



Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Monday, December 4, 2017

Pledge of Allegiance
Roll Call

Approval of Minutes
Adjustment of Agenda

INTRODUCTORY ITEMS

(Recited as indicated.)

(Present: Treece, Trapp, Pitzer, Skala, Thomas, Peters, Ruffin)
Absent: None.)

(No previous minutes approved.)

(Thomas asked to amend the agenda to include a bill that would authorize the acceptance of land from Fred Overton for the purposes of a public park. The proposal was identified as B378-17 and assigned to the Introduction and First Read section of the agenda. The adjustment was accepted with one dissenting vote from Treece. No further adjustments were requested.)

SPECIAL ITEMS

SI11-17 The American Public Works Association recognizes the Columbia Public Works Department on receiving the 2017 Excellence in Snow and Ice Control Award.

(Action: Representatives of the city accepted the award from representatives of the APWA for exemplary work in material handling and service in addressing local programs that address winter weather.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

(None.)

SCHEDULED PUBLIC COMMENT

SPC66-17 Andrew Twaddle - Data on police stops.

(Action: Presented as indicated. Speaker indicated that he had evaluated various data regarding police stops and other actions and that his analysis of traffic stops indicated that black people are more likely to be stopped for traffic violations as a percentage of the population and that the data indicated the analysis showed that to be generally true across gender, age, type of infraction, the presence of contraband and other contributing factor circumstances. He indicated that more analysis and acceptance of such data was important in the effort to address this important inequality in the administration of justice on behalf of the CPD.)

SPC67-17 Nadia Navarrete-Tindall - Support the use of native plants.
(Action: Speaker did not appear as scheduled.)

PUBLIC HEARINGS

PH41-17 Proposed construction of a storm water management basin project for the area bounded by Garth Avenue, Sexton Road, Oak Street and Lynn Street.

(Action: Staff report was presented. Indicated that this project was related to the construction of the Lynn Street Cottages project and that this would provide needed stormwater improvements in the development area. The project will cost \$105,000 and will come from CDBG funds.

No public comment was presented.

Peters indicated support for the initiative and Trapp supported that sentiment indicating that he applauded the application of resources to this area.

Motion to approve was supported unanimously.)

PH42-17 Proposed construction of the Police Precinct/Municipal Service Center North facility to be located on the south side of International Drive in Auburn Hills Subdivision.

(Action: Staff presented a report regarding the project.

[A link to that staff report is provided HERE.](#)

The total project cost is \$9.69 million dollars, with approximately \$7.26 million dedicated to actual facility construction. Ongoing maintenance and repair of the facility will be required.

No public input was received.

Trapp indicated that he was pleased this facility would be located in his ward and that it would improve access to the police facilities on multiple levels. Skala indicated that he agreed with this location, and although he would have liked to have it in the Third Ward, he did get some additional substations in the Indian hills and Whitegate areas and that this would good for the community as a whole. Peters asked if future plans could accommodate expansion by building on the portion of the station that was a single story. Staff indicated that building up was more likely than building out due to space constraints, but that no plans or costs had been determined at this time. Ruffin asked if this would improve response times. Staff indicated that consultants had indicated this was the best location for a new station based on crime statistics and frequency and that this should result in better response times since police assigned to the north part of town will be reporting to that facility directly rather than downtown.

Motion to approve adopted unanimously.)

PH43-17 Voluntary annexation of property located on the north side of State Route WW, approximately 900 feet west of Rolling Hills Road (Case No. 17-76).

[See B361-17 under Intro & 1st Read/Mayor Memo]

(Action: this item served as a public hearing only and no vote was scheduled at this meeting. Staff presented a report on the proposal. The subject acreage is contiguous to the City's municipal boundary. A concurrent request (Case # 17-77) is being reviewed for a proposed 423-lot preliminary plat that is to be considered by Council at its December 18 meeting.

The subject site is within the Urban Service Area as presented in Columbia Imagined. There are no known sewer utility capacity limitations that would limit the applicant's ability to connect to the existing sewer; therefore, provided the sewer main is extended and additional off-site easements are acquired the property is considered capable of being served by the sewer utility. Water service is provided by Public Water Supply District 9 with an existing water main along State Route WW, and existing service is expected to be adequate to serve future development. Boone Electric is the electric service provider for this site. The primary access for the site will be from State Route WW, a MoDOT maintained roadway. The CATSO Major Roadway Plan (MRP) identifies the street as a minor arterial, which requires a minimum total right of way of 100 feet that would be improved with 40-feet of pavement as well as sidewalks and pedways. The site would also include access to the northeast with the future completion of Hoylake Drive, a major collector street that is located within The Brooks, Plat No. 1 subdivision. The extension of Hoylake Drive through the subject property is shown on the CATSO MRP as a major collector intended to provide a through connection between State Route WW and Rolling Hills Road. Other City services to be provided upon annexation include Solid Waste, Fire and Police. Currently, the closest fire station to the site would be Boone County Station #12, which is located directly west of the site. The Planning and Zoning Commission considered this proposal at their November 9, 2017 meeting. The Commission voted (8-0) to permanently zone the property R-1 as requested. The 423-lot preliminary plat (Case #17-77) was also considered concurrently with the permanent zoning request. The Commission voted to recommend approval of the preliminary plat (8-0).

Skala asked for an affirmation that P&Z supported this request. Staff indicated that it received unanimous support. Peters asked for a clarification of how this fit in with the main CATSO plan. Staff referred to the original report and indicated that any extension of Stadium Boulevard in the future would NOT cross this property, but that Rolling Hills Road would be connected to WW. Traffic conditions on Grace Lane and surrounding connecting streets are still be evaluated.

Public hearing was opened.

The engineer for the project appeared, and offered to answer questions without a formal presentation of the plan. Skala asked if discussions with the school district had occurred. Speaker indicated that no formal meetings had occurred but that the plan was submitted to the school district for review prior to submittal.

No further public comment was received.

Motion to approve passed with a unanimous vote.)

OLD BUSINESS

B305-17 Voluntary annexation of property located on the north side of Gillespie Bridge Road and approximately 1,500 feet west of Louisville Drive; establishing permanent R-1 and A zoning (Case No. 17-172).

(Tabled at the November 6, 2017 Council Meeting.)

(Action: Staff presented a report on this project concurrently with a report on the next related item. The first item would allow annexation and permanent zoning on the parcels. The second item would approve a preliminary plat for the Overton parcel.

The request includes two separately owned and described parcels, one on the east side of the site that is approximately 37 acres (the Andrews parcel), and the remaining 17 acres on the west side of the site (the Overton parcel). Both owners initially requested R-1 zoning upon annexation on their respective

parcels; however, the Andrews request has since been revised, as of October 2, to A, consistent with the Planning and Zoning recommendation. The annexation is being processed concurrently with Case #17-171, which is a request for a 38-lot preliminary plat on the west portion of the site, referred to as the Overton parcel. The annexation of the two parcels will allow the Overton parcel to be contiguous to the City boundary, thereby allowing the extension of City sanitary sewer to serve the property.

