



Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Monday, March 4, 2019

INTRODUCTORY ITEMS

Pledge of Allegiance

(Recited as indicated.)

Roll Call

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

(Absent: None.)

Approval of Minutes

(No minutes were presented for approval.)

Adjustment of Agenda

(B44-19 was moved from the Consent Agenda to Old Business.)

SPECIAL ITEMS

(None.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

(None.)

SCHEDULED PUBLIC COMMENT

SPC16-19 Cole Riley - An idea for "decorating" the 8th & Walnut Parking Garage using 100% passive energy and gravity to feed water to flower beds that are hung along all the south side voids.

(Action: The speaker stated that he would like to address the parking garage located at 6th and Walnut. He suggested that the 1% for art program could be invoked for a program to improve the appearance of the garage for less than \$140,000 (which represents 1% of the total cost of that garage). He believes that the current garage looks unfinished and that hanging plants on the south side of the garage could improve the structure. He suggested setting up a website, allowing people to basically individually pay for some hanging plants on the garage (like Adopt A Spot). He also suggested that watering the plants could be passive, using runoff water and gravity. The only time extra work might be needed would be in dry times. Ivy and flowers could be employed. He is just trying to open up the discussion. Can anyone help?)

SPC17-19 Don Love - Disproportions in traffic stops considered legitimate as documented in the 2018 city survey.

(Action: The speaker thought that it would be a good idea to include a question on the city survey regarding local residents' reactions to being stopped by police officers. Such a question was included on the last survey and out of 100 respondents, it seemed that black drivers had a higher incidence of believing that the traffic stop was unjustified. This correlates with actual police data. It does not prove

bias, but it does indicate that there is something that should be looked at. He complimented the former city manager for including such a question and complimented the new police leadership. I wish changes would come more quickly, but I appreciate the willingness to discuss this kind of issue. Look at the vehicle stop data. It will give residents more confidence if we can identify what is going on.)

PUBLIC HEARINGS

PH6-19 Proposed relocation of a portion of Route H to allow for the extension of Runway 2-20 at the Columbia Regional Airport.

(Action: This project includes relocating Route H to the northeast. This relocation will allow the extension of the primary runway 900 feet to the north and was identified and approved by the Federal Aviation Administration (FAA) in the Capital Improvement Plan. The construction costs for this project total \$3,266,793.00 and is being funded by FAA \$2,940,113.00 (90%), MoDOT \$163,340.00 (5%), and City TST \$163,340.00 (5%).

Staff indicated that no objections had been received regarding this realignment and that it has been approved by the FAA.

Pitzer asked if the new road would be constructed on existing airport land? Staff said it would be and that the FAA had asked that the runway be extended in that direction.

The public hearing was opened and no one appeared to make comments.
A motion to approve passed unanimously.)

(The following two items relate to the same topic.)

PH7-19 Proposed phase one construction of a tennis complex at A. Perry Philips Park to include the construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting. [See B48-19/Mayor Memo]

(Action: Staff presented a report indicating that the total project budget is \$250,000 and is funded by the 2015 Park Sales Tax. Portions of the project will be bid through the City's Purchasing Department, and the proposed improvements will be completed using a combination of contract and force account labor. Improvements at the park are scheduled to begin summer 2019, with an anticipated completion date of summer 2020. A letter of support from Tolton High School was submitted. This is the southeast regional park, much like Cosmo Park. The tennis courts could be constructed from concrete or asphalt depending on bids. A second phase is yet unfunded, but would include four pickle ball courts and 30 more parking spaces. A third phase would include two more tennis courts and 48 more parking spaces. These items and more lighting could be funded through the renewal of the Parks Sales Tax. Revision of the Master Plan to allow for pickle ball courts instead of some tennis courts will be required for all of this to go forward. The ordinance tonight approves Phase I improvements and revises the Master Plan.

Good support has been received from the public. Negative comments asked that the park be left in a natural state with no improvements.

The public hearing was opened and no speakers appeared.

Skala thought that having both tennis courts and pickle ball courts was a good idea. Pitzer asked how the field house construction is going. Staff indicated that due to weather, they are a little behind, but the farmers market project is on target in the central city. We just need a break in the weather.

