



Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Monday, October 1, 2018

INTRODUCTORY ITEMS

Pledge of Allegiance

(Recited as indicated.)

Roll Call

(Present: Treece, Pitzer, Skala, Peters, Ruffin, Trapp, Thomas)

(Absent: None.)

Approval of Minutes

(Minutes from September 4 approved as submitted. One minor correction was made adjusting the spelling of "xeriscaping".

Adjustment of Agenda

(B229-18, B230-18, B231-18 and B233-18 moved from Consent to Old Business. B236-18 moved to Old Business. B240-18 and B241-18 moved from first reading tonight until the next meeting on October 15. Trapp requested to abstain on B236-18. All requested changes were agreed to.)

SPECIAL ITEMS

SI10-18 2018 Missouri Municipal League Innovation Award Presentation - Community Scholars Program.

(Action: A video showcasing students from this year's program was shown and the speaker complimented Columbia Public Schools and city staff for their involvement. The program allowed incoming high school freshmen to job shadow city employees.)

SI11-18 Missouri Governor's Conference on Tourism Hospitality Award Presentation - Columbia Tourism Ambassador Program.

(Action: This award was officially made last week and announced at this evening's council meeting. The Ambassador Program has been an important part of the community. This is one place where we all work together for the common good of the city. Representatives of the CVB appeared to formally accept the award.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

(None.)

SCHEDULED PUBLIC COMMENT

SPC54-18 Lillian Davis - Bird scooters, sidewalk repair and street issues.

(Action: The speaker described an altercation with a Bird Scooter. She indicated that she had an altercation with a Bird user who got too close to her dog and used the F word. She was in a wheelchair.

She thinks sidewalks should be used for people who walk or need for other alternative transportation. Bird Scooters do not belong on the sidewalks. Wheelchairs have different needs. If we get hit by a Bird Scooter, we have to fix our controls. I am not happy about that. I am also happy you are doing something about Mikel Street. You need speed bumps there.)

SPC55-18 Al Lackey and Rick Shanker - Use of public property for art.

(Action: The first speaker indicated that he lives on Old Highway 63 south. He thought that a proposed mural on Old Highway 63 contained some statements that would have to be considered as statements of the city. He also believed that there would be vandalism. He does not think this is right. He thinks there should be some established policy to allow this. He asked for the whole project to be put on hold. He believed that it should be illegal for anyone to put any statement on public property. Anything like this should be on private property.

SPC56-18 Nina Hampton - The City budget and equity.

(Action: a member of Race Matters, Friends appeared and stated that they were pleased with many aspects of the new budget. She noted that the council has adopted a principles of community statement and believes it reflects our best aspects. She liked the increase in employee wages for city employees. She thinks everyone does better when everyone can earn a living wage. This reflects social equity and reasonable financial responsibility. She advocated for passage of a statewide minimum wage law. She then addressed the city manager's proposal to increase paratransit fees, and believed it was correct to reject that suggestion. Everyone needs to be able to be involved. Finally, she noted that the Henderson Branch extension was wrong. They have never paid city property tax because they are not in the city. But a lot of people who have paid taxes for years still have sewage in their homes. We support the council's decision to reject the Henderson Branch project. We come to the council every week. We will continue to collaborate with you as we go forward. We value collaboration, accessibility and education.

SPC57-18 Jack Donelon - Future of Grace Lane

(Action: Did not appear as scheduled.)

PUBLIC HEARINGS

PH37-18 Consider the draft community oriented policing report.

(Action: The Draft Community Oriented Policing Report was presented at September 4, 2018 City Council meeting. During the discussion of the report, Council stated that they would like to have a public hearing on the report in order to give members of the public an opportunity to give input and feedback on the report draft. Please refer to Draft Community Oriented Policing Report for specific content.

[LINK TO THE FULL REPORT](#)

This Is a massive report, 478 pages in length, that examines both the potential elements of and methods for implementation of a comprehensive community policing program for the City of Columbia. Although it was primarily authored by Sergeant Robert Fox of the Columbia Police Department, many sources and the opinions of many community leaders were incorporated into the study. Some of those who were identified as participants in the creation of the report include: Eryka Neville, principal of Douglass High School - Columbia Public Schools; Chris Van Alstyne, Department of Justice - Community Relations Service - Kansas City; Don Love, Empower Missouri - Human Rights Task Force; the local chapter of the NAACP; several police departments, including: Lincoln, Nebraska; Gainesville, Florida; Boulder, Colorado; Belleview, Washington; Plano, Texas; Cary, North Carolina; and Olathe, Kansas. Input was also received

from Columbia Police Chief Ken Burton and his command staff, officers and sergeants of the Columbia Police Department.

Sgt. Fox indicated that he expected that as a result of the recommendations, there could be some ballot language and report draft changes submitted by the end of the year, and that a vote could occur on police funding by April of 2019.

The report offers 12 specific recommendations that would lead to more effective policing strategies and the implementation of a comprehensive community policing outreach program. Those recommendations are summarized as follows:

Recommendation 1: For a Community Oriented Policing philosophy to be implemented citywide (thus departmentwide) it requires every rank, from chief to officer, to be on board and a Community Oriented Policing philosophy to be part of every command staff meeting, shift meeting, training, annual evaluation appraisal, and promotion or specialty assignment process within the department. This transition doesn't happen overnight, and studies have shown three to five years is normal.

Recommendation 2: Should resources be available to implement Community Oriented Policing, the administration of the Police Department would need to make a conscious step-change towards Community Policing to bake it into the DNA of the Department.

Recommendation 3: The Columbia Police Department School Resource Officer program should be expanded jointly with Columbia Public Schools to provide officers in middle schools and teaching or visiting with elementary schools. (This is something we used to do before we lost resources.)

Recommendation 4: Officers should be assigned to beats long term to establish ownership and relationships with residents.

Recommendation 5: CPD and the City of Columbia GIS Office should use the Tucson Stress Index to identify three or four further areas for small geographic beats to be policed intensely similar to the Community Outreach Unit model while remaining part of patrol and responding to calls for service.

Recommendation 6: There is no reason to modify current CPD policies or to interfere with the CALEA accreditation process which should continue towards accreditation of department policies and practices.

Recommendation 7: Increase staffing within the Columbia Police Department by 12 officers per year for the next five years.

