



**Columbia City Council Meeting Recap**  
**Council Chamber, Columbia City Hall**  
**7:00 PM**  
**Monday, May 7, 2018**

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Pledge of Allegiance  
Roll Call

**INTRODUCTORY ITEMS**

(Recited as indicated.)

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

Approval of Minutes  
Adjustment of Agenda

(Minutes from April 16, 2018 were approved as presented.)

(B83-18 moved from Consent Agenda to Old Business and B89-18 moved from Consent Agenda to Old Business by Thomas.)

**SPECIAL ITEMS**

(None.)

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

(None.)

**SCHEDULED PUBLIC COMMENT**

**SPC16-18** Tara Warne-Griggs - Discuss the change processes needed to implement community oriented policing.

(Action: Did not appear as scheduled.)

**SPC17-18** Lynn Maloney - A summary of specific recommendations for policing.

(Action: The good news is that there is sufficient information to create a good policing policy. Sgt. Fox and the City Manager told the study group to come back when they had specific recommendations. We have had such recommendations for many years. Here are some of the specific things we recommend. Create policies and publish the report.

Do an analysis of police stops based on racial profiling. We will present a full report by June 30.)

**SPC18-18** Steve Callis - International Compost Awareness Week.

(Action: This week occurs May 6 through 12. We want to encourage composting and reuse. This year's event will include a food scrap drop-off at Capen Park. There will also be a compost demonstration program at Capen Park that night. On May 10 a proclamation honoring this week will be issued. On Friday, an additional event will be held.)

**PUBLIC HEARINGS**

**PH12-18** Proposed installation of a suspended ceiling system in office areas at the Columbia/Boone County Public Health and Human Services facility.

(Action: The Department of Public Health and Senior Services (PHHS) is located in a building with an open ceiling with exposed air handling units. It was previously a grocery store. While the design may be aesthetically pleasing, the air handlers are quite noisy and don't lead to optimum working conditions. Thus, PHHS wishes to add a drop ceiling in all portions of the building where office space is located to assist in noise reduction, and may provide for better energy efficiency. The work will include not only the installation of the ceiling tiles, but will also require dropping sprinkler heads, lights, duct work, motion sensors, and public address speakers. Simon Associates of Columbia, MO was hired to provide preliminary design, develop construction documents, coordinate the bidding process with the City purchasing division, and construction management for the installation of a new suspended ceiling system at a cost of \$17,730. The construction cost estimate is \$191,000 and the work is expected to take 10 weeks to complete. Additional pictures were presented. Walls do not go all the way to the ceiling in all parts of the building.

The Mayor asked if there were other sources of funds that could be used for this including other public health funds. The City Manager indicated that there were no other obvious sources. Skala asked if this will help with energy savings. Staff indicated that it will help balance heating and cooling zones in the building.

No public comment was received.

The Mayor asked how they funded police station improvements. Staff indicated that they used departmental funds and there was not enough left to rededicate to a purpose such as this.

**Motion to approve as presented passed unanimously.)**

**PH13-18** Voluntary annexation of property located generally southeast of the intersection of I-70 Drive SW and Strawn Road (840 N. Strawn Road) (Case No. 18-47).

[See B94-18 under Intro & 1st Read/Mayor Memo]

(Action: **This is the scheduled public hearing only. No vote will occur during this meeting, but public input will be accepted. Other zoning and subdivision questions will be considered on May 21.** The applicant, the City of Columbia (owner), requests annexation of 47 acres Boone County R-S (Single-Family Residential) zoned land into the City of Columbia. The property (including a vacant house) was donated and accepted by the City Council on March 20, 2017. The City is seeking R-1 (Single Family Residential) zoning as permanent City Zoning, however future rezonings may occur. Per state statute, a public hearing must be held prior to final action being taken on the annexation of property into the corporate limits. Previous input meetings were held earlier.