The site is currently located within unincorporated Boone County and is zoned A-2 (Agricultural), which requires a 2.5-acre minimum lot size. The site is bordered on the north, south, and west by property that is currently located in unincorporated Boone County, and is also zoned A-2. The property to the north includes a single-family structure and the majority of the parcel is in agricultural use. To the south, the property is similarly utilized, with a single-family dwelling and agricultural uses. A single-family structure is located west of the subject site on an approximately 6-acre parcel, and just to the west of that is a low density residential development in the County, Walnut Wood Estates.

The comprehensive plan's future land use map identifies the property as being located within the "Neighborhood District" on the western portion of the property, with the portion within the floodplain identified as "Open Space/ Greenbelt" areas. In regard to the Andrews parcel, the entirety of the site is located within the floodplain, and staff recommended that the site be zoned A (Agriculture), which is intended for sites that will provide large scale agricultural uses contained within the City. When evaluating the Overton parcel, staff considered the proposed zoning of the site to be consistent with the comprehensive plan's land use designation of the site as a "Neighborhood District", although there are concerns with the expected future development of areas west of Perche, which could be addressed through an area land use plan that would provide guidance on desired future growth patterns. The Planning and Zoning Commission considered this request and the proposed 38-lot preliminary plat (Case #17-171) at its meeting on September 21. The Commission inquired about the location of floodplain on the properties, and how that would affect development in the R-1. The Andrews parcel is located entirely in the floodplain, and the eastern portion of the Overton property is as well. The UDC restricts the creation of lots that include floodplain; however, there are regulatory safeguards for development in the floodplain that would otherwise allow for construction in the floodplain. The Commission also inquired if the Andrews parcel was currently being used as agriculture, which it is.

Commissioners discussed concerns with zoning property in the floodplain R-1, and with approving residential development in an area that has access concerns due to flooding. Following the public hearing and additional discussion, the Commission voted (5-3) to recommend approval of R-1 permanent zoning for the Overton parcel and A for the Andrews parcel, pending annexation

The Mayor asked that the two items presented at this meeting be considered concurrently and asked for additional information from the city staff regarding specifics of the preliminary plat approval request. Staff indicated that the preliminary plat would create a total of 38 lots, 33 of which would be used for single family residences with the other 5 being dedicated as common lots for stormwater, tree or easement protection. Staff also indicated that the request also included a design modification that would allow a loop street to be created in the new subdivision rather than create two cul de sacs in the subdivision for internal traffic. The potential to stub the streets to the north or west was problematic so the staff indicated that they would not oppose such a configuration. Staff briefly touched on the fact that the new UDC only allows 30 homes to be served from a single point of access. This subdivision would be subject to that rule and under the current plan would have 33 homes served from a single point of access, which would require further modification or permission. Further discussion included additional references to the floodplain areas contained on the parcels and explained that there were

rules which would allow for construction in the flood plain if those areas were built two feet above the flood area.

Skala asked if this application for annexation and plat approval were being accompanied by the gift of a park to the city. Staff indicated that a separate agreement to accept land for a new park had been submitted for first read at this evening's meeting, but that that land was not located on this site and was not legally tied to consideration of these two requests. The gift of land was offered by the applicant in this case.

Thomas asked a series of questions regarding the zoning of surrounding properties and how this property compared in terms of lot size and density. Staff indicated that these lots were smaller than most properties in the area that exist in the county but were similar in nature to some properties located across Perche Creek in the city and indicated that the minimum lot size in the city was 7,000 square feet. Thomas asked if this was within the Urban Service Area. Staff indicated it was not. Thomas then asked how it could meet the recommendations of the Comprehensive Plan if it was located outside the Urban Service Area. Staff explained that the Comprehensive Plan actually extended beyond the city limits and Urban Service area and mirrored the planning area used by CATSO. Indicated that it was beneficial to both the city and county to look at the entire area in advance of future development trends and plans.

The public hearing was opened.

The first speaker presented a slide show in opposition to the proposal. It showed pictures of the main road that would serve this development and showed pictures of flood warning signs and barriers that were stored on-site due to frequent flooding problems. He indicated that the road had become impassible at least 11 times in the past 3 years and that when that occurs it takes two to three times longer for emergency vehicles and residents to get from the city to the west side of the bridge where the primary flooding occurs.

The next speaker who is a member of the Planning and Zoning Commission asked the council to adopt a more comprehensive long-range plan for this entire area to avoid situations like this that may not fit in with the overall delivery of services and housing density desired in the area.

The next speaker represented the applicant and was asked by the Mayor if he had updated his lobbying status with the Missouri Ethics Commission. The speaker indicated he had submitted the most current report due and had renewed his status. The Mayor further asked if he had updated his client list. The speaker indicated that he could and would after this first appearance on behalf of his client. The speaker continued and asked for clarification on the process that would be used in consideration of the items before the council. He indicated that the two items had different thresholds for approval and that the applicant desired that if one item passed, but the other did not, then neither would become effective. He asked how that could be achieved since the annexation vote had to come before the approval of the preliminary plat and that if the second item failed then the reason for annexation would not exist and would not want to be bound by that vote.

The city attorney indicated that she had drafted language that could allow the effective date of the annexation to come after the decision on the preliminary plat, and that if such proposal failed to get a super majority of votes, then the first item – annexation – would be come null and void. In either instance, if annexation was not approved, then the entire issue would become moot. General discussion

ensued, and most council members indicated that this was a fair approach and would attach an amendment to the proposal to this effect. Further clarification was provided by the city attorney and the amendment to achieve this was adopted.

The same speaker then presented testimony relating to the proposal and indicated that although the proposed parcels were NOT located within the Urban Service Area, they were adjacent to that line and were also contiguous to the city limits. He further pointed out that that the parcels DID match the suggested land uses in the Comprehensive plan of Open Space and Neighborhood District. The applicant was requesting the lowest residential zoning classification offered by the city. The speaker pointed out that the request for annexation was made to be in compliance with the city's policy of requiring annexation or pre-annexation agreements before sewer service was extended and that such an arrangement would provide for connection to a sewer that is already located on the property on the west side of Perche Creek. That sewer was designed to serve the entire region and would be the most responsible option in terms of efficiency and the environment. All connection fees and rate payment would accrue to the city.