Recommendation 8: For a successful transition to Community Oriented Policing the problem of officers pay needs to be addressed. Competitive pay for current staff should be part of any future public safety ballot.

Recommendation 9: Annual evaluations for all CPD employees should include a review of Community Oriented Policing work and set community oriented policing goals for the following Year.

Recommendation 10: Include and value evidence of Community Oriented Policing and additional responsibilities in the promotion process both in the written exam and in the interview and presentation.

Recommendation 11: Community Oriented Policing philosophy should be a consistent theme throughout the training calendar year without reducing training time of core and fundamental skills.

Recommendation 12: Columbia Police Department should maintain its availability of

counselling services to officers, develop a peer support program, consider psychological evaluations as part of regular medical evaluations, and implement an annual physical fitness standard.

The report highlights both positive and negative aspects of the current policing program of the city, and sometimes sounds a bit defensive when it is critical of local media for excessive coverage of stories about crime. The report is insistent that a truly meaningful community policing program can only be implemented if the department is given more people and resources to carry out that mission.

The City Manager provided a very brief history of the report indicating that this was in response to a request from the council. There are many appendices. It is a difficult document. We tried to make this a fact-based document. It is a draft only and we expect comment and change.

Fox described how some individual cities have adopted community policing models. They are all different on some levels. If we could get everything in place, we could launch this program now. The city has outgrown the department, and that is our biggest challenge to implementation.

The Mayor indicated that this is a draft only and asked for speakers to identify changes by page number if possible. He does not anticipate formal action tonight. The Mayor believes we can take testimony tonight and then try and incorporate that input.

Skala asked about the timeline that was mentioned by Sgt. Fox and the draft nature of this document. He will be having a call with the National League of Cities on Thursday of this week and wants to pursue tactical help from this group. We have set aside funds to do that. I want to make sure that happens and that we are able to incorporate those suggestions into the local document. Peters thanked the staff for this report, but she wanted to know if they have a few-word definition of community policing. Sgt. Fox indicated that he believes when people understand the program, they will accept it, but until everyone understands it, it might be resisted. We believe this will take time, but it is all about community engagement and building relationships. Peters asked if Fox was comfortable with the Department of Justice definition of community policing. Fox indicated that every program is different, but he believes it has to do with officer engagement and interaction with the community, particularly when that engagement can start before there is a stressful situation. The city manager indicated that the department of justice definition is a little cold. He said that community policing starts on the street corner and may not always be related to crime. It is engagement and the establishment of new relationships.

The public hearing was opened.

The first speaker suggested that this new report is soliciting a ballot issue to fund a toxic police department. This is not a plan. This is simply a list of steps for a ballot issue. It doesn't identify all of the steps to implement a good plan. This does not deliver what was asked for or promised.

The next speaker indicated that she represented a local ministry. She has been involved in this idea of policing a lot. In order to have community policing work, it has to be based on respect and dignity. Treat people with respect. Sometimes the way officers treat black people and poor white people is no better than talking to a dog. Sometimes it has to do with someone's last name because of past problems. It's already stressful. Don't add to it. Let's make it right. The police treated me poorly when a shooting happened in my neighborhood and I told people the perpetrator was not in my home. They blocked off

my house. I would have let them in if I could have gotten my grandkids out first. I fight for the police. I tell kids to get in line and obey the law. I haven't done anything wrong, but I am suspected. Respect me and I will respect you. If you treat me poorly, why should I help you? People don't want to talk to the cops anymore because they have been disrespected. The barbecues are nice, but you can't treat people like they are ignorant or lesser human beings.

Another speaker indicated that she was white and may not completely understand, but she wanted to tell anonymous stories of real people. No one agreed because they feared reprisal. You are not going to get real input on a website. People are afraid. This new report excludes racial profiling and stop reports. That is insulting.

A speaker said she heard that the real problem is lack of resources. That's what she heard from the police. She thinks that there has been a lack of citizen input in this report. That is bad. We do not just want a department of justice definition of community policing. Look at the notes from the meetings. We don't even have an account of the notes that were made.

A speaker complimented the earlier speakers. He served on the task force on community violence a few years ago. As a person of color, he noted that the earlier group was not all on the same page. In fact, the people of color thought it was an issue of trust, not of resources. We call the cops cautiously, because we are not sure what we will get when the police show up. Unless you change the department for the top down, this won't work. We don't want more wrong. We want to make it right – and that requires systemic change. How do we do that? Statistics might be misleading. What if we had more cops? Would it look better? How many do we need? Don't just get a little group involved. Get all the cops on the same page.

A final speaker said that she noted that there was language in the report that was anti-media. I think we should correct that. The media simply shows a side of the story. Don't view the other side of the story as the enemy. Let's put someone in charge of this report who is not so anti-media and anti-community.

The public hearing was closed.

The City Manager indicated that there are some structural things that do need to be mentioned. On Page 40, we do reference earlier task force reports and comments. Every recommendation in this report is tied to something else that has been done for substantiation. There may not be an executive summary piece, but it is in the larger report.

Trapp thought he was largely in agreement with Sgt. Fox's report. He thinks it was a tough job. This is a draft. He thinks that the missing piece is the part that describes how to rebuild trust. We need to figure out how to rebuild that and include that in the intrinsic plan. We cannot do any of this without that element. That might need to be in the philosophy piece and in the explicit plan. This should not be us vs. them. There are many positive recommendations here. We need to refine this we need to address issues including police powers and attitudes. Policing and social work are two different things. We cannot have two different communities.

Thomas thought this was a challenging task. He thinks there was a collision of different cultures. I think the process has moved us forward, but he will not downplay the fact that he was disappointed in some aspects of the report. Specifically, he thinks that the plan has no way to provide for shared values between stakeholders. He thinks this report is mostly about how to get a funding issue on the ballot, but

he thinks that is putting the wrong foot forward first. He acknowledged that there are policing shortages, but you have to establish the vision and relationship building first, then move toward the funding. There is some us vs. them mentality in this report. There are bruised feelings. We have to get past that. I don't want to see that defensiveness in future reports. I was disappointed that our pilot program was barely mentioned in this study. We need to draw on that real-life experience. There was no mention of disparity in vehicle stops in this report. It is related to this whole discussion. I am not going to support putting a property tax issue on the ballot in April, and probably not in August either. Overall, I thought many of the proposals were good, but I think there are some underlying trust issues that need to be worked through. Funding and pay are real issues, but first, let's get the philosophy right. He complimented the Lincoln, Nebraska plan. Theirs is 20 pages. Ours is five lines. I think we are far too brief in our statement. Cops must be at the table, from the chief to the beat officers.