See the next item for final action on this bill.)

B48-19 Approving a revised A. Perry Philips Park Master Plan; authorizing phase one construction of a tennis complex at A. Perry Philips Park to include the construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting; calling for bids through the Purchasing Division.

(Action: The proposal was approved unanimously.)

OLD BUSINESS

(One item moved from Consent Agenda to Old Business.)

B44-19 Authorizing a contract for sale of real estate with Beacon Street Properties, LLC for the acquisition of property located in the River Hills Estates Subdivision to be used for the future Municipal Service Center South facility. **(Moved to Old Business from the Consent Agenda.)**

(Action: Staff is requesting that the council approve a contract for the purchase of approximately 9.4 acres of land. Funding in the amount of \$2,740,000 was allocated in the 2015 Capital Improvement Sales Tax Ballot for a Municipal Service Center to be located in south Columbia. Public Works staff negotiated with Beacon Street Properties, LLC for the purchase of one parcel of land in the River Hills Estates Subdivision for a purchase price of \$2,250,000. This site could include a water tower, public safety facilities and other municipal services.

Pitzer asked what the buildings were on the map provided? Staff said they included a fire station, a recycling center, a water tower and some potential lay-down yards for electrical storage and potentially a salt station and fueling station. Pitzer asked about fire service from this location. The fire chief indicated that this would allow for good fire coverage in the southwest. The timeline on the project is probably 1.5 to 2 years to get a new station built there. In the meantime, an existing house on the property could be used as an interim station. There is also a pole barn on the property that could be used for equipment. This could happen within 60 to 90 days from closing on the property. There was funding in the bond issue for the water tower. Staff indicated that \$300,000 would be dedicated to this project from an approved water tower project fund. The main purchase would come from Capital Improvement Funds, then reimbursements would be made from individual funds.

Skala suggested that we annexed this property, then had to pay more for the annexed property. Too bad we couldn't have negotiated for a sale price before annexation occurred. The Mayor asked about an addendum to a previous sales contract. It indicated that a tenant could remain living there until June 30. Staff suggested that that will be worked out and there is some flexibility. City legal asked that such an arrangement be stated in the agreement.

The Mayor added a new sentence to the bill to allow the city manager to extend the closing date to allow any tenant to remain on the property for a reasonable time.

The motion to approve the amendment was approved unanimously.

Pitzer indicated that there have been a few instances this winter where fire response times were slower than usual. This location will help reduce response times for this part of the city. He also indicated he would support another new station in the 6th Ward, but it will require budgeting for more staffing.

Thomas suggested that this fire station was driven by new homes in the area and believes that they should help pay for the cost of the new station. He indicated that a study in that regard is pending. Staff indicated that separate hearings will occur each time a new structure is proposed for construction.

This item was approved unanimously.)

CONSENT AGENDA

(All items remaining on Consent Agenda approved as presented.)

B42-19 Approving a major amendment to the PD Plan for “River Region Credit Union - West Broadway” located on the southwest corner of the Broadway and Fairview Road intersection (11 S. Fairview Road); approving a statement of intent (Case No. 40-2019).

B43-19 Authorizing a Transportation Alternatives Funds and STP-Urban Funds program agreement with the Missouri Highways and Transportation Commission for the Leslie Lane sidewalk project; appropriating funds.

B44-19 Authorizing a contract for sale of real estate with Beacon Street Properties, LLC for the acquisition of property located in the River Hills Estates Subdivision to be used for the future Municipal Service Center South facility. **(Moved to Old Business for comment.)**

B45-19 Appropriating funds for the purchase of a replacement vehicle for the Public Works Department - Parking Division.

B46-19 Authorizing the acquisition of easements relating to the extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive.

B47-19 Appropriating funds associated with the construction of the Upper Merideth Branch streambank stabilization sewer improvement project.

B49-19 Appropriating funds for the renovation of four (4) tennis courts at Columbia Cosmopolitan Recreation Area.

B50-19 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department’s Adapted Community Recreation Program.