The speaker indicated that Gillespie Bridge Road was a minor arterial, and although it is unimproved, it does have 8-foot paved shoulders in this area and that only one point of access to that road was being requested from this subdivision. He indicated that this would not result in overloading traffic and would not be a safety hazard. Because only one point of access is requested for the subdivision with 33 lots, and because the new UDC only allows for 30 homes to be served from a single point of access, the applicant agreed to final plat only 30 homes unless a different arrangement for access could be negotiated with the Fire Department. Within the subdivision, the applicant requested a loop street that was longer than the 300 feet allowed in the new zoning code. He presented an exhibit that showed how small a 300-foot loop street really was and that it would serve no practical purpose. Instead, he asked for a larger loop that would provide connectivity throughout the neighborhood, would not increase speed and that would be preferable to two non-connected cul de sacs in this single, small neighborhood. The possibility of stubbing one corner of the loop to create a through street was judged to be impractical by the applicant and city staff agreed that such a design modification was reasonable.

The next speaker appeared as an engineer for the applicant and addressed the issue of flooding and rules allowing development within floodplains. He disagreed with the staff conclusion that "nothing" can be built in a flood plain and pointed out that roads, parks and other construction has occurred throughout the city in areas that lie within the flood plain map. That is because the code DOES allow for improvements as long as they are made according to specified design parameters. He cited a portion of the code that mandates "avoidance of sensitive areas except under approved special safeguards." He explained that those safeguards including filling in the flood plain according to FEMA standards; city requirements for fill above the flood line; the requirement for a flood plain elevation certificate to be issued; a floodplain development permit requirement; and, in some cases, a Letter of Map Revision (LOMR). Each of these safeguards entail various levels of review including other engineers, lenders and government agencies. FEMA has recently remapped the flood area and issued updates to maps so we are working with current information. Speaker showed areas of flood plain and flood way and showed how the applicant's plat was not included in the flood way.

The speaker then explained base flood elevations and demonstrated that the lowest point in our development would be more than 2 feet above the base flood elevation (or 100-year flood level) and would be above the 500-year flood level. This is not regulated by FEMA, but it is documented. With all this being considered, we would be in compliance with all rules with these safeguards implemented.

Thomas asked about frequency of flooding and indicated that the 500-year flood event means that there is a .2 percent chance that such a flood would occur in any given year. These numbers are updated if the frequency of floods increases. Pitzer asked if, when the maps were redrawn, were the flood areas increased or decreased? Speaker indicated that they were increased slightly and that we evaluate sites ourselves. Could the flood plain area increase with new maps. Speaker indicated that the lines could change but that it is highly unlikely that any new map would be drawn that could overrun this property with safeguards.

Peters asked about sightlines for the road access to Gillespie Bridge Road. Speaker indicated that several options were considered and that after consultation with road engineers, it was preferred to create an intersection that complemented the Coats Lane road access point and that such a location increased sightlines in both directions. This location meets MoDOT guidelines and ASHTO guidelines.

The next speaker was the applicant for the Overton property. Thanked city staff and Thomas for allowing the acceptance of parkland to be placed on the first read portion of the agenda at this meeting. He explained that from the outset he had considered donating parkland to the city if it was desirable to the city and if it could help get this land annexed. The park is 21 acres and indicated that the Parks department was thrilled with the idea because it gives access to Georgetown and if this other piece was annexed the Andrews piece could serve as parking for the trail. It has been my intent to donate from the outset. The Mayor asked if this donation was transactional with the annexation request. The speaker indicated that hopefully it would be. The Mayor indicated that he was not comfortable with such an arrangement. Peters clarified and asked specifically if the applicant would donate the park if he receives approval for his plans, but if he did not get approval, then he would not donate the land. The speaker indicated that that was his original intent, but that if he did not receive approval that would be another decision.

The next speaker indicated that she lived about a mile and a half from Gillespie Bridge Road and was confused about why this is even being considered since the city doesn't typically annex agricultural land and keep it in agricultural use. She believes this causes urban sprawl and that due to the flooding this will cause numerous problems. She is opposed to the annexation.

Next speaker indicated that he lives in the area. He believed that an earlier speaker had mentioned that this new subdivision would not decrease safety. He believes that there is already a safety problem on this section of road due to speed and width and sightlines. He indicated that a young man was killed in this area while walking at night. He cited frequent flooding, the cost of new infrastructure and increased response times for emergency personnel as other reasons to oppose this proposal. He believed that there was little benefit to increasing population in an area with these challenges.

Next speaker indicated that she lived in the area. She asked people to stand if they were opposed to this proposal. About 20 people stood. She admitted that she liked to drive fast, but that speeding on this road was a problem and the road is dangerous already. The idea of more cars added to the mix would not be safe. Was upset to hear that a man was killed along this road recently and cited another wreck in the same area within the past few weeks. Someone had hit a deer and the speaker indicated that neither the city or county seemed to know who was responsible for removal of the deer. Speaker finally mentioned that the police chief had recently announced that there is a current shortage of police officers. This will only add to the workload while not increasing the workforce. With these problems and flooding problems in mind, she asked the council to deny these requests for annexation and platting.

Mayor asked if a fire truck could get through Gillespie Bridge Road during a flood. The speaker indicated that they could not. No one can.

The next speaker indicated that he lives right across from the proposed development. He distributed a letter of opposition to the council that outlined his points and then began a lengthy presentation. He stated that this property is $\frac{3}{4}$ of a mile from the city and is primarily ag and hunting land. Its use as a corn field is known. He believed that this land was not contiguous to the city. Staff corrected this and indicated that the graphic was wrong and that the land in question was actually contiguous. He contended that this was rural in nature and that people out there hunt a lot and that people "shoot all day, all the time", thus making this an unsafe place for development. Frequent flooding creates a situation that would be too expensive for the city to maintain. The speaker contended that by only annexing property on one side of the road it will create a discrepancy in who serves the area. Since the land is agricultural in use, currently, the use of farm machinery on that road to harvest corn could be curtailed if it was annexed into the city. The speaker believed that current development in the area had been achieved under the rules of the county, and that future growth should follow those rules, not the city's, and maintain the line between city and country lifestyles with 2.5-acre minimum lots. The speaker summarized his remarks.

The next speaker indicated that he could not imagine any good reason for annexing this property. He believes it will stretch city resources and believes that city costs have already been consumed considering this. Thinks that people should have been told – "don't even come and talk to us about this". The speaker further indicated that the reason the city is behind on some sewer system maintenance is that the city spends too much money on expansion of its borders rather than addressing the needs of existing city facilities. We don't have enough people and time to do all of this. I am sure that sewer service can be provided to this applicant by the regional sewer district and the city does not need to annex in order to provide that service. This is the camel's nose under the tent and will only lead to further development in this area without a guiding plan and with no benefit to current city residents. The notion that we do not need traffic studies is wrong. These studies should be done by the county on a large scale, like other planning. The speaker criticized the applicant for linking his donation of park land to the outcome of the zoning hearing and suggested that he will only get his cost as a tax write off for donated land and thought it was wrong to play one city department against another to achieve his goal of annexation. Please reject this proposal to add a few more people to the city at no benefit to us. These people can live in the county under county rules. It makes no sense to bring them into the city.