Pitzer thanked Thomas for his leadership on this issue and thanked Fox for taking this hard job on. Page 40 is the most important page in terms of the overall idea of police culture. He read from the report and indicated that there cannot be divisiveness, and that starts with internal buy-in. This requires every rank to be involved, but it may take 3 to 5 years. We have had a lot of turnover. But that could be an opportunity for new officers with new attitudes coming on board. I want to make sure we have buy-in before we move toward implementation. I am not convinced that that commitment is there right now.

Skala believes that our officers are overworked, and we need more resources. But, he thinks the whole thing has to start with respect. This needs to be collaborative and it requires all sides to get on board. He is trying to be a leader in getting us to take a look at our ordinances and practices through a racial equity lens. Skala thinks the national league of cities has become more diverse and can have something valuable to contribute. They have tremendous resources. I am looking forward to bringing that forward to the public and this community.

Ruffin thanked Sgt. Fox for taking on this task. He knows this has been difficult. It was a critical step. Now, we are going to need to look at the whole issue of how the history, demographics and layout of the city impact the way we implement community policing? We need to make it unique to us. Don't shy away from admitting that there have been disparities in terms of race. I am also hearing that we need a vision, not just a report.

The Mayor indicated that he acknowledged that this is a draft. He wants a better vision statement in this report and wants more detail regarding a value statement that can be adopted. There is a reference to the media on Page 63 about media bias. I don't think that belongs in this report. Then, there is a tonal problem on Page 67 that seems to adopt the attitude that citizens get what they pay for and they should not expect more if they won't pay for it. I don't think that is the way to go about this. We have to get it right first. The Mayor then asked about when to reconvene. 60 days seemed to be a good amount of time within which to revisit this whole plan. Thomas asked for a Track Changes version of the report to see where things were changed. Skala agreed.

No formal action was taken.)

OLD BUSINESS

B234-18 Authorizing an annexation agreement with JQB Construction, Inc. for property located on the east side of Highway 163 and south of the proposed Old Plank Road/Gans Road extension (Case No. 18-62).

(Action: The applicant, JQB Construction, Inc. is seeking approval of an annexation agreement relating to a 153.65-acre parcel of property located east of Highway 163 and generally to the south of the proposed Old Plank Road/Gans Road roadway extension. The subject site is presently zoned Boone County A-2 and is proposed to be improved as a 45-lot single-family subdivision with lots containing a minimum of 2.5 acres.

The purpose of the annexation agreement is to permit the applicant the ability to connect the development to the City's sanitary sewer network. The subject property is not presently contiguous to the City's municipal boundary and in order to connect to City sanitary service a property must either annex, if contiguous, or enter into an annexation agreement, if non-contiguous. The proposed development of the subject acreage, per the terms of the annexation agreement, would be subject to all Boone County development regulations and approvals for the duration of time the parcel would remain outside the city limits (i.e. not annexed) with the exception of having to comply with the City's tree preservation standards and the fire code requirements.

Once the property becomes contiguous with the City, the parcels within the development would be required to annex into the City. If the applicant, or subsequent owners, fail to respond to the City's request for completion of the annexation process, the City Manager, per the terms of the agreement, could act upon their behalf. The agreement indicates; however, that the City may, but is not obligated to, annex the property upon it becoming contiguous.

Furthermore, the annexation agreement cross-references a "Connection Agreement", between the City and Boone County Regional Sewer District, regarding the point of connection between the development's sanitary sewer lines and the City sanitary sewer pump station to the northeast of the site. The sewer lines within the development will be the responsibility of the Boone County Regional Sewer District upon installation and the 45-lots will be retained as Boone County Sewer District customers. Consideration of the terms of the "Connection Agreement" are presented as separate Council action being reviewed concurrently with this request.

The subject property is partially located within the Urban Services Area (USA) boundary as depicted within Columbia Imagined. The northwest corner of the site along Highway 163 appears to be outside the USA boundary. The site receives public utilities from the Boone Electric and Consolidated Water District #1. Public safety services are provided by Boone County. If annexation were to occur, utility services would not change; however, police protection and trash collection would become the responsibility of the City. Additionally, upon annexation fire protection services would be provided by the City of Columbia Fire Department and the Boone County Fire Protection District. New State legislation provides that property annexed into the City is not removed from the Fire Protection District's service territory.

The subject property is located east of the Rock Bridge Memorial State Park and is identified within Columbia Imaged as part of a sensitive features area. The proposed large lot (2.5 acre and greater) development with its proposed public sewer system is a less intrusive use of the land than a traditional urban residential development. The proposed lot sizes are consistent with County zoning standards. County required public improvements will be comparable to those of a city subdivision of similar scale and design. To ensure greater compliance with the City's UDC provisions, the annexation agreement has provisions within it that require the applicant meet city tree preservation standards as well as the adopted City Fire Code.

Staff believes that the proposed annexation agreement and its provisions relating to sewer connection obligations, UDC development compliance, and adherence to the City's adopted Fire Code afford opportunities to responsibly develop the subject acreage in light of its location as well as defines the process in which an orderly expansion of the city municipal boundary can occur in the future, if desired.

The Mayor asked if they would be customers of the city or the sewer district and if there would be connection fees. Staff explained that there would be fees going to the city regardless of annexation. The Mayor indicated that one responsibility of the Mayor's Task Force on Infrastructure was to review the agreements we have in place for sewers. The staff indicated that the amendments each have different elements. The underlying policy resolution is still intact. Skala asked if some part of this was NOT in the Urban Service Area? Pitzer asked how we determine who becomes a customer of whom when we extend service into the county.

The public hearing was opened.

An engineer appeared on behalf of the applicant. He answered the question of the Mayor regarding how the underlying agreement has been changed. He indicated that it was the subject of significant discussion between the city, applicant and BCRSD. The engineer then gave an overview of the project and showed a map and highlights of the agreement. He indicated that the project meets or exceeds standards regarding streets, trees, stormwater, fire code, etc. The existing utility providers are the water district, the county, private hauler for solid waste., etc.