B51-19 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department’s Career Awareness Related Experience (CARE) Program for youth employment placement and mentoring services.

B52-19 Appropriating funds received as reimbursement for the Fire Department’s response to a hazardous materials spill.

B53-19 Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to purchase certain EnerGov community health software modules to be used by the Department of Public Health and Human Services.

B54-19 Authorizing the acquisition of a certain leasehold interest in property, identified as Hangar 350 at the Columbia Regional Airport.

R31-19 Setting a public hearing: proposed construction of a sidewalk along the east side of Sinclair Road, between Nifong Boulevard and Southampton Drive.

R32-19 Setting a public hearing: proposed construction of the Third Avenue Alley restoration project, located between Third Avenue, Forest Avenue, Garth Avenue and Grand Avenue.

R33-19 Authorizing the temporary closure of a portion of the sidewalk and street on Elm Street, between Sixth Street and Seventh Street, to allow for the installation of stone on the south side of the new State Historical Society of Missouri building located at 605 Elm Street.

R34-19 Authorizing an extension of the temporary closure of two (2) parking spaces on the north side of Walnut Street, between Eighth Street and Ninth Street, to facilitate the construction of tenant finishes within the office building located at 807 E. Walnut Street and directing the property owner to not obstruct pedestrian crosswalks or impair vehicle sight distances for the pedestrian crosswalks.

R35-19 Authorizing the installation of street lights on Woodrow Street, Rice Road and Belinda Court; authorizing the upgrade of street lights on a portion of Rice Road.

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING

B55-19 Authorizing the issuance of Special Obligation Refunding Bonds, Series 2019.

B56-19* Authorizing a development agreement with Fred Overton Development, Inc. to establish public infrastructure obligations relating to the development of Bristol Ridge Subdivision located on the east side of Bearfield Road and north of Gans Road (Case No. 18-30).

B57-19* Authorizing a contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the relocation of water lines relating to the Nifong Boulevard/Sinclair Road and the Vawter School Road/Old Mill Creek Road intersections improvement projects.

B58-19* Amending Chapter 14 of the City Code to prohibit parking along the south side of Orange Street, between Mikel Street and Madison Street.

B59-19* Accepting conveyances for sidewalk, drainage, street, utility and temporary construction purposes.

B60-19* Accepting conveyances for utility and electric utility purposes.

B61-19* Appropriating funds for the major maintenance and replacement of existing lighting and underground electrical wiring in the Rainbow Softball Center parking lot at Columbia Cosmopolitan Recreation Area.

B62-19* Appropriating funds for the replacement of the HVAC master controller at the Activity and Recreation Center (ARC).

B63-19* Appropriating funds for the purchase of Light Detection and Ranging (LiDAR) data to update topographic information for mapping purposes.

B64-19* Authorizing a first amendment to antenna agreement and memorandum of antenna agreement with USCOC of Greater Missouri, LLC relating to the lease of City-owned property located at 1400 Ballenger Place (Fire Station No. 5).

B65-19* Authorizing a letter of agreement with the Missouri Department of Health and Senior Services, on behalf of the Bureau of Reportable Disease Informatics, relating to the enhancement of a statewide bio surveillance system for opioid deaths.

B66-19* Authorizing a letter of agreement with the Missouri Department of Health and Senior Services, on behalf of the Bureau of Reportable Disease Informatics and the Bureau of HIV, STD, and Hepatitis, to organize and engage a stakeholder meeting in support of the development of new vulnerability assessments related to opioid overdoses and bloodborne infections associated with nonsterile drug injection; appropriating funds.

B67-19* Authorizing construction to relocate a portion of Route H to allow for the extension of Runway 2-20 at the Columbia Regional Airport; calling for bids through the Purchasing Division; appropriating funds.

B68-19* Authorizing a contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the relocation and upgrade of a water line along Route H near the Columbia Regional Airport.

REPORTS

(The following four reports are related to issues involving the Columbia Police Department and appear here in a slightly different order than presented on the original agenda.)

REP15-19 Correspondence from the Citizens Police Review Board - Transferring Funds for NACOLE Conference.