There were no further public comments.

Thomas made a motion to formally adopt a rule that would allow both annexation and the plat to be linked in terms of process, and that if one fails, the other would not take effect. He made the effective date of this December 5 so that one item could be considered prior to the other without one having the force of law until the second could be considered.

The formal motion was made and seconded and the amendment passed 6 to 1 with the Mayor dissenting.

Further discussion on the ordinance continued. Thomas indicated that he has made no secret of his opposition to development west of the Perche Creek. He believes that this proposal is inconsistent with surrounding uses and that it will have significant impacts as previous speakers have pointed out. He believes that there should be a planning process regarding this area that should have the county, and

hopefully, the city involved. He thinks that a low-impact, rural style environment that exists in that area now should be sustained into the future. Indicated that he will vote against this proposal.

Skala indicated that he has discussed this proposal several times in the past and that he is evolving into a fiscal conservative. He indicated that his early discussions had involved the contribution of parkland to the city under this arrangement. Now, he believes, that it is somehow separated from this discussion. He used to like the idea of this proposal, but back then there was no mention of the real problems of flooding associated with this parcel. He went on to explain that his newfound "fiscal conservatism" was rooted in the fact that in 2014 his proposal to impose impact fees was defeated by the development community who raised \$150,000 to defeat that proposal. He also cited the fact that the use tax was recently defeated and that since this affects the city's ability to budget, he does not think the city should consider new projects beyond the urban service area unless the developer brings more to the table. The idea has always been that you could develop in those areas, but it was incumbent on the private sector to establish a public/private partnership that would compensate the city for its extension of services to some degree. I will be hard pressed in the future to approve annexations if some of these development folks don't step up to the plate to relieve some of these fiscal issues that they cause through additional development. We should engage in a planning process for this area like we did in the East Columbia Area. I will not continue to spend our limited resources in this manner, particularly when some of the same applicants oppose the other tax measures, and fears that this could limit our ability to improve public safety through future ballot initiatives.

Trapp indicated that philosophically believes that there are some real issues about flood plain development, but he challenges the idea that the Perche Creek is a hard and fast boundary beyond which no development can occur. He thinks this area is experiencing development pressures and that a likely scenario could occur where another city forms in this area and maybe it would be called Midway and that will squeeze the existing city of Columbia. I think we need to have discussions with the county commission and engage in long-range planning for this area. I have spoken to the planning director about the concept of "rural-by-design", and I understand that there currently exists a low-density road network, but that type of low density development is inefficient and worst environmental pattern of development that could occur. I am not criticizing people who have the good life and enjoy it on large lots, but I do not think we should establish that as the gold standard for how we should develop. Rural clustering can work better where pockets of development can occur without eliminating all of the benefits of a more rural type of setting. You can develop clusters of new development near the roadways and then possibly get conservation easements in the process that lock up other farmland and preserve it into the future, much like you see in other small communities. That's what I am calling for in the future, including a planning process. Let us figure out a way to fill in the road network so we avoid sprawl. I plan to vote for this proposal so we can avoid the creation of a bedroom community that does not pay into the current system provided by the city.

Pitzer indicated that he agreed with Trapp, and agrees that we should have additional planning in this area. It is inevitable that this area will feel pressure to grow and someone is going to be first to develop in this area. It may be disruptive and problematic at first, but I think we can plan for this in advance. I am leaning toward voting for this proposal.

Peters indicated that she will vote against this proposal because of Gillespie Bridge Road, not necessarily because of this development itself. Once you annex this area, you inherit the problems of improvement of that road and neither the city or the county have the funds to make the improvements that would be required for future growth in the area. We will continue to have flooding and emergency access in the

future, and while I do not object to development on the other side of the creek, I do object to developing in a place where we only have one road that floods. I will vote no on this proposal and believe we need a better plan than simply "I just hope it doesn't flood".

No further discussion ensued.

The motion to approve the proposal for annexation FAILED by a 5 to 2 vote with Trapp and Pitzer voting in favor of the idea. The failure of this proposal made the approval of the preliminary plat moot and that item was not voted on.)

B326-17 Approving the Preliminary Plat of Perche Ridge located on the north side of Gillespie Bridge Road and approximately 3,500 feet west of Louisville Drive; granting a design adjustment relating to loop street length (Case No. 17-171).

(Tabled at the November 6, 2017 Council Meeting.)

(Requires approval by 2/3 of Council.)

(Action: This item did not receive final consideration since the motion to annex previously considered failed on a 5 to 2 vote.)

B351-17 Amending Chapter 22 of the City Code to update requirements relating to the inflow and infiltration reduction program.

(Action: Staff indicated this proposal is an amendment to the existing code that would encourage property owners to remove or reduce sources of inflow and infiltration to the city's sewer system. Earlier this year the council approved a reimbursement program that would encourage individual property owners to eliminate such problems. This piece of legislation makes the rules governing that program agree with the requirements the city has regarding the existence of such problems. The major changes of this amendment expand the use of this program; makes it more accessible to more people; adds pavement replacement to the program as a cost factor; establishes some minimum unit prices; and eliminates the requirement to use an approved list of contractors to perform remedial work.

Thomas asked for clarification on the program and staff indicated that this amendment would help eliminate inflow sources on private property. The companion program addresses the elimination of backflow problems. In the past, the program was rather difficult for customers to use and the rules discouraged widespread use. This improves the process for the problem. Pitzer asked about participation in the program. Staff indicated that there have been six requests and wants these rule changes in place before those requests go forward. The areas where these requests have come from are scattered around the city and are not all in one location.

No public comment was presented.

The motion to approve this proposal passed unanimously.)

B356-17 Adopting the Choice Plus \$750 Plan, the Choice Plus \$1,500 Plan and the Choice Plus \$2,700 High Deductible Health Plan for the City of Columbia.

(Action: Staff indicated that the ACA requires that the city adopt a summary description of available health plans and this ordinance is in compliance with that requirement. This will become effective on the first day of 2018 and there are no plan design changes anticipated other than some corrections to language that will now allow for coverage of transplants without limits. There was also an increase in the high deductible under one version of the plan and an extensive amendment sheet details the plans offered.

No public comment was presented.

The amendment sheet proposed was adopted unanimously.

The motion, as amended, was approved unanimously.)

B357-17 Authorizing a first amendment to the agreement with The Curators of the University of Missouri, on behalf of its Office of Social and Economic Data Analysis, for data collection and analysis services relating to socio-economic, housing, health and education community indicators.

