

The logo features the words "CITY WATCH" in a bold, black, sans-serif font, with a magnifying glass icon over the letter "C" in "CITY". Below this, the word "PREVIEW" is written in a lighter, blue, sans-serif font. The entire logo is set against a white rectangular background, which is centered on a larger blue rectangular field.

# CITY WATCH PREVIEW

## **CITY COUNCIL/P&Z PREVIEW – MONDAY, APRIL 15, 2019**

The council will swear in its newly elected members and return to its normal workload after a few weeks of lighter-than-usual agendas. This week's council meeting features a debate about defining fire district responsibilities; a proposal for new internal auditing capabilities; and a host of Consent Agenda items. Plus, the Planning & Zoning Commission continues to look at the issue of where medical marijuana can be grown and sold in Columbia, as well as reviewing the new Capital Improvement Project transportation list.

[FOR A COPY OF THE ENTIRE CITY COUNCIL AGENDA, WITH ATTACHMENTS, FOLLOW THIS LINK](#)

[FOR A COPY OF THE P&Z AGENDA, WITH ATTACHMENTS, FOLLOW THIS LINK](#)

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### **PUTTING OUT FIRES**

In 2018, the State Legislature enacted amendments to Section 321.320 RSMo which provided that any newly annexed territory of a municipality would no longer be automatically deannexed from a fire district. Since the enactment of the 2018 amendments, any removal of newly annexed territory from the BCFPD requires a request by the property owner and approval of a fire district board in order for the property to be de-annexed by the fire district. Unfortunately, the original legislation did not address the inherent conflicts created by a dual service territory where both a city and a fire district have obligations to respond to an emergency event and Boone County Joint Communications has no clear direction as to which jurisdiction to dispatch to a call for service. Currently, Boone County Joint Communications dispatches both city and district fire crews when calls are received from disputed areas.

A lawsuit regarding the situation has been filed to make a final determination regarding which entity is entitled to receive corresponding tax revenues paid by citizens and which entity has primary responsibility for answering calls when fires or other emergencies are reported. The City does not believe the judicial system is the proper mechanism to resolve the conflict because, among other things, the statute is silent on the issue; therefore, the City is opposing the declaratory judgment action. At the same time, there is a general recognition for the need to establish some type of mechanism to resolve the dispute between the jurisdictions in order to ensure the safety of the public as well as the safety of the firefighters who are dispatched to respond to calls.

On Monday night, the Columbia City Council will consider an agreement between the city and the fire district to put a temporary hold on the lawsuit and give the state legislature time to pass a bill that will clarify the situation. The legislature adjourns on May 17<sup>th</sup> of this year. The agreement to put a temporary hold on the lawsuit will expire on June 1 if the legislature does not take action. That would mean the situation will continue as it currently exists unless the city and fire district can come to some sort of new mutual agreement.

Staff recommends the City Council authorize an agreement with BCFPD which, if approved, would request a stay in the litigation while the parties seek a legislative fix to clarify the roles of the jurisdictions.

#### **A DIFFERENT KIND OF AUDIT**

In the Reports section of the City Council agenda, there are two items relating to audits of city programs, procedures and finances. This discussion, however, focuses on an auditing plan of action that would be carried out by the city's internal auditor, not the State Auditor. A call for an independent performance audit of city departments BY THE STATE AUDITOR was floated in 2018, but never adopted by the council.

The new proposal relies on the city's internal auditor and is designed to achieve the following goals:

1. to assess whether adequate Financial control audits designed to ensure adequate controls exist to safeguard City financial resources;
2. to conduct Fraud investigation audits designed to determine whether fraud has occurred, the extent of the fraud and recommend corrective actions;
3. to conduct performance audits designed to assess the efficiency and effectiveness of operations, activities or programs; and
4. to perform follow-up audits designed to evaluate actions taken in response to prior audit findings.