The city built a pump station on this property years ago. It serves the entire general area. The city went outside of its jurisdiction and built this there. We will become a customer of the BCRSD. The city does not generally deal with our kind of system tie-in. If we do it the way we have proposed, it is better service and more well-suited to the circumstances at hand.

The city will get 100% of the connection fees at the time of building permit issuance. The city will receive connections fees at a rate of 150% as long as the property remains in the county. The city will also get 100% of the base charge and 80% of the volume charge. These payments exceed the earlier cost of service study. That study set that mark at \$2,460 – we will pay \$3,600 per hook up. You don't have to annex, but you can if you want to. This is only about the annexation agreement. This will avoid having 45 individual treatment units or one single BCRSD facility that discharges into Clear Creek.

Peters asked about the set-up of the system and the engineer explained it. Peters asked who would be responsible? The engineer explained that the BCRSD will be responsible for maintenance over time, but the system will be built by the developer. He indicated that this is much less intense than any previous projects near the park. DNR had no concerns and everything is permitted.

Thomas asked for clarification on who required the annexation agreement. The speaker indicated that the city requires the pre-annexation agreement. He also heard that the developer opposed annexation. The engineer indicated that is not true. Thomas also asked if there was a split of the connection fee. Staff explained the split in fees.

The next speaker appeared as an attorney for the project. No questions were posed.

No further public comment was forthcoming.

Trapp thought this was not specifically sensitive and the large lot development was appropriate. This is really a question of whether we should put this sewage in this pipe. He thought this was the fulfillment of a regional sewer approach. I like the state park. I will protect it. I think this is a good project and I think this appropriate.

Thomas has two big concerns. As we add properties to our public infrastructure, we do not capture all of the true costs. We need to charge adequate impact fees. I am also concerned about the expansion of the city. It creates inefficiencies. This time, however, I think this might be OK, but I would like to have a work session to see if we really ought to have a policy that requires annexation. In this case, we are not committing ourselves to annexation. I will support this.

Skala indicated that maybe there is karst topography in this area, but he wants to make sure we pay for the extension of infrastructure. In this case, the infrastructure is already there. We are going to get money back for infrastructure that is already there. Some Smart Growth policies seem to support this, and we have mitigated sensitivity by large lot development. He will support this.

A motion to amend a typo was made and seconded. The amended motion to approve passed unanimously.)

B235-18 Authorizing a connection agreement with Boone County Regional Sewer District for sewer connection of the proposed Clear Creek Subdivision located on Highway 163 to the City's wastewater collection and treatment system.

(Action: A subdivision called Clear Creek Estates is proposed on Highway 163, shown on Exhibit A of the attached agreement. This property is located outside the current City Limits and is not contiguous to the City. The City's regional wastewater treatment plant is capable of providing wastewater treatment for this area. It is feasible to connect the sewer system for this development to the City's collection system, making construction of a new wastewater treatment system to serve this area unnecessary.

Policy resolution 115-97A requires properties that are not contiguous to the City Limits to enter into an annexation agreement prior to receiving City sewer services. The required annexation agreement for this property is on the agenda for Council consideration. The Boone County Regional Sewer District is the sewer service provider for areas in unincorporated Boone County. This connection agreement allows the District to connect the collection system for this subdivision to the City's wastewater collection and treatment system. This agreement is similar to other agreements currently in place between the District and the City. The District will be responsible for maintenance of the collection system up to the point of connection with the City's system and the City will provide wastewater treatment. The sewer district will pay the City 100% of the monthly base charge for each property connected to the City's system and 80% of the monthly volume charge for each property.

Short-Term Impact: As homes are constructed, each lot would pay a connection fee of \$3600 until the property is annexed at which time the connection fee would be \$2400. This would be between \$108,000.00 and \$162,000.00. The average monthly sewer revenue would be \$20.31 per lot, based on an average water use of 4 ccf per month.

Long-Term Impact: The average monthly sewer bill would be \$20.31 per lot, based on an average water use of 4 ccf per month. At full development, 45 lots, the annual sewer revenue would be \$10,967.40. No public comment was forthcoming.

A motion to approve passed unanimously.)

B229-18 Voluntary annexation of property located on the north side of Mexico Gravel Road and east of Spring Cress Drive (5705 E. Mexico Gravel Road); establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 18-131).

(Moved to Old Business for discussion and vote.)

(Action: Staff gave a brief presentation. Thomas asked if the site already had an on-site treatment system? Staff indicated that it did.

No public comment was received

A motion to approve passed 6 to 1 with Thomas voting no.)

B230-18 Voluntary annexation of property located on the northwest corner of the Scott Boulevard and Brushwood Lake Road intersection; establishing permanent M-N (Mixed-use Neighborhood District) zoning (Case No. 18-146).

(Moved to Old Business for discussion and vote.)

(Action: No formal presentation was made. Thomas asked who would provide utilities to this site? Staff indicated that the city would provide all significant utilities including water, fire, sewer, electric, etc. Thomas indicated that he will vote no because we do not recoup the full cost of infrastructure. Staff then explained a few items relating to flood plain issues.

An attorney appeared on the client's behalf to explain any questions. None were forthcoming.

The motion to approve passed 5 to 2 with Thomas and Skala voting NO)

B231-18 Rezoning property located on the south side of I-70 Drive SE, approximately 2,000 feet east of St. Charles Road, from District A (Agriculture District) to District PD (Planned District); approving the statement of intent; approving the "Truman Solar" PD Plan; granting a design adjustment relating to landscaping and screening (Case No. 18-115).

(Moved from Consent Agenda to Old Business for discussion and vote.)

(Action: The applicant, Cypress Creek Renewables, LLC (agent), on behalf of Dunlop Development, LLC (owner), is seeking to rezone a 93.85-acre portion of a larger 140-acre property located on the south side of I-70 Drive SE, from A (Agriculture District) to PD (Planned District) and obtain approval of a PD Plan entitled "Truman Solar PD Plan". The applicant wishes to construct a privately owned and operated 10-Megawatt solar energy facility on the subject parcel which they are leasing from Dunlop Development, LLC. The Development Plan will serve as the site's preliminary plat.