(Action: Staff indicated that this proposal will allow the city of Columbia to collect and provide new decision-making data to the general public. This amendment allows for the contract with the University to be renewed for 1-year and additional three-year periods. The County and United Way also help pay for the costs of this service.

No public comment was received.

Trapp indicated that he has used this data service and that it is a rich resource. He likes the cooperation between all of the social services, the city, county and United Way on this project. Our social service program is really on par with much larger cities and it is one of the things that helps make Columbia great. Our service model is very impactful. This is a good program.

The amendment sheet was approved unanimously.

Motion to approve this agreement was passed unanimously.)

B360-17 Designating a portion of the City of Columbia as a redevelopment area; approving the Broadway Hotel Phase Two Redevelopment Plan and project; adopting tax increment financing (TIF) within the redevelopment area.

(Requires approval by 2/3 of Council.)

(A detailed copy of the preliminary staff report including legal requirements for the approval of a TIF program for the applicant and the associated evidence presented by the applicant is presented in the following linked document: STAFF REPORT SUMMARY.)

(Action: A lengthy report was provided by Tony St. Romaine on behalf of the city.

He introduced other members of his team including an attorney from Gilmore & Bell and a financial advisor from Stifel Nicolaus, both of whom are advising the city on this issue. The city counselor is also available to answer questions relating to this TIF proposal. He indicated that the cost of the project would be approximately \$20 million, the TIF would help finance \$2.06 million and the rest of the project, approximately \$18 million, would be privately financed. A variety of attachments are attached to this application

(SEE [STAFF REPORT SUMMARY](#) link for overview.)

(For a copy of the [AGENDA](#) with all supporting documentation, click the [AGENDA](#) link, then refer to item B360-17 under Old Business.)

The TIF Commission did NOT recommend approval of this project by a vote of 8 to 3. There was no individual vote on any of the individual required findings as to their merits, however, at the end of the TIF Commission meeting, it became clear that some of the commission members did not believe that this site qualified as a conservation area or that the “but for” test had been met sufficiently. Because the commission recommended against this project, if the city wants to approve this project it will require a two-thirds affirmative vote. This presentation does not go through all of the evidence presented in previous hearings. It rather focuses on explain some elements of the TIF process and its intent.

In terms of city policy, in 2008, the city discussed the use of incentives to promote development. Some people think the TIF process is simply a handout to developers and a misuse of public funds. The city has

determined that the use of a TIF is an appropriate tool to be used on a case-by-case basis and a policy to that effect was adopted in 2008. That idea is further supported by a charrette conducted in 2010. The Sasaki study also identified many projects that would benefit the downtown area and almost all of them, including convention space, are now underway. One criteria of that study included avoiding building additional surface parking and buildings with passive first floors. There has also been a lot of talk about blight. To be clear, this area is NOT blighted and does not need to be determined to be blighted in order to pass the qualification test. We are applying under the conservation rule which indicated that this area would be protected from becoming blighted in the future. There are 114 municipalities across the state, and 76 of those came in under the conservation rule. This rule can be subjective in its application. So, what does a conservation look like? The speaker provided some examples, including the Tiger Hotel area. It was not yet blighted, but it could be conserved to prevent it from blighting. The same rule was applied when the current Broadway Hotel replace the old Regency Hotel. The current project meets that same test.

What a TIF does is leverage future taxes to help finance a project. The applicant does not immediately get a check for \$2 million dollars, but rather accrues those benefits over time. In this instance, the standard financing is the responsibility of the developer, and if the project fails in the future, the costs are the responsibility of the developer and the city has no liability or risk. Current property tax assessments are about \$4,500 and there is no sales tax currently collected on that property. Only the incremental increase in tax collections on that property are dedicated to the new project, so nothing that is currently collected goes away. Any future tax increases are not attached to this TIF and are paid for by the property owner just like any other property.

At this point the Mayor indicated that he believes that interpretation of future tax increases conflicts with the opinion provided by the city attorney based on the minutes of prior testimony. The attorney from Gilmore & Bell explained that there are two statutes regarding this, one for property tax increases and one for sales tax increases – and both indicate that future tax increases are NOT captured by TIF and would therefore be paid and distributed as intended 100%. The developer is always paying the tax – the full tax. However, after collection the tax is allocated according to the TIF portion and the non-TIF portion. There is no sales tax currently collected on this property, and there will be no sales taxes collected on this site because of the location of the point of sale, so any new sales taxes generated under this arrangement will go to the original TIF, not the new TIF. TIF 1 is still being paid off, so 50% of the increased sales taxes being collected will go to paying of the original TIF since they are collected on that site. Room sales tax charges are excluded from the TIF in both cases. Only food and beverage sales are captured. Incremental property tax increases are being captured at a rate of 100% according to this proposal. No development agreement has yet been captured. Conference room rentals come under the food and beverage rules. Only sleeping rules are exempted. When the TIF is paid off in 23 years all taxing jurisdictions will receive 100% of all taxes paid.

The “but-for” test has been discussed and indicates that there needs to be a finding that no financing has been or could be provided for this project with out the use of the TIF mechanism. The Government Finance Officers Association and other sources indicate that the “but-for” test can be difficult to determine since it requires prediction; what any individual business may choose to do; and how the TIF plan is constructed. The plans and benefits are often best shown in the background information provided by the applicant. (Those exhibits are available at the [AGENDA](#) link.) another opinion indicated that the “but-for” test can be met when it can be shown that a developer cannot meet the financial obligations of a project solely through conventional private sources.

The Mayor countered by stating that an email he had received indicated that the test did not apply just to this developer, but whether any developer could succeed with a project in this location without the support of a TIF. The Mayor interpreted that to mean that the applicant would need to prove that no development would occur on this site and no developer could be successful on this site without the assistance of a TIF project. Thomas suggested a similar rationale. The speaker indicated that the current project proposal was relevant and that he could not argue exactly would happen on this site in the future. However, he indicated that if you look at what has occurred on that site in the past, and that by virtue of the fact that little improvement has occurred there within the last 40 years or so, that could be an indicator of the likelihood and potential of the site as it exists. He also indicated that the applicant had provided a study indicating what the likely rate of return could be on that property with a TIF and without, and considering its relatively small size, this seemed to be a project that met the criteria. He projected that the rate of return on this project, even with the TIF included was somewhere in the 6% range which is low.