(Action: The CPRB is developing a plan to have its members to earn the Certified Practitioner of Oversight (CPO) credential as mentioned in its 2018 Annual Report. To begin implementation of this plan, the CPRB requests that \$5700 be transferred from its Contractual Services budget line to its Travel line to fund board member travel to the 2019 National Association for Civilian Oversight of Law Enforcement (NA COLE) annual conference. This will allow three individuals to complete or participate in training for this credential. The Mayor asked what they are shifting these funds from? Staff indicated that the money will come from the contractual services fund and that funds are available. Trapp thought this was a positive step. Skala suggested that there have only been a couple of cases handled by this commission this year, but he thinks they are making positive strides. This would be money well-spent to instill confidence in the board.

No formal action was taken. The report was accepted without objection.)

REP19-19 Citizens Police Review Board 2018 Annual Report.

(Action: This annual report includes information on the Citizens Police Review Board's work from January 2018 through the end of December 2018.

Pursuant to its mandate, the Citizens Police Review Board's accomplishments include:

- Reviewing appeals from the police chief's decision on alleged police misconduct. During this reporting period, citizens requested that the Board review the police chief's decisions five (5) different times.
- The Board hosted monthly public meetings with an opportunity for public comment at each regular monthly meeting, provided public educational programs on a variety of topics, and participated in community outreach.
- The Board met with the police chief on two occasions (July 11, 2018 and November 14, 2018).
- For the Board's mediation program, the City of Columbia has a contract with local attorney and mediator Lorri Kline to provide mediation services. During this review period, the Board referred one case to mediation.
- Four board members rode along with on duty police officers in 2018.

Thomas asked why the law department staffs the CPRB? Staff indicated that it should be staffed by a department other than the police department to maintain some separation. The law department also is in a position to provide some legal advice at meetings.

No further action was taken on this item.)

REP23-19 Update on progress towards City-wide community policing.

(Action: As the Columbia Police Department (CPD) implements City-wide community policing, sworn and civilian staff are working to improve internal and external communication, transparency, trust, and context for all employees. Staff is working to communicate in shift meetings, opening staff meetings to all Department members. He noted that in the past, information may have been distributed, but that there was really not much follow up training.

In terms of policy changes, they have accelerated complaints and suggestions and that they are being handled efficiently. All external complaints still go through the chief. We need to consider pursuit rules regarding the 20-mile per hour pursuit rule because sometimes we violate a rule but are doing the right thing. We are looking at other rules such as shooting injured deer on roadways, handcuffing policies. We are adding community oriented policing goals. We have opened communications with building internal trust and transparency and have opened general command meeting to pertinent personnel. We are

detailing organizational structures and trying to work better with the Boone County Sheriff's office. We have consolidated all traffic officers under the command of one sergeant and will ask for an increase in that area. He will also ask for more officers in the future and will increase the size of the Community Outreach Unit. They are well-trained, but we can do better.

In coming weeks, officers will prioritize calls themselves instead of supervisors. We will also ask officers to use discretionary time in their own beat areas to solve problems. That's it in a nutshell.

The Interim Chief is in the process of meeting with each employee to assure that all will understand their role in the implementation of a City-wide community policing approach. Policies are being addressed to improve officers' efficiency and empower them to apprehend predatory offenders. Much of the policy change streamlines the internal affairs process without reducing accountability and reduces unnecessary reports while maintaining search-ability and accountability. These improvements will increase officer discretionary time.

Policy reviews for interested parties are held to educate the community about our practices while gaining valuable feedback to improve policy development. Training will be adjusted to educate officers about services available to improve community caretaking efforts by the CPD. This may require a movement from the COU to best address training needs. Training will be provided to each officer, both in the field and the classroom.

The Mayor noted that the old report from the CPD was dead on arrival and wanted to know if the new chief understood what the council and public were asking for. He did. Thomas indicated that he thought the new chief was doing a good job and being transparent and working toward priorities. I don't want to micromanage the process. Treece didn't want a formal report, but he likes this update and wants to know how the chief leads by example. He does not want a formal report. Thomas and Skala agreed. Skala also noted that the best results in policing came from the Community Outreach Unit. Are their roles going to be diminished under the new system? Sounds like they are being given more responsibility. The chief indicated that there could be some shifts of officers out of COU to officer training. We will try to use officers from patrol to rotate through COU to make up for any shortage created by the responsibility shift. This could actually increase our numbers in targeted neighborhoods and expose more [people to the program overall. Skala appreciated that approach.

