderful development in the downtown, would be open and be dedicated. He pointed out a new community outreach initiative called ProsperU was now located at the corner of Seventh Street and Broadway. It was dedicated to providing financial literacy classes for individuals, to include one-on-one counseling and advice in budgeting and finances and support for local entrepreneurs that were trying to start businesses. Although it was targeted toward moderate and low income people, it was free of charge and open to everyone. He noted a good thing was that they were willing to take their workshops offsite to any location if the request was made. He reiterated it was free of charge to anyone that was interested. It had been launched several weeks ago and immediately had more than 125 people sign up.

Mr. Trapp thanked everyone that had been involved in Project Homeless Connect, which was a one day, one-stop shop of services for the homeless. The services not only provided help, but also drew the homeless out of the woods and the camps so a count could be conducted. The final numbers had not been released, but it appeared as though the counts were down. He stated many people should be credited for this, but at the City, Steve Hollis had been driving it. There was better communication among providers along with a coordinated entry approach. All of the service providers were conducting the same assessment and using that assessment score to determine who received housing resources. As a result, those that were most likely to die in the streets were receiving those housing resources. He noted these better results had occurred without any new programs or innovations in 2019. It had been due to the hard work and better coordination. He commented that a lot more needed to be done, but they were making some headway so he wanted to share that good news.

Mr. Thomas noted he would be absent from the second council meeting in September. He commented that he did not expect agendas to change due to his personal commitments. He stated he planned to express his preferences for all of the different budget issues at the August 19 and September 3 meetings, and trusted the Council to take those into consideration during the final vote on September 16.

Mr. Skala stated Jim Windsor had spoken about capacity at the Perche Creek substation earlier this evening. He understood the Chamber of Commerce also had some concerns in this regard. He asked for a report providing information regarding capacity at Perche Creek. Mr. Glascock replied that Mr. Johnsen would be providing a report.

Mr. Skala commented that he would like to see ongoing updates regarding what was on the traffic calming agenda, to include how much money was available, the rating scale, etc. Mr. Glascock stated he could include that as part of the budget work session on August 26. Mr. Skala commented that he would defer to Mr. Glascock as to when to bring it forward.



Mr. Skala stated he had recently received a letter that was supposed to be sent on July 30 to the East Walnut neighborhood residents. It was a fairly thorough update with regard to parking during the upcoming Roots N' Blues N' BBQ Festival. He asked if the agreements had all been met and whether the Council would see anything further with regard to the Festival before it occurred. Mr. Glascock replied he thought everything had come to the Council. Mr. Skala recalled there being a request to change the number of drinks that could be purchased during the event last year, and asked if they could be provided information as to how that had worked and whether there had been any difficulties.

Mr. Skala encouraged the staff to bring something to them in terms of design adjustments and other potential updates or changes related to the UDC.

Mr. Skala asked for an update on the Broadway Tower II development agreement. Ms. Thompson replied a staff meeting would be held on Wednesday to obtain feedback on the proposal of the developer. Mr. Skala understood it was in progress. Ms. Thompson stated that was correct. She thought the language of all of the agreements had been vetted and agreed to, and that the Public Works Department was reviewing the final drawings, including right-of-way encroachments and the design for the improvements along Walnut Street in terms of its impact on pedestrian travel.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 9:51 p.m.