Associated with the request, and in accordance with the provisions of Section 29- 6.4(n)(2)(iii)(C), the applicant is seeking design adjustments from provisions of Section 29-4.4 (Landscaping, Screening, and Tree Preservation) which are described in greater detail below. Additionally, the submitted Statement of Intent seeks to have the parking standards of Section 29-4.3 (Parking) waived for the site.

The requested rezoning has been precipitated by the applicant being awarded a renewable energy contract administered by the City's Utilities Department. Associated with the renewable energy contract is a previously approved "Power Purchase Agreement" between the applicant and the City in which the City has agreed to purchase power generated from the solar facility for distribution into the city's power grid. Distribution of the power generated from the facility will feed back into the City's power grid via two feeder line extensions that will connect along the western boundary of the subject site. Separate public hearings on the final location of the feeder line corridors will be held at a later date. Upon being awarded the services contract, the applicant identified the subject site as a viable location and began to pursue zoning entitlement to construct the 10 MW facilities.

Following consultation with City staff and review of the UDC's Permitted Use Table, it was concluded that the proposed use did not meet the definition of either a "Public Utility Service, Minor" or a "Public Utility Service, Major", but rather was considered to be a private utility provider. Such uses are permitted only upon industrially (IG) zoned land. After weighing the challenges associated with rezoning the subject property to "open" IG, the applicant chose to seek the PD zoning request with a site-specific development plan.

The subject property upon which the solar facility is proposed to be constructed is surrounded by a mixture of agricultural, residential, and commercial zoning located within and outside the City of Columbia.

Columbia Imagined identifies the property as lying within the Neighborhood District, with Open Space/Greenbelt designation along the stream corridor. The proposed use is not consistent with these objectives; however, given the low-impact nature of the solar farm use, staff believes the proposed planned development is appropriate. Planned developments allow for a mixture of residential and non-residential uses located in proximity to one another when any potential adverse impacts have been minimized, mitigated, screened or buffered. A PD district is the only zoning classification in which conditions on future land use can be established. As such, staff believes the use of a planned district in this instance is appropriate and beneficial to neighboring property owners.

The Design Parameters limit the development of the solar farm to a maximum of 48,000 solar panels on approximately 57 acres at a maximum height of 12-feet above the ground. The Design Parameters further state no light poles will exist upon the site and signage (wall or freestanding) will be limited to 64 square feet and a height of 12-feet. As part of the PD Plan approval process, the applicant is seeking waiver of the parking requirements for an industrial use. The applicant states this waiver is justified based on the low volume of activity the site will receive annually. Given there are no enclosed buildings on the site (the basis by which parking demands is calculated) and that access drives are shown on the development plan to accommodate potential traffic and parking needs, staff believes there is sufficient on-site parking and is supportive of the waiver.

Additionally, the applicant is seeking design adjustments from Section 29-4.4 (Landscaping, Screening, and Tree Preservation) of the UDC specifically regarding buffering between properties and required installation of street trees. As an alternative design to these requirements, the applicant has provided an 8-foot tall privacy fence, placed at the 25-foot building setback line along the western property boundary. This location will allow for greater horizontal separation between the solar farm and neighboring residences. The provision of a 66-foot wide right-of-way for a future major collector roadway in this location adds to the separation as well. The screening device along the southern property boundary is set back roughly 75 feet from the property line. This allows for preservation of the existing trees along the southern property line, which acts as a vegetative buffer for the R-S property to the south. Staff is supportive of these design adjustments as they preserve existing vegetation and move the impacts of the solar facility further from adjoining development.

Additionally, the applicant is seeking waiver of the requirement that street trees be installed along all roadway frontages at 40-foot intervals. The subject parcel has nearly 2600 feet of I-70 Drive Southeast frontage and will have approximately 2300 feet of roadway frontage along the future major collector street on its western boundary. A total of 65 trees would be required along I-70 Drive Southeast and 58 trees would be required along the future roadway.

Staff does not find that the applicant has provided sufficient justification for the design modification along I-70 Drive Southeast and recommends denial of that requested modification. As for the design adjustment relating to the future major collector on the western boundary, following consultation with the City's Traffic Engineers, it was concluded that the required 58 street trees and other public infrastructure improvements (i.e. sidewalks) would be installed at such time as the roadway is constructed. Given this information, staff is supportive of the requested modification. The applicant, as part of a final platting action, will be required to dedicate the right-of-way for the future major collector street which is viewed as a significant contribution. Installation of street trees at this time would potentially result in their removal when the future roadway is constructed.

The public hearing was opened.

The first speaker indicated that he appeared on behalf of the applicant and offered to answer questions. He gave a brief background on the company who would operate the plant.

The next speaker introduced himself. He owns the adjoining property. He is not opposing the project, but pointed out that the city gave the applicant conflicting information. He does not like the fact that this is a Planned project, since it might change. He wants to know who the runoff cops will be on this project. Their property is 70 feet in higher elevation than mine. You should not bend the UDO for this. You are changing the terms of the contract. I don't like the fact that the panels rotate. I don't like the whole process. Why not just change the zoning and make it industrial zoning? You can't change it then. I don't want this plan to change. Those are my concerns.

The mayor thought that planned gave the neighbors more options. The speaker said that opportunities come with consequences and they don't want this to change. I am for bringing this in as industrial zoning. Skala is perplexed at the assertion that Planned Zoning is less predictable. The speaker reiterated his concern. Skala then asked about the runoff problem on the site. Staff indicated that the runoff would have to be controlled and that is included in the Planned zoning. The speaker stated that the city becomes the runoff cop and they may not monitor this on a regular basis to insure compliance. Skala suggested that if changes occurred, there would be future opportunities for input.

Skala asked if there was a waiver on the tree requirement or not? That question was not directly answered. Trapp stated that he supported this project and that he thought it could be accomplished under planned or agricultural zoning.

Skala returned to this issue of the tree waiver. Staff indicated that even though the memo indicated that staff did not support a tree waiver, the applicant has changed the plan and will now put trees in. Peters asked about the other two waivers that were requested. Staff described that some fencing and buffering requirements were amended and they developed a practical solution.

The motion to approve passed unanimously.)