Skala asked about changing out gold buttons from uniforms. The chief indicated he wants everyone to feel equal, so he has eliminated some of gold buttons from command staff uniforms. They have also put command staff in uniform on a more regular basis. Ruffin complimented the chief on his work so far and asked about recruitment. The chief said recruitment is not great. He has been there for one month. There are 10 to 11 vacancies and retention is a problem. I think morale is better and that could help with retention. Trapp thought the day-to-day operation seems better and likes the changes to various job descriptions that have been suggested. In the upcoming budget, we need to look at career ladders. Maybe that will help with retention as well. Let us know what we can do to support your efforts. The chief added that in the near future they will be presenting some officer achievement awards at council meetings.

Pitzer said that he does not want to micro-manage the police department, but he thinks the council would benefit from knowing what the final plans for COU and community policing will do. That will also help us with budgeting and resources. The Mayor also asked about needing any policy changes by the

council that would help the force move forward. He suggested that the chief should bring that forward at some point.

No further action was taken.)

REP24-19 Creation of work group by Police Department to examine Vehicle Stop Report Data and make recommendations to the Interim Police Chief.

(Action: The Interim Chief of Police is in the process of gathering public input to form a working group to address the disparities evident in the Vehicle Stop Report (VSR) issued by the Missouri Attorney General's Office.

In an effort to improve City-wide communication and transparency, the formation of this group is being brought to Council's attention. The information contained in the VSR has exposed a need for further examination. It will be the objective of this group to examine current data, identify gaps in data, develop a plan to gather additional data, and interpret the data and make recommendations to the Interim Chief of Police to improve service delivery.

The chief noted that they had a listening session this month, but it was not as diverse as he had hoped so they are going to try again. One problem is that different groups come up with different data sets so I am trying to put all that together so we can get to the truth of the data.

No further action was taken.)

REP16-19 East Campus Streetlights.

(Action: Water & Light has completed a street lighting project in the East Campus neighborhood. This project upgraded 36 existing mercury vapor street lights. As part of this project, staff measured light levels, at representative locations, before and after the lighting upgrade and is reporting this information back to Council. This information is intended to represent the impacts of this change and help guide the decision for future lighting improvements in in the East Campus neighborhood. The cost for to install these lights was \$19,651 and was constructed as part of the annual Capital Improvement Project (CIP) E0182 Mercury Vapor Street Light Replacement.

Where new lights were installed and not blocked by the tree canopy, lighting levels improved dramatically. In areas where the trees are more dense, significant tree trimming would have to occur.

The East Campus neighborhood is in an older section of Water & Light's service territory and is served primarily from overhead electric service. There are more than 115 existing streetlights within the East Campus neighborhood. These streetlights are attached directly to the wood poles used for the overhead electric distribution system, are placed at intersections and roughly 200 feet apart. This is far more than the minimum that Section 27-149 of the City's Code of Ordinances would require.

Staff has met with several groups since 2016 that live or own property within the East Campus neighborhood including several students, members of the East Campus Neighborhood Association and rental property owners. Consensus among these groups is divided on the issue. If increased lighting levels are still desired, staff recommends commissioning a study with an appropriate lighting consultant to evaluate the East Campus neighborhood to recommend an appropriate lighting project.

Peters suggested that additional lighting needs to be suggested by a consultant but does not want to go cutting down a bunch of trees. This is a walkable area and we should look at this. Sometimes kids walk down the middle of the street because it is more well-lit than the sidewalks.

No further comment or action was forthcoming.)

REP17-19 Administrative Public Improvement Project: Cosmo Park LED Lighting Improvements.

(Action: Unless the Council determines that the project should follow the standard public improvement process, the Manager may proceed with the administrative process. The public improvements on the attached form meet the eligibility requirements for projects that can follow the administrative public improvement process.