The subject site is contiguous to the city's boundary on three sides (west, south and east) and is located within the Urban Services Area. The property is capable of being served by city utilities upon annexation. The subject site is currently serviced by Consolidated Water District 1; however, the site is located in the City's water utility service area. A public water main extension would be required prior to future site improvements. In a recent report, the Columbia Utilities Department estimated that an extension of water main (typically eight-inch diameter) sufficient to deliver fire flows to the property would cost approximately \$580,000. There is presently City of Columbia sanitary sewer along the southern perimeter of the tract, and the property is in the City's electric service area.

Other City services that will be provided upon annexation include Solid Waste, Fire and Police. City Fire Station Number 2, 1212 West Worley Street, is the closest fire station, approximately 2.5 miles to the east. Strawn Road Park is to the west of the site. The property is improved with a vacant single-family house. Prior to the March 2017 conveyance, the house had been stripped of many fixtures and wall and floor coverings. The house would require extensive rehabilitation if it were to be re-used. Surrounding include agriculture, single family residential, open space/Strawn Road Park, and a salvage yard with County industrial zoning. Harmony Creek meanders on and off the west side of the property and there is FP-O (Floodplain Overlay) zoning to the west, south and east sides of the property. The property has access from Strawn Road and I-70 Drive Southwest. The 2011 Scott Boulevard Access Justification Study (AJR) shows the alignment of the Scott Boulevard extension and associated interchange improvements crossing the property. The annexation and permanent zoning of the property is being concurrently processed with a two-lot final subdivision plat (Case #18-48) which will dedicate right-of-way for the proposed future extension as shown on the CATSO Major Roadway Plan and the generalized corridor plan identified in the AJR.

Public input received to date has primarily requested the Council consider commercial zoning to support an animal shelter on-site. Additional input has requested opportunities for other non-profits and services to have consideration as the site develops in the future. The Planning and Zoning Commission considered the proposed annexation and permanent zoning (Case #18-47) and 2-lot final plat (Case #18-48) at their March 8, 2018 meeting. The Commission voted (9-0) to permanently zone the property R-1 and approve the final plat.

Skala asked if this donation of land was not related to the extension of the Henderson Branch sewer. Staff confirmed that the two are separate issues. Peters asked how they determined that it should be divided into two parcels. Staff indicated that at this time there was a reasonable division, but that it could be further subdivided in the future. Thomas asked about a public right-of-way. Staff indicated that such a right-of-way did exist and that it was based on CATSO planning, even though no specific road plan is currently approved. If a road were to be built there, it could cost in excess of \$6 million. The Mayor asked about bringing this in as a commercial rather than residential property. Staff indicated that it will come in with zoning the same as what it had in the county. The Mayor thought some of this should come in as commercial. Staff indicated that that could be true, but that some infrastructure improvement would be required. The Mayor wants to sell this property in the future and believes that we should zone it to a higher use now. Pitzer indicated that we would need to let surrounding property owners know what we were doing before we do it but liked a commercial zoning. Skala indicated he was nervous about upzoning before any discussion about use occurred.

Thomas thought this required more discussion before we start discussing how to sell this to someone else without knowing what that real use would be. He also thought it should be subject to a future West Area Plan. Peters had similar concerns about road plans that may not materialize for many years.

Public comment was opened.

The first speaker indicated that he thought Thomas was right to ask for more discussion before a more intensive use is decided upon. We need a West Area Plan and West Area Transportation Plan. Instead of having a bunch of people coming in and telling us what they want to do, we should take this opportunity to ask people what they want to see here, since we own this. I am not opposed to annexation, but I do not want to get into specifics of use at this time. Do not plat this right now. This is a great opportunity for input.

**Public hearing was closed. No further action was taken at this time. Additional discussion will occur on May 21.)**

#### **OLD BUSINESS**

**R29-18** Authorizing an agreement with Columbia STEM Alliance, Inc. to provide financial support to build a collaborative network of educators, business partners and organizations to inspire interest in Science, Technology, Engineering and Mathematics (STEM) careers and generate a robust workforce for the community in support of the City of Columbia's Strategic Plan. (Tabled at the March 5, 2018 Council Meeting.)