B233-18 Authorizing annexation agreements with Dale L. and Joyce K. Rice, the Joel D. Haden Trust, the Estelle Jean Taylor Living Trust, the James W. Gerau Trust, and the Gerald E. Tveitnes and Mary Ann Tveitnes Family Trust for properties located on Lake of the Woods Road and Mexico Gravel Road (Case No. 18-149).

(Moved to Old Business for discussion and vote.)

(Action: These properties are currently on private sewer systems. They would like to connect to the city sewer. They are not contiguous. They are already developed. They want to connect. They will pay to improve the system. Pitzer asked why this would be a city customer when the Clear Creek project would be a BCRSD customer. Staff indicated that this does not require a new pump, pressure or collection system. The BCRSD is better equipped to maintain the pressure systems. The city is well equipped to handle this type of connection. Staff indicated that these are failing systems. They want to take those out of service. These are not raw lots. They are already developed.

Skala then asked if the city is providing some service? Are there other costs? What if we annex it in the future? Won't we have cost then? Yes, if we annex it in the future, but you do not have to.

The public hearing was opened.

The first speaker indicated that he is an engineer for the applicant and wants to take care of a failing system by hooking to the current city system. There is no other BCRSD project sin this area. They will pay 150% of the connection fees. The city will get 100% of all fees. Staff explained that the city retains the right not to annex, even if they sign a pre=annexation agreement.

Skala thought this one was a little different than the earlier case. The mayor asked about the Henderson Branch. Peters thought we should have an obligation to provide regional sewer service and would have no obligation to annex in the future.

The motion to approve passed unanimously.)

B236-18 Authorizing construction of the Hirth Avenue storm water improvement project; authorizing the Purchasing Division to call for bids or issue a contract for the project.

(Moved to Old Business for discussion and vote.)

(Action: Staff indicated that this was a \$150,000 project that would provide stormwater boxes at this location to improve the entire area. There could be more things to do in the future, but this was a good first step. It connects to an existing system.

No public comment was received.

The motion to approve passed unanimously with Trapp abstaining.)

CONSENT AGENDA

(All items remaining on Consent Agenda approved unanimously.)

B229-18 Voluntary annexation of property located on the north side of Mexico Gravel Road and east of Spring Cress Drive (5705 E. Mexico Gravel Road); establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 18-131).

(Moved to Old Business for discussion and vote.)

B230-18 Voluntary annexation of property located on the northwest corner of the Scott Boulevard and Brushwood Lake Road intersection; establishing permanent M-N (Mixed-use Neighborhood District) zoning (Case No. 18-146).

(Moved to Old Business for discussion and vote.)

B231-18 Rezoning property located on the south side of I-70 Drive SE, approximately 2,000 feet east of St. Charles Road, from District A (Agriculture District) to District PD (Planned District); approving the statement of intent; approving the "Truman Solar" PD Plan; granting a design adjustment relating to landscaping and screening (Case No. 18-115).

(Moved to Old Business for discussion and vote.)

B232-18 Approving the Final Plat of "The Crossing-EPC Plat 5" located on the southeast corner of the Grindstone Plaza Drive and Grindstone Parkway intersection; authorizing a performance contract (Case No. 18-163).

B233-18 Authorizing annexation agreements with Dale L. and Joyce K. Rice, the Joel D. Haden Trust, the Estelle Jean Taylor Living Trust, the James W. Gerau Trust, and the Gerald E. Tveitnes and Mary Ann Tveitnes Family Trust for properties located on Lake of the Woods Road and Mexico Gravel Road (Case No. 18-149).

(Moved to Old Business for discussion and vote.)

B236-18 Authorizing construction of the Hirth Avenue storm water improvement project; authorizing the Purchasing Division to call for bids or issue a contract for the project.

(Moved to Old Business for discussion and vote.)

B237-18 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.

B238-18 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for completion of master plan and airport layout plan updates for the Columbia Regional Airport.

R149-18 Setting a public hearing: proposed construction of a traffic calming device on Walnut Street between Melbourne Street and College Avenue.

R150-18 Setting a public hearing: proposed construction of the Country Club sanitary sewer relocation project located generally east of Old 63 and north of Walnut Street.

R151-18 Setting a public hearing: proposed construction of Phase 2 improvements to the digester complex at the Columbia Regional Wastewater Treatment Plant.

R152-18 Setting a public hearing: voluntary annexation of property located on the east side of Bearfield Road, approximately 1,400 feet north of Gans Road (Case No. 18-109).

Attachments:

R153-18 Authorizing the City Manager to apply to the Missouri Department of Transportation for federal 2018 Transportation Alternatives Program (TAP) funding for projects that aid in non-motorized transportation.

R154-18 Authorizing Amendment No. 2 to the agreement for professional engineering services with Bartlett & West, Inc. relating to the Nifong Boulevard/Sinclair Road and the Vawter School Road/Old Mill Creek Road intersections improvement project.

R155-18 Approving the I-70 Loop Corridor Plan.

NEW BUSINESS

R156-18 Authorizing a cooperative agreement with Resident Arts for a mural project to be located on the tunnel wall along the MKT Trail under Elm Street.

(Action: Local nonprofit organization Resident Arts plans to complete a mural on the tunnel wall along the MKT Trail, which passes beneath Elm Street. That tunnel is 109 feet long and 7 feet tall. This alternate location from the originally proposed retaining wall on Old 63 South was selected due to

additional planning time that would be needed for necessary operations agreement for initial site. Partners to complete this project are the city's Office of Cultural Affairs, Office of Sustainability, Parks & Recreation, and Public Works as well as the Hinkson Creek Watershed Restoration project. Resident Arts will be funding the completion of this project through grant funding from the Union of Concerned Scientists, a national nonprofit organization that chose six different public projects from across the country to award funds.

Resident Arts has successfully led other mural projects in Columbia with Parks & Recreation's MKT trail projects. The standard mural process they have utilized includes the following: information gathering from partners, hosting a community feedback session where community members can give feedback on the proposed design, design approval from stakeholders where stakeholders/partners can make final changes and approve the design, design transfer to wall using a gridding and scaling process, a community painting day where anyone at any skill level can assist in painting the mural with guidance from the mural team, mural painting and completion, and a public unveiling event where the public is invited to view the completed mural and partners are invited to share their thoughts on the process.