The cost of the project is \$30,000 and is funded by the Recreation Services User Fee Fund.

This report was accepted without formal action.)

REP18-19 Administrative Public Improvement Project: ARC HVAC Controller Replacement.

(Action: The same administrative process applies to this project.

The cost of the project is \$30,000 and is funded by 2015 Park Sales Tax annual park improvement funds.

This report was accepted without additional action.)

REP20-19 Special Event Permit fees and other related costs.

(Action: This report was requested after questions arose following the visit by President Trump to the Columbia Airport in 2018.

Chapter 24, Article IV – Special Events Permits outlines the requirements for obtaining a special event permit and the associated fees. These fees are charged to both events hosted by nonprofit and for-profit organizers. Events involving First Amendment freedoms are not required to pay fees provided they do not block roads or impede the regular flow of pedestrian or vehicular traffic.

However, if First Amendment events do block roads or impede the regular flow of pedestrian or vehicular traffic, event organizers are required to obtain the appropriate permits and pay all applicable fees. Fees related to Special Event Permits include either a twenty-five dollar (\$25.00) application fee which is charged when an event organizer applies to close a portion of a sidewalk or street that is outside the scope of Sec. 24-73, or a one-hundred dollar (\$100.00) application fee in which the City Manager designates a city event committee authorized to close any public street, sidewalk, or public place. The latter is associated with many events held downtown.

Events that may be hosted at the Columbia Regional Airport do not have specific fees, in part because it is uncommon for events to be held at the airport. Excluding the political rally held in November 2018, the only event that is routinely held at the airport is the 'Salute to Veterans' Airshow. In addition, past political arrivals and departures have not required additional airport personnel as their respective political events were held in a different location.

In addition to any required Special Event Permit fees, some events may require the presence of off-duty police officers to provide police presence or traffic control. The decision to require off-duty officers is made by the Columbia Police Department (CPD) on a case-by-case basis; however, the presence of off-duty officers is required for traffic control in areas that the CPD has determined to have high traffic volume or require more complex traffic control. These areas are determined to require traffic control that is beyond the ability of event volunteers.

The cost for an off-duty officer varies depending on event organizers and assignment specifics. Columbia Police Officers are not required to work these events; when opportunities arise, officers may volunteer. The rate is negotiated between the event organizers and interested off-duty officers. There are several annual special events in which officers are assigned to provide a law enforcement presence or traffic control. This is usually done for large, long-standing, community-wide events, law enforcement events, or events with unique security or traffic control needs. The decision whether or not to provide service to these events is made by a senior-level CPD commander and is approved by Council-approved Operations Agreements with the event organizers. Under these circumstances, event organizers are not required to hire off-duty officers.

If officers are assigned to an event, the CPD prepares a staffing plan that is specific to each event. For dignitary visits that are anticipated to involve escalated security concerns or high-volume traffic, the CPD must provide police presence.

The City Manager explained that when the President visits the community you have to provide police support and the report itemizes the process and procedure for doing so.

No formal action was taken.)

REP21-19 Community Foundation of Central Missouri 2019 Report.

(Action: The annual report of the Community Foundation was presented to the council on an informational basis to explain the operation of the foundation and provide detail regarding grants made in the past year and overall balances in the account. The fund currently has assets of just more than \$8.5 million and made grants in excess of \$1 million in 2018.

The board of directors is comprised of 19 local individuals and John Baker, who is a city employee, serves as executive director of the foundation.

Trapp noted that the foundation has a good track record of success and that it both raises funds and raises awareness of a variety of good programs that lasts for a long time. The Mayor asked at what point the salary of the Executive Director is transferred from the city to the Foundation. Staff did not know exactly. Skala thought it was a good program.

No formal action was taken.)

REP22-19 Short-Term Rentals Progress Report.

(Action: The staff provided an update to the city council on the status of efforts to impose taxes on and regulate short term rentals in the City of Columbia. The process began in November 2017 and has been the subject of numerous public meetings and input sessions. An important public comment session will occur on March 7 during the regularly scheduled Planning and Zoning Commission meeting. Based on progress to date, the following schedule can be anticipated:

March 1, 2019: Revised draft ordinance posted for review and comment.