The Mayor then indicated that this project would still not be able to go forward, even with the TIF, because there remained a financing gap. The Mayor explored how that gap could or might be overcome. The speaker indicated that such a gap could be made up by the formation of a CID on that part of the project. The Mayor asked if that meant a CID on top of a CID on top of a TIF? The speaker indicated that that was indeed a possibility. The Mayor also asked about the source of the private financing and the speaker indicated that such an answer should probably be supplied by the applicant himself. The speaker indicated that many scenarios had been considered by the applicant before this proposal was brought forward. Finally, the speaker indicated that the applicant has provided an affidavit indicating that his financial projections are true, and he has signed that. The speaker indicated that current city policy indicates that the TIF is appropriate for expansion, retention or attraction. Final approval rests with the council.

For clarity, the speaker indicated that in this \$20 million-dollar project, only 100% of real property taxes and 50% of new sales taxes on site would be collected, and that still leaves a net gain for the taxing jurisdictions, particularly since not all tax sources are affected. A list of what was and was not included was provided. The speaker indicated that under current circumstances, the taxing jurisdictions would collect \$115,000 in total. If the project is built under the TIF scenario, the taxing jurisdictions would receive \$9 million dollars over 23 years. No alternate scenarios were created because there is no way to determine who or what kind of project might be in that location in the next 23 years with any certainty. Other scenarios are possible, but there is no reason to assume that any specific project or type would occur base on historical usage and lack of development. This scenario is probably the highest and best use scenario.

Thomas referred to the “but-for” test again. He asked if the test was, “If we don’t grant TIF does it mean that THIS project won’t occur, or does it mean NO development will occur.” The attorney for Gilmore & Bell indicated that the test was really about no material development that would prevent blight of any kind would reasonably occur on this site, and that the intent is that an individual project does not necessarily meet the intent of the General Assembly.

Peters asked how we can predict that no development will occur on this site when Brookside and Orr Street have developed around this on the same street? The speaker indicated that there have been new developments throughout downtown, but it seemed to be the will of the council to incentivize the types of new developments that were most desirable in terms of past studies and research, and that would probably not include more government building or student housing construction. This promotes the

intent of the policy established by the council several years ago. The Mayor countered by saying that there is a new office building going up next to Boone Tavern that received no incentives, that Medici Pizza was located on a narrow lot; and that another development on Ninth Tenth and Locust had a TIF approval and was abandoned because it could be done privately. The speaker indicated that the Tenth and Locust project was abandoned during the development agreement phase because the developer would not agree to make the first floor an active space for retail and so they walked away from the deal. What you got was a student apartment brick with no active space on the first floor and he built that cheaper than what was envisioned when the TIF was granted and therefore did not need a TIF at that point.

The public hearing was opened.

An attorney for the applicant appeared and as he set up his presentation the Mayor excused himself and left the Chamber. The speaker noted his departure and indicated that “maybe I have that effect on people”. The speaker indicated that he had many slides prepared but that the prior presentation had covered many topics and he would abbreviate his presentation. He suggested that this was a puzzle, and that this was just one piece, and that in the future a convention center could be enabled by the approval of this project, although his client was not inclined to make that statement at this point. He indicated that his client met the criteria for the grant of this TIF, including the “but-for” test and that the first Broadway TIF had met the goals established when it was granted. In the big picture, this is the council’s decision, and unless it influenced by fraud or arbitrariness, it will stand, even if it is made based on flimsy evidence. He then focused on some individual criteria. He stated that this will improve safety due to existing sight lines, pedestrian access and parking along ledges. The Mayor returned and granted the speaker additional time. The speaker continued and indicated that there has been no growth or redevelopment on this property for nearly 50 years; that its unique location inhibits development other than what is being proposed; and that the applicant cannot develop this small, narrow lot without the TIF assistance. Of note, the speaker indicated that Missouri law states that “other redevelopment is possible” is not enough to circumvent the “but-for” test. There are no other concrete proposals for development on that site. You know that this is possible and you have a bird in the hand.

The Mayor indicated that the speaker’s client was quoted as saying that this project will not happen if TIF is not granted, at least in its current fashion. The speaker indicated that that was probably a misquote. The Mayor indicated that it was a videotape of the client. The speaker joked that maybe he had been drinking then indicated that his client would address that directly. The Mayor further pushed that there is still a financing gap and wanted to know how that would be overcome? The speaker indicated that it could come from the creation of another CID. Other financing sources are unknown at this time. The Mayor quoted previous testimony that indicated the applicant had stated affirmatively that TIF and CID could be used to fill the financing gap. The speaker countered that that was one scenario, but not the only scenario.

Skala asked if this project, with or without the TIF, would need to mitigate some of the safety concerns that were cited earlier. The speaker indicated that there are no other projects proposed and maybe some of them, if proposed, might not answer questions relating to grade and access and believed that that was sheer speculation. Pitzer asked how speculation of future redevelopment was considered and how that affected this proposal. The speaker indicated that you cannot simply speculate that something might happen on this site. You have to have more than that, and there are no other proposals.

Ruffin returned to the question of the creation of a new CID in his ward that already has a CID in place and asked if there were specific alternatives. The speaker indicated that mezzanine financing might be an option but that that could not be pursued unless this proposal was adopted. Additional capital from the applicant was another option, but that next step is unknown and the gap is real.

The next speaker worked on behalf of the client and indicated that he was a consultant for this project. They performed a cost benefit analysis and have submitted their studies as an exhibit. He indicated that this was a viable project, but that it relied on the grant of the TIF. The Mayor asked if this speaker was involved in the first TIF for this area and how his projections came true on that project. He indicated that there were some aspects of the plan that did not materialize exactly, but that the project was successful. He further explained that due to the long term of the agreement, financing could be achieved, even when revenues were varied, and that due to the nature of the situation being proposed, the future calculations for this property would be more accurate.

The applicant appeared to testify on his own behalf. He acknowledged the request for a TIF, but indicated that the real risk for this future project rested with him. He indicated that the cost of the original project was higher than originally projected. This project asks for a smaller percentage of the investment in the new tower than the first application, but the risk still resides with the developer. We set up the first project as a gateway project and want to continue with that same goal in mind. Oddly, we had better pricing on the first project due to the recession when the first project was completed, but costs have gone up since then, and that is reflected in the budget numbers now, with costs approaching \$200 per square foot for construction. This is a complicated project and access to the new site as well as available labor will affect how we do this. He reiterated that this proposal would allow the city, in essence, to invest \$2 million and make \$9 million over the term of the project. There is no risk to the city even if these projections are off. The developer bears the responsibility. He also indicated that there would be additional spending in this city as a result of this project, and projected that that could be as much as \$9 million, over and above the regular taxes collected directly from this project. He indicated that there would also be \$1.5 million in parking fee revenue and \$4 million in utility charges on the existing system. If you add all of the factors together, including taxes, fees and other spin off revenue – you could realize \$30 million in revenue over the term of the project. Ancillary benefits include new construction jobs, sales tax on materials, professional services and other support costs that will occur in this city. This could end up totaling an additional \$19 million in spending, 37 more full-time jobs in addition to the 230 employees they already have between the existing facilities he owns. He contended that there are two options. If you grant TIF, it could mean \$30 million in additional revenues. If you do not, the number will be \$0 compared to the current property condition and tax revenue.