If Council approves the project, Resident Arts will begin work on the mural project. A Community Painting Day is tentatively scheduled for Saturday, October 6, 2018 from 9:00am to 4:00pm. Members of the public can participate, as with past Community Painting Days on previously completed tunnel murals. The mural is planned to be completed by the end of November.

The Mayor asked how permission is given to install art on a public asset? Staff indicated that it was various, including storm drains, etc. The city attorney indicated that you cannot discriminate on content, but when an RFP process is not used, our current policy may be lacking. The mayor asked what if the KKK wanted to come forward with a proposal? The city attorney indicated that in this instance there was an existing partnership with the city. In the future, they need to get this right. If you are not comfortable with this, turn it down, and we can re-issue an RFP from the Office of Sustainability. Ruffin asked if they turn this down, does the grant funding go away? Ruffin asked for a finished version of the mural.

Skala asked about the other murals that have been painted. What was the process for that? Staff indicated that years ago they had graffiti problems. So, the city itself proposed a project to paint murals and had an open process. This is different in terms of process. Staff said they make sure that those projects are content neutral. Peters stated that now there has been a lot of public input, even if it started off poorly. The Mayor asked about the design that has been proposed. Staff indicated that what you see is photos, but it will all be painted, with a base coat of primer and sealant and it will withstand rising waters in the creek. The Mayor asked if there was a right-of-use agreement with this project? He referred to the failed mosaic on the University Campus. Staff indicated that they have some five-year agreements for repair and touch ups.

The public hearing was opened.

The first speaker thought the discussion was good and did not have views that would allow public art to be displayed, but he supported this particular project since it is already paid for.

The next speaker is the lead artist and applicant. She thinks public art is important. This has the potential to beautify, prevent vandalism, and potentially change attitudes or cause us to think. This is educational as well as adding to the stock of public art. We believe that this art could help us care for our environment through sustainable practices. She pointed out that this was not just about her, this will

have an entire team painting, planning and implementing it. Not everyone will like all art – but that’s OK. This design has been guided by professional artists but will engage the public. Public art is not free. It takes money. We won this grant. It is one-time. The original completion date was today. We need to get this approved now to get it done. This is our last chance to get this grant.

Ruffin asked what the criteria for acceptance was. The speaker indicated that they submitted other work on the MKT Trail and expanded the scope from there.

The next speaker represented Resident Arts. He believes that if the city approves this, the city will endorse the content of the statement. He does not see how this would allow hate groups to have a similar forum. He does not think all speech is equal. They will maintain the wall for five years. He thinks the process was transparent. He thought the objections were not true and that they shifted from safety to property values. He further addressed the fact that the city would have to endorse the statement on the mural. He thinks they already do. He understands that people don’t like all art, and that some people may not like the message, but we are already endorsing this general message through the sustainability office.

The next speaker spoke in strong support of the project. She thinks it will increase thoughtfulness. It costs us nothing. Please approve this.

The next speaker thinks that earlier murals were very important and that this adds to the variety of public art. I like the design and think it reflects our city values. I worked with the office of sustainability and a lot of people like this.

Another speaker stated that he is on the board of Resident Arts. He thinks it is important to get people together to do this kind of project. It is fun, creative and safe.

Another speaker rose to support the project. He does not think this will make the entire speak with one voice. We never do. But, I think this idea should be allowed.

Another speaker thought that the earlier statements were fair and accurate. She thinks this is a good project and does not want to lose this grant. She thinks this is a welcoming message and people should see positive examples of inclusion.

Another two speakers indicated that they supported this project.

The final speaker said that he went to college to be an artist. He likes the boxes downtown. He thinks art attracts people.

The public hearing was closed.

Trapp stated that he would support this and that the “medium is the message”. Skala mentioned the distractions to drivers. He thought they had worked through this. He wants to clean up the process, but he will support this project.

A motion to approve passed 6 to 1, with Pitzer voting No.)

R157-18 Designating the area bounded on the north by Rogers Street, on the east by Waugh Street, on the south by East Broadway, and on the west by Tenth Street as the central core of the North Village Arts District; authorizing an agreement with Berry Building, LLC for the installation of signage to identify the North Village Arts District.

(Action: John Ott, agent for Berry Building LLC, owner of the property at 1025 East Walnut (northwest corner of Walnut Street and Orr Street) and known as the Berry Building, had requested permission to install a sign displaying the message “North Village Arts District” on a rooftop penthouse. The sign would cover most of the three or four sides of the penthouse structure. Staff’s understanding is the sign would be not be internally illuminated; a vinyl material would be affixed on sides of the penthouse.

The resolution and accompanying “North Village Arts District Signage Agreement” delineates the North Village Arts District in recognition of the organic growth and development of the arts district and provides for identification signs. The agreement has a five-year term and is renewable. The owner is responsible for installation and maintenance of the signs. Staff originally informed Mr. Ott that the sign could not be permitted because of several restrictions in the Sign Regulations (Unified Development Code, Section 4.8).

At the August 6 and September 17, 2018 meetings, Councilman Trapp requested that an ordinance be prepared for Council consideration that would grant approval of the sign. The Council may determine that the attached sign promotes the general health, safety, and welfare of the city by serving a “way-finding” function, in particular identifying a cultural district in a portion of downtown Columbia.

The Mayor stated that he thought this was a variance to a sign ordinance. By what authority are we creating a new district for erecting this sign? Staff said they don’t really have roof signs downtown, but these are mostly not allowed. Legal staff also indicated that they don’t want a billboard, and that this must be wayfaring signage. This was a way to allow that and allowing a variance was not really an option. Skala asked if this should go through the Board of Adjustment? Legal staff said you might be able to do that, but staff would not support it. You could also amend the code, but we didn’t want to go there either. If you amend, you will probably have unintended consequences. If you designate this as a district you could accommodate this.

The Mayor asked if we have other ordinances that recognize 501 c 3 organizations? Legal staff said they do have banner programs, the art across the streets downtown and the colleges also have some sign recognition. The Mayor asked why it was not eligible for a variance? Legal staff said staff could not support this going through Board of Adjustment unless it was redefined. Ruffin asked if the group that puts up the sign will be responsible for maintenance? Staff said yes.