March 7, 2019: Planning & Zoning Commission convenes a second listening session on the revised draft.

March 21, 2018: Planning & Zoning Commission meets in work session to discuss the draft ordinance.

April 25, 2019: Planning & Zoning Commission public hearing on ordinance.

According to this schedule, Council may expect a Planning & Zoning Commission report in June. The schedule and additional information may be found at: <https://www.como.gov/community-development/planning/short-term-rentals/>

Skala asked if the council would see this in June? Staff said it would probably come in then. Staff said they are taking the position of compromise between some sharply divergent points of view. Pitzer believed that this is the third draft. Are more coming? Probably. Pitzer thought it sounded like there are more restrictions on non-owner hosted facilities. How did you get to that point? Staff said it came from public comment and that this has varied over time as more people had come forward. Pitzer said that we made rules for bed and breakfasts in the new zoning code. This adds a whole bunch more new regulation. Why can't we just use a black and white definition for a bed and breakfast and make some accommodations for this model without changing the whole code? Staff said they believe that short term rentals are different than traditional bed and breakfasts. Long term rentals are even different, and we are trying to look at the continuum of use. We don't have a lot of traditional bed and breakfasts. Staff side that right now 61% of rentals are being rented as an entire home, which means you could have a whole team of people occupy the building with one rental. Short term rentals do not have the same impact generally as bed and breakfasts. Pitzer thought we are trying to thread the needle on this issue, and he thinks the bed and breakfast regulation model would be the cleanest way to go. Pitzer also thought the council should provide some input ahead of formal consideration and does not want to drag this out.

Skala thinks bed and breakfasts are distinct operations. His constituents have been quite firm about nuisance issues, which are not found in typical bed and breakfasts. Why don't we just bulk up enforcement on nuisance? Because it is hard to enforce so we need new rules. Ultimately, the council will have to decide. It has taken a while, but I think we need the input.

The Mayor was concerned that opening up a bunch of conditional use permits to allow short term rentals. How many do we already have offering short-term rentals in R-1? Staff said that in any typical month, 270 homes are offered for rental in all zoning categories. The Mayor said he does not want to have 270 conditional use permits coming to council. Why not make this work through the nuisance process, beef up funding, and regulate occupancy based on current rules, but prohibit uses that would not otherwise be allowed? The Mayor indicated that if you have someone renting an occasional room to a few people, that would be OK. But, if you market a house for 20 people, that's too much. Pitzer said if that's what we think, we need to say that now. The Mayor also indicated that they should all be taxed and all be inspected. Skala thought we should not short-circuit the process and try to direct the staff as to where these rules should go.

A member of the public was recognized to speak. She is concerned about the availability of affordable housing in the downtown area. We have many cost-burdened households. We have 5,000 units available for rent but may need improvements. If demand is lessened for some of these rental units, the cost will go down. Homes do not pay their fair share for infrastructure costs already. This will replace the natural rental market forces and will increase rents if you allowed to rent on a per night, per room basis. This could allow rental owners to have a wide-open way to increase rental income and it will come at the expense of families trying to raise a family. She cited a study by Caleb Colbert. She suggested that because our ordinances are complaint driven, there is uneven enforcement and there is not enough funding to enforce current rules, so more specific actions are required. You have a choice of favoring one group of investors over home owners. You need to encourage affordable housing regardless of

residential zoning. Do not give the advantage to investors. This is clearly a commercial use in a residential area.

I am concerned that enforcement is uneven. If you enable this, you are creating a property right that later you will be accused of a taking. If you enable a commercial enterprise in a residential neighborhood you will create a perceived property right. The note from Caleb Colbert was produced at the behest of the Grasslands Association. The Mayor asked the speaker if they had talked about short term rentals being good for historic preservation and she agreed.

Skala then said the council needs to take hands off right now and let this process proceed.

No further action was taken, and the Mayor was not sure that the discussion had been helpful.)

[LINK TO CURRENT DRAFT ORDINANCE \(AS OF MARCH 1, 2019\)](#)

REP25-19 Intra-Departmental Transfer of Funds Request.