Ruffin asked about what kinds of jobs would be created. The speaker indicated that they would be mostly entry-level, lower paying jobs, but that those jobs served to give access to the workforce to people who were not currently employed. Pitzer asked about the financing gap. The speaker indicated that the creation of another CID had been discussed, but that mezzanine financing could also be pursued, although that was not currently in place or guaranteed, and it would come at a higher rate which is not what he would prefer.

Additional public input was invited by the Mayor.

First speaker indicated that he was an immigrant and that his first job was at the original hotel. He has been able to make a life for himself by working there. He loves this city, he now owns a home, and he has made a life for himself and his family.

Next speaker indicated that he has worked in downtown for 20 years and remembers what a black-eye the old facility was. He believes the new hotel was a great benefit and that this project will be as well. Let's seize this opportunity and improve the downtown.

Next speaker indicated that he was a long-term resident of this city and had stayed at the old version of the hotel. It was not good. The new version is a great improvement. Speaker indicated he is a customer of the hotel for both rooms and meeting space. Indicated that the hotel owner was a good contributor to the city and a good citizen. From an economic point of view – and from a community point of view – this is a good operation and should be expanded. Supports the TIF proposal.

Next speaker indicated that he wants to talk about all the smaller companies that supply the current hotel. Food and beverage, linen companies, event planning, etc. all receive spin-off benefits. Supports the TIF proposal.

Next speaker indicated that he started at the Hampton Inns in a low-level position. Now he has a significant job. He started there, went to school, and now has a better job and great experience working with the current hotel owner.

Next speaker indicated that she believes that the current hotel operation has been a major supporter of local charitable efforts. She is proud to sponsor events at his hotels and believes this aspect needs to be considered.

Nest speaker indicated that he feels he is an ambassador for the community. He wants people to come here. He realizes that some people want to create new jobs. Well, not all of these jobs are the top jobs, but they give people a chance to get a fresh start, get a basic job and that is important. This is a good time for the city to say let's come together and support a good operation.

Speaker indicated that she started working for the current Broadway hotel when it was just an office. Now, she is full time and has become a supervisor. She has been able to meet a lot of local people who go there and a lot of people who visit there. She is now a new home-owner. The owner has given people a chance – or a second-chance to get a job. You may not think they are the best jobs – but he has given back to this city. I support the TIF.

Speaker believed that this is a sound business proposal. It has become a destination and a great reason to go downtown rather than just go to a college bar. His friends have people who love the Broadway and it generates revenue. There might be other things that could go in there, but not like this. It is not along the hot spot streets. It's not like Mexico, MO. This is a place that needs smart investment. This is a \$20 million investment from the private sector and is good for all of us.

Next speaker indicated that there is no downtown building boom relating to student housing. That is not going to continue. So, what is next. One big new business office in downtown does not define the development scenario. If something else were to come in there, it would need to be a minimum of \$5 million to break even with a project with no TIF. The city is asking for more revenue. Then don't turn down a \$15 million income stream in hopes that something else would come forward.

Next speaker indicated that he lived here for many years and who now spends a lot of time at the Broadway Hotel. What we do now is spend the night downtown, shop downtown, eat downtown, etc. This owner is a hands-on owner and he has created a place of definition. Now SEC teams want to stay there. Adding a conference center makes sense. I have seen business people, lawyers, friends set up shop there. This is a great opportunity. Remember what was there before. Give this project your full consideration.

Next speaker indicated that the local Cosmopolitan Club supports this idea and has supported improvements to city parks, and the community in general. We have seen how other hotels have helped us grow in this community and we appreciate the involvement of local hotels in promoting good projects for this community.

Next speaker indicated that he represented a local hotel who is a competitor. He believes that this proposal will be a net gain for the community; meets the tests for qualification for approval; draws additional dollars to the community; and might be able to pay off the earlier TIF first. You want to talk about a gateway to the downtown? It's the Tiger hotel and the Broadway – not our parking garages.

Next speaker indicated that she works in the hotel industry and with the applicant. Surveys she sends out have shown that their customers like the current property. People also like the fact that this company invests in the local community. It's not just about sports, there are lots of things like weddings, family events and other events that need this kind of facility.

Speaker indicated that her formerly owned a major venue downtown. He produced many music shows during his time. Tour managers always indicated that this was a great town, but they wondered why there were no good hotels downtown. The Tiger tried, but he indicated that the addition of the Broadway really helped attract talent, shows and opportunities. We need this kind of space. This is important, and we help sell Columbia. Same thing with the new airport. Same thing with the good hotels. On a personal level, this operator stood up for the hotel tax. Let's get this thing going. Help him out.

Next speaker was a former council member. Indicated that he understood how the budget works. In 23 years, this will become a windfall to this community. It is becoming a destination city. We need to have places where those people who come here can stay and meet.

Next speaker indicated he was a member of the TIF Commission. He voted NO on this proposal. He indicated that if you reject this you may be charged with being arbitrary and capricious unless you read all of these documents into the record and avoid a lawsuit. Secondly, he indicated that people gave evidence that this area does not meet the definition of a conservation district and that it does not meet the "but-for" test. I think there may have been some testimony that indicates that development could occur here without a public subsidy. I think you should ask the developer, who is a good guy, you should really get into the details. We have never really seen the books. We need more. We need to see what other public or private investment may be available or possible.

Next speaker indicated that he wanted to tie all of this testimony together. This is not a cookie-cutter approach to hotels. He is involved in the community. This spins off spending at other local businesses. It creates jobs. Many employees are in the audience. They support this.

Speaker indicated that they have been barraged with information. At least one homeless person has been employed at the current hotel facility. Let's not talk about all the legalese. Let's ask if we don't need the tower and if we can do this differently. He may create job, but let's cross the T's and dot the I's. I'm not sure you should support this.

Public hearing was closed.

Ruffin asked if the new tower included 80 guest rooms and additional meeting space. Applicant there would be a ballroom at the top, more meeting space and guest rooms. A convention center was considered to be a third phase, but not within this aspect of the proposal. I hope to do that someday.

Skala indicated that the developer has a vision for a big chunk of this block. Developer did not want to dangle carrots, but does believe that this could lead to better. Indicated to Pitzer that meeting space drives this more than the new guest rooms.

Ruffin asked about a timeline. Applicant indicated that he would like to break ground this spring. Trapp indicated he believes that this proposal does meet the tests of conservation and "but for". He thinks this will help investment and will support this walkable, well-run facility.