City staff said you do not want to start sending stuff to the “wild, wild west” of the Board of Adjustment. Usually, those requests are adjustments. If you want to send this to them as something that is not allowed, you avoid your ability to control it. You could change the ordinance, but that opens a lot of other possibilities. We do not see this as an advertisement. It is a wayfaring sign.

The first speaker spoke as a member of the board of the North Village Arts District. The North Village Arts District is viewed by the charrette and other planning documents as a designated area. This sign will promote the district. The CID promotes us. The CVB promotes us. We ask you to support this sign on a private building. It will deter other graffiti in this area. The Mayor asked if it would be illuminated? The speaker indicated that it would not.

The next speaker said Columbia is one of only two cities in Missouri who provide funding for arts districts. Let's recognize this area, just like Sharp End. Have a positive night.

The next speaker indicated that he actually lives in the building where the sign would be placed. He likes the idea and thinks it will serve as a beacon for this vibrant new area.

The public hearing was closed. Trapp said this came forward a while back. He thinks it's a good idea and wanted to find a way to achieve a sign that might be prohibited by some other rule. This will help keep Columbia cool. Skala thought this should not go to the Board of Adjustment, but thinks that the correct way to do this is to amend the sign ordinance. I want to do everything possible to support the Arts District, but I will probably have to vote against this.

Pitzer indicated that he thought back-to-back situations require different answers and he disagreed with Skala both times.

A motion to approve passed 6 to 1 with Skala voting NO.)

INTRODUCTION AND FIRST READING

(All items introduced for future action as indicated.)

B239-18** Rezoning forty-seven (47) parcels in the West Ash (and West Central Columbia Neighborhood) within an area bounded by West Broadway on the south, Glenwood Avenue on the east, McBaine Avenue on the west and West Sexton Road on the north with forty (40) of such parcels rezoned from R-2 (Two-Family Dwelling District) to R-1 (One-Family Dwelling District), six (6) parcels rezoned from R-MF (Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District), and one (1) parcel rezoned from R-MF (Multiple-Family Dwelling District) to R-2 (Two-Family Dwelling District) (Case No. 18-160).

BOTH OF THE FOLLOWING ITEMS WERE REMOVED FROM THE FIRST READ CALENDAR

B240-18** Approving the "Discovery Park - Landmark Hospital" PD Plan located on the east side of Nocona Parkway and the west side of Ponderosa Street (Case No. 18-165).

B241-18* Approving the Final Plat of "Discovery Park Subdivision Plat 5" located on the east side of Nocona Parkway and the west side of Ponderosa Street; authorizing a performance contract (Case No. 18-164).

B242-18* Approving the Final Plat of "Hilltop Estates" located east of the terminus of Jenne Lane and north of US Highway 63; authorizing a performance contract (Case No. 18-92).

B243-18* Authorizing an agreement for professional engineering services with Weaver Consultants Group, LLC for the Columbia Sanitary Landfill lateral expansion permitting project.

B244-18* Amending Chapter 22 of the City Code relating to solid waste rates for construction dumpsters.

B245-18* Accepting conveyances for utility purposes.

B246-18* Authorizing an agreement with Boone County, Missouri for the installation of an outdoor warning siren to be located in the southeast corner of Cosmo-Bethel Park.

B247-18* Amending Chapter 28 of the City Code to repeal Article V. relating to transportation network services.

B248-18* Authorizing a non-federal preliminary design reimbursable agreement with the Federal Aviation Administration for the relocation of navigational aid equipment at the Columbia Regional Airport; appropriating funds.

REPORTS

REP85-18 Correspondence from the Environment and Energy Commission regarding waste hauler ordinance.

(Action: Thomas asked for a staff response regarding this report. Thomas thought this city has an unusual rule regarding food waste collection. The city manager said that they have historically preferred having food waste in the landfill, but this suggestion for composting is interesting. **Staff will bring back a report in two months evaluating this idea.**)

REP86-18 Correspondence from the Environment and Energy Commission regarding electric scooters.

(Action: The City Manager will create an agreement that will allow Bird Scooters to do business in this town. They are talking about how to limit the number of future scooters; how they are integrated into our public transit solutions; where there should be nests; how fast they can go (that can be limited); hours of operation: whether they are allowed on the trail or not; how much they pay to the city, etc. If Lime Scooters want to come into the city, they would probably be treated in similar fashion. The agreement has not been finally adopted. It should be completed shortly.

No formal action was taken but it was expected that a final agreement with Bird for a business license will be issued soon.)

REP87-18 Intra-Departmental Transfer of Funds Request.

(Action: **No specific action taken. None required.**)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

The first speaker introduced himself as the president of the Mizzou Students Association. He also mentioned the debate on community policing and offered to provide a student voice to the council.

The next speaker spoke about the report regarding food waste. It can have significant impacts on the environment if not handled correctly. Most landfill gas generated by food waste is lost into the atmosphere. The report is something that meets our existing city goals.

The next speaker has lived with a problem for a long time, but he thinks he is having a problem with his hearing. He does not know what is causing the issue. He would like staff to look into this and make the speakers in the lobby louder. When other people talk, you can't hear the proceedings. Can we do something?

Council

Skala commented on an incident near Kelsey Drive at some duplexes and apartments and a Section 8 voucher. I would like to know about responsibilities of landlords who are absentee at these properties. I want to take another look at that. On the other side of this equation, I would also like to look at a tenants' bill of rights. Years ago, we clamped down on some duplex development. Maybe we need to look at this again.

The next issue I have was about Roots and Blues. I bought a Hawaiian shirt. It was a great event.

Thomas had two requests for staff. He wants to change the speed limit on Stewart Road from Providence west to 25 mph. The speed humps would work better with a lower speed limit. Next, I would like to ask staff about the ability to establish special disability signage for adults as well as children.

Peters asked for information about sewer bond issues and history.

Trapp asked the city to put out a news release announcing when filing will open for next year's council races.

Pitzer wanted to circle back to the discussion about the internal auditor position and how to strengthen that position without changing the charter. I would like that person to be able to investigate any city office and give them such responsibility. I also want to ask the Finance Committee to establish an audit plan and how that would work within the city structure. The city manager indicated they have advertised to fill that auditor's position and asked if he should halt that process for the time being. Council members indicated he should proceed.

Staff

(No additional comments.)

ADJOURNMENT
(Time: 11:03 PM)

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