(Action: No action required. Report accepted.)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

One speaker mentioned that this past Tuesday a homelessness meeting was held and that the new police chief may be doing the right thing. He said he was asked to not attend a meeting because he was not a business. It is cold tonight. Thank you for opening the Wabash Station tonight. Life is too hard for adults and kids. They need help staying warm. Why not build four structures for men, women and children and make sure we take care of these people? We need to do more for more people. We need more empathy.

Council

Thomas thanked staff for getting him additional information regarding speed and fatal crashes. Most have occurred on major arterials and expressways. If we are going to achieve our Vision Zero goals, we will have to address speed. Many streets are not eligible for speed calming. We need a new program for speed calming on major collectors like West Boulevard and Ash. Those streets are not eligible. I would also like to look at landscaped medians and other traffic calming on major roadways.

Thomas also thinks that the Water and Light Advisory Board has only five members and they meet in the afternoon. Should we have a larger – all utilities board – that includes sewer and solid waste and increase the size of the board? Let's look at that in the future and maybe schedule meetings at different times. Skala agreed that that board has its hands full, but just Water & Light is a lot of work and was not sure they should have to broaden out to sewers and solid waste. Thomas indicated he might not pursue that idea.

Thomas noted that Greyhound wanted to use the Wabash station. Now they are at Midway. For a while they were out at Big Bear. Staff can revisit this concept with Greyhound. He also wants an update on the Burns and McDonald study on food waste.

Peters mentioned that now we have a fire station down south, but now we need one on the east side, but we are having trouble finding land. Do we need to engage a Realtor to find some land? The city manager indicated we know of some land, we just need to find the right price. An offer has been made

for a new site. We will see how that goes. She also congratulated chief Jones on the officers who helped with the man who was having mental health issues. Good work.

Trapp mentioned the first comments that were made this evening regarding plantings on the parking garage. I know we have already spent some money on artwork there, but lets see if we can find a little more funding to see if his idea for live plants can work. Staff said they will get a committee together and look at that. The Mayor said before we make it look better, he would rather see some safety enhancements. Skala noted that he was on the council when that big garage was ultimately built, and it started a lot smaller than it is today. This was a competitive design. I've seen this kind of thing before, but you have to be careful about the choice of plants. I saw some of this in Korea and some people like it. Some don't. I also know that there have been some negotiations regarding the trail near Old Highway 63. Will the approval of any new funding for that easement acquisition come back to the council? The Mayor said not for approval, but we can get a report. Skala wants an update.

Skala wants to take another look at our transit system and how we can better address funding. He wondered about shaving funds off of road maintenance and airport operations, but he wants some hard numbers. What if we changed 1% of the funding and reallocated it? He said that at a train station he visited, there was a paved parking lot that charge \$2 per night. Could we do something modest like that at the airport? How much could we raise to park on concrete lots? Skala said that he and Thomas will meet with city staff to figure out where the \$150,000 appropriated by the council for racial equity will go.

The Mayor indicated that a woman from Oakland Crossing had made a Freedom of Information request regarding the earlier controversy about a council member and the affordable housing fund. The Mayor wants to waive the fees. The clerk indicated fees may come to approximately \$80.

A motion to approve the waiver passed unanimously.

Staff
(None.)

ADJOURNMENT
(Time: 9:01 PM)

CITYWATCH ELECTION ADDENDUM

Although this recap typically serves as a report on the regular City Council meeting that occurred on Monday, March 4th, two items were brought to our attention that have to do with the municipal elections coming up on April 2. You may be interested in the following two scheduled meetings:

Climate Action, Clean Energy, Environment Candidate Forum -- Mayor & School Board

Both candidates for Mayor are expected to participate along with 3 candidates for School Board

Thursday, March 7, Boone County Government Center, Commission Chambers

Refreshments at 6:30 PM, Forum begins at 7 PM.

Muleskinners Club School Board Candidate Forum

Friday, March 15, HyVee on Grindstone Meeting Room (Upstairs)

Noon (Lunch optional)

Both meetings are open to the public and the media.

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