Mayor believes that the applicant is a great community supporter and that the Broadway has been a great project. He believes this is not the same. He does not believe that this site is blighted and cannot predict that this site will not be developed otherwise. The fact that there is a gap in the financing with a CID is a barrier. The fact that there may be another option for gap financing is a barrier. I do not think we meet the tests. I hope you can figure out a different way to do this.

Skala came to this meeting thinking he would vote against this measure. But, there has been a lot of compelling testimony tonight and I feel this is very difficult. I am troubled by the strict interpretation of the statutes. I am leaving this to my colleagues to vote first.

Thomas indicated that he votes first tonight and that this a difficult decision. He thinks the current project has been great for downtown. Great testimonials provided this evening. I love your vision and I think the conference center should be built. But, I am not sure that it satisfies the legal requirements for a conservation district and the "but for" test. I think the payment of \$2 million is arbitrary. What precedents does this set? Does it mean we are obligated to provide public assistance to every applicant? Will there really be a real tax benefit, or will this turn off people who would support other taxes? What about people who are subsidized in development without being charged electrical connection fees. We had the TIF Commission vote not to recommend this. I will follow their lead.

Pitzer believes that the testimony indicated that the conservation test has been met. This property is idle. It was not a part of the building boom. Something could happen tomorrow, but last year, the city collected \$234 in taxes. There is a clear benefit to the community. There is a clear economic gain. We need to be careful how we award incentives. The Aurora Organic Dairy was a good one. That's a priority. The second priority is creating destinations. Even competitors think this is reasonable. We are not taking away existing tax dollars. We are going to use future revenues. I hope the projections are correct. I cut them by 25%, and they still work out for me. I do not believe that if we give this away we will jeopardize other tax issues. I believe the opposite. I will support this.

Ruffin indicated that he represents the First Ward. He is thinking about the future. In 23 years I will be 88 years old. It's hard to imagine. But what I know is that I have an opportunity right now to make a difference. I have the opportunity to help create jobs for people that can make a difference. I think the opportunities outweigh the risks. I have no problem regarding the legal ramifications. I am convinced this will benefit this generation. I will support this.

Peters indicated that she planned to vote against this, but after hearing tonight's testimony, she believes that this proposal DOES meet the tests of "but for" and conservation. I will vote for this at this point.

Motion to approve the TIF passed 5 to 2 with Treece and Thomas dissenting.)

CONSENT AGENDA

(All items on Consent Agenda approved unanimously.)

B348-17 Authorizing construction of the Vandiver Drive and Parker Street roundabout improvement project; calling for bids through the Purchasing Division.

[2nd Read & Vote/Mayor Memo] Recommended Action:

B349-17 Authorizing the acquisition of certain interests in real property for construction of the Vandiver Drive and Parker Street roundabout improvement project.

B350-17 Authorizing a non-federal limited design and implementation reimbursable agreement with the Department of Transportation Federal Aviation Administration relating to additional work associated with the rehabilitation and extension of Runway 13-31 at the Columbia Regional Airport.

B352-17 Accepting conveyances for sewer, drainage and utility purposes; accepting Stormwater Management/BMP Facilities Covenants.

B353-17 Accepting conveyances for underground electric, water utility and utility purposes.

B354-17 Amending Chapter 19 of the City Code relating to employment discrimination.

B355-17 Amending Chapter 19 of the City Code as it relates to employee incentive programs.

B358-17 Authorizing an agreement with Columbia Center for Urban Agriculture, Inc. for the development and operation of an agriculture park at Clary-Shy Community Park.

B359-17 Authorizing an agreement with Columbia Farmers Market, Inc. for the operation of a farmer's market at the Clary-Shy Community Park.

R165-17 Accepting the terms of a settlement with SERC Reliability Corporation; authorizing the City Manager to negotiate and execute a settlement agreement with SERC Reliability Corporation.

R166-17 Authorizing a venue agreement with Tough Mudder Event Production Inc. for the use of the Gans Creek Recreation Area and A. Perry Philips Park for the 2018 Tough Mudder event.

R167-17 Authorizing Amendment No. 1 to the agreement for professional architectural services with SFS Architecture, Inc. for A. Perry Philips Park improvements.

R168-17 Adopting revisions to the drug and alcohol policies and procedures as part of the administrative rule for City employees to comply with a change to federal Department of Transportation testing rules.

R169-17 Authorizing a Fifth Amendment to the software license and services agreement

with Superior, LLC, formerly known as Ramundsen Public Sector, LLC and successor in interest to SunGard Public Sector, Inc., for a Records Management System (RMS) for the Police Department.

R170-17 Authorizing an agreement with Green Valley Rifle & Pistol Club, Inc. for range facility access and use by the Columbia Police Department for training purposes.

NEW BUSINESS

R171-17 Establishing a Mayor's Task Force on Bicentennial Celebration Planning.

(Action: Mayor indicated that the number of people on this commission should be 9 people. Mayor wants to form this task force by January of 2018. Peters asked if the county and schools were going to be included. Mayor indicated that the schools or county may not have specific representatives, but that the historical society and other interested parties would be.

Motion to implement the task force was approved unanimously.)

INTRODUCTION AND FIRST READING

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).

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).

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).

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.

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

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.

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

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.

B378-17 Acceptance of a parcel of land from Fred Overton for use as city/community parkland in west Columbia. (This item was added to the Introduction and First Read section of the agenda at the suggestion of Thomas. No discussion of this bill occurred during this section of the agenda.)

REPORTS

REP99-17 Downtown Community Improvement District (CID) Board of Directors - Annual (Action: Mayor indicated that he would like to see more diversity in the downtown CID and that he wants to see maybe 10 names submitted rather than just the 5 names submitted. Mayor wants to take this up immediately. **No further formal action, but request made.**)

REP100-17 Winter Weather Response for 2017/2018 Winter Season. (Action: No discussion. **Report accepted.**)

REP101-17 Intra-Departmental Transfer of Funds Request. (Action: **Report accepted.**)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

Speaker indicated that he saw democracy at work tonight because important bills were not given unanimous approval. Then, mentioned that he was glad that some homeless support services for the winter just started. Good work. I would not like to be in your seat.

Council

Peters thanked the Community Development Department for working out controversies at Timberhill Road. Shane Creech and Tim Crockett were both noted for helping solve the situation on a Monday morning.

Skala indicated the TIF vote came out differently than he expected, but will sleep well tonight.

Mayor indicated that there was a story in the paper about moving the basketball facilities at Philips Park to the Fairgrounds site. Thought the Council needs an update on that and need to explore a redirection of assets, if any, and come back with a report. We are about to break ground. Do we need to change directions? Skala indicated that this was preliminary.

Staff
(None.)

ADJOURNMENT
(Time: 11:58 PM)

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