The auditor will be accessible to the city manager and the city council for discussions, but the council shall not be allowed to advise the auditor to take, or not take, any specific actions. If an issue arises that requires additional outside investigation, that information can be acted upon by the city. Although the plan submitted with this new audit plan shows a 1, 3 and 5-year time frame, audit reports are due no less than once annually, and changes to the original audit plan are expected as audits progress.

The accompanying audit plan submitted by staff breaks audit functions into levels of highest and lowest importance and covers all functions of city government. The purpose of the new audit plan is not to determine specific cash balances and reconciliation of accounts, but rather to determine functional performance and procedural enhancements that can improve the overall function and integrity of the city as it delivers services in Columbia. Discussion is expected among council members on Monday, although public comment is not anticipated during the Reports section of the agenda.

#### **COUNCIL CONSENT ITEMS**

There are currently 21 items listed under the Consent section of the council agenda for April 15. Many are administrative in nature and allow the city to accept or transfer funds, execute agreements with various entities to complete previously endorsed projects or approve final plats and temporary construction easements. Among the items in this section are the following:

- Amending Chapter 5 of the City Code to establish a provision to exempt certain public and private schools and educational institutions from keeping chickens.

- Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for the completion of a Documented Categorical Exclusion (CATEX) review relating to the proposed new terminal site at the Columbia Regional Airport.
- Authorizing a state aviation trust fund project consultant agreement with Burns & McDonnell Engineering Company, Inc. to complete a Documented Categorical Exclusion (CATEX) checklist relating to the proposed new terminal site at the Columbia Regional Airport.
- Setting a public hearing: consider proposed options for the Flat Branch Park Expansion Master Plan.

### **P&Z - WORKING ON WEED**

The Planning & Zoning Commission will have a full schedule of work this week. In addition to its regular meeting evaluating zoning and land use requests (4 cases), the P&Z worksession will focus on two other important issues including medical marijuana and the Capital Improvement Project (CIP) list for the coming year.

**Medical Marijuana** - The Missouri Legislature has created a situation that puts the City of Columbia in a bind – this time in relation to the new law allowing the cultivation and sale of medical marijuana in the state. The problem is, it is not clear WHERE eligible growers and buyers can actually go about their business. State law outlines a specific process for applying for licenses to grow, process, test and sell medical marijuana. But one of the questions on the application requires applicants to provide a specific address for where the growing or selling will take place. The Columbia UDC (Unified Development Code) does not specifically define the sale or cultivation of marijuana as an allowed use and so does not say where such facilities would be allowed. State law prohibits such facilities from being within 1,000 feet of a school, church or child care facility, but also allows local governments to adopt their own rules regarding proximity other restrictions.

As a result, the Columbia Planning & Zoning Commission has scheduled special worksessions (including the worksession on April 18) to craft new rules and definitions relating to weed that will be forwarded to the city council for final action. Some people have suggested that the 1,000-foot rule should be reduced to 200 feet, but city staff is not so sure. In earlier worksessions, staff suggested that the city establish working definitions, but retain the original provisions of state law regarding locations fearing that there is not sufficient time to vet new rules and avoid unintended consequences.

According to the time frame established for implementation of the new state law, the city must complete its work on or before June 4 of this year to allow applicants enough time to qualify for the limited number of licenses available from the state. If P&Z and the City Council are able to stay on track with their current schedule, the City Council will vote on the issue on June 3. Comments on the new proposals should be directed to your city council representative or to the P&Z Commission through the Planning Department at City Hall.

### **CAPITAL IMPROVEMENT PROJECTS**

**Capital Improvement Projects (CIP)** – Here’s a quick recap of the project list the P&Z Commission will review before sending it along to city council for final action:

**3 Roundabouts** – Forum and Green Meadows, Nifong and Old Mill Creek and Keene and I-70 – The first 2 are \$1.2 million. Keene is \$832,000.

**Big Sidewalk Projects** - Carter line in Ward 6 - \$161,000; Lynn/Oak/Sexton - \$213,000

### **Trails, Shoulders and Alleys -**

- **Third Avenue Alley:** The construction of a 10-foot-wide asphalt pavement within the alley right-of-way of Third Avenue (between Garth Avenue and Grand Avenue) will improve access to the properties along each side of the alley in Ward 1. The estimated investment is \$150,000 with funding from the 2015 Capital Improvement Sales Tax ballot and the Transportation Sales Tax. An interested parties meeting was held on Feb. 21, 2019 with a public hearing for final approval scheduled for April 1, 2019.
- **Ballenger Lane:** The construction of 6-foot-wide shoulders along Ballenger Lane, from Ria Street to Mexico Gravel Road. The estimated investment is \$2.2 million with funding from the 2015 Capital Improvement Sales Tax ballot.
- **Shepard to Rollins Trail:** A 10-foot-wide concrete trail, starting at the east end of Rollins Street, crossing Hinkson Creek and connecting at the Bluffdale Drive cul-de-sac. The estimated investment for the trail connection completed by Columbia Public Works is \$1.74 million with funding from the 2012 Federal Highway Administration's Non-Motorized Transportation (GetAbout) grant.

### **Traffic Calming**

- **Rain Forest Parkway:** Two speed tables and one speed hump will be constructed on Rain Forest Parkway,
- **Primrose Drive:** Two speed tables and two speed humps are planned on Primrose Drive, between Stadium Boulevard and Sunflower Street, in Ward 2.
- **William Street:** The public involvement process is still ongoing for calming features between Broadway and Rollins Street in Ward 6. The estimated investment is \$50,000.
- **Canterbury Drive, Scottson Way:** Prior to roundabout construction at Forum Boulevard and Green Meadows, speed humps and tables will be installed on Canterbury Drive and Scottson Way in Ward 5 to reduce traffic speeds. The estimated investment is \$20,000.
- **Walnut Street:** A speed hump will be constructed to complete a calming project started last year in Ward 3 when a flashing beacon was installed. The estimated investment for the speed hump, which will be located west of Melbourne Street, is \$5,000

### **REGULAR BUSINESS AT P&Z THIS WEEK**

The following items will appear on the P&Z agenda this week. ***(A proposal to amend regulations relating to short term rentals has been withdrawn and will be re-introduced at a future date.)***

- A request for a two-lot final subdivision plat to be known as "Tuscany Estates" and a design adjustment requesting relief from the requirement to build a sidewalk alongside Oakland Gravel Road
- A request for a major amendment to the "Gadbois Professional Offices PD Plan". (Specifically, the applicant wishes to permit a restaurant within the building that serves alcohol by the beverage, and they wish to permit additional wall signage for this tenant.)
- A request for a major amendment to the existing PD development plan known as Kelly Farms to increase monument signage height and area from the permitted 4-foot height and 16 square-foot area per sign, and to revise driveway locations for the multi-family lot.
- A request to permanently zone 0.24 acres of property to City M-N (Mixed Use-Neighborhood) from County C-G (General Commercial) upon annexation. (The subject site is located on the north side of St. Charles Road, approximately 400 feet west of Grace Lane, and is commonly addressed as 5305 E. St. Charles Road.)

### COMIC RELIEF

On April 17<sup>th</sup>, Job Point will host its annual Comedy Night fundraiser at Stoney Creek Inn in Columbia. The event features 5 local “celebrity” comedians and professional comedian, Greg Morton. The event features a heavy hors d’oeuvres buffet and a cash bar for individual ticket holders. Doors open at 5:30. Show starts at 7:00 PM.

By the way, the local comedians include the publisher of CityWatch – Mark Farnen, along with Erica Pefferman from The Business Times Company; Dickie Walls from The Heidelberg; Jon McQuilkin from Eng & Woods; and Thomas Rost from Arris’ Pizza.

Hope to see you there. It’s a great time for a good cause.

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