(Action: At the March 5, 2018 Council meeting, Resolution 29-18 authorizing the City Manager to execute an agreement with Columbia STEM Alliance, Inc. was tabled until May 7, 2018. The agreement included financial support in the amount of \$35,000 from the FY2016 general fund savings to Columbia STEM Alliance, Inc., to promote and support education in the fields of Science, Technology, Engineering and Mathematics (STEM) within our community, in accordance with the City's Strategic Plan.

City Council voiced concerns about providing financial assistance to a not-for-profit organization in the amount of \$35,000 and whether this was an appropriate use of taxpayer dollars. They also had concerns that there wasn't a specific scope of services included with the agreement. It was noted that although Council had agreed to do something related to STEM, they had not identified a specific organization that would receive the funding.

Staff now recommends withdrawing the resolution and moving forward with a Request for Proposal (RFP) for STEM programs. \$35,000 will be awarded to respondents after evaluation by a review team. The Mayor indicated he would approve that suggestion, then take this off the agenda for tonight and let staff come back with an actual RFP. Staff concurred.

Skala asked for clarification on the process for approval and staff indicated that they will come back with a formal RFP. The Mayor thought this was the preferred method for dealing with non-profit funding.

**The motion to approve the existing resolution was defeated unanimously, 7 -0. By virtue of that vote, the issue was returned to staff who will bring back an RFP proposal at a future meeting.)**

**B87-18** Approving a redevelopment agreement in connection with the Broadway Hotel Phase Two TIF Redevelopment Plan and Project.

**(It should be noted here that many discussions of this topic during the evening were of a very technical nature. Some nuance and technical details of the final agreement may not be exact, and some items discussed were left open to further discussion and refinement. This account should be considered as an overview of the proceedings that occurred.)**

(Action: After the initial vote to approve the TIF Plan for the Broadway Hotel project, the Mayor asked staff to negotiate a final agreement that included various clawback provisions, negotiated interest rates and guarantees regarding job creation. The staff reported back as follows.

On December 4, 2017, by a vote of 5-2, the City Council voted to designate a site located at 1104 East Walnut Street as a redevelopment area; approved the Broadway Hotel Phase Two Redevelopment Plan and project; adopted tax increment financing (TIF) within the redevelopment area; and directed staff to bring back to Council a redevelopment agreement detailing the specific requirements to be met. The

attached 30-page agreement is similar to the previous two redevelopment agreements that were approved by Council for The Tiger Hotel and The Broadway. However, based on Council input, a few changes have been incorporated into the agreement. These changes are summarized briefly below:

1. TIF Obligations (Article 5.1.1) – The two prior redevelopment agreements specified that the TIF Notes would bear interest at a variable rate equal to the Prime Rate less 150 basis points for a tax-exempt rate. The taxable rate was calculated by taking the tax-exempt rate divided by 0.65. The interest rate was capped at a rate of 10%. The change made in this agreement fixes the interest rate for the entire period of the agreement. At this time, the formula under a variable rate would set the current interest rate at 8% but the council is asking for a fixed rate of 6.65%. The applicant is asking that the variable interest rate formula be adopted. (An amendment to that effect was later proposed by Matt Pitzer.)
2. Jobs Requirement (Article 6.6) – There were no provisions in the original two TIF agreements for job creation. After much deliberation between the City and the Developer, the agreement contains provisions for the Developer to certify during the first year of operation of the new tower that a minimum of 37 jobs (FTEs) were created.

Clawback provisions regarding the final certified project cost are addressed by the definition of the “Final Certified Amount” (Article 4.1.5) which means “an amount certified by the City after the City verifies the actual project costs submitted pursuant to Section 4.1.5 equal to (1) if the verified actual Project Costs are equal or greater than \$20,250,000, the Maximum Reimbursement Amount, or (2) if the verified actual Project Costs are less than the \$20,250,000, the Maximum Reimbursement Amount less \$1 for every \$5 that the verified actual Project Costs are less than \$20,250,000.” In addition, should the property be sold or transferred during the term of the agreement resulting in an Excess Profit Calculation, a transfer fee shall be paid to the City as detailed in Article 7.11.

For clarification purposes, the Economic Activity Taxes (EATS) resulting from Tower Two will flow to The Broadway (Tower One), as the point-of-sale for both towers is located in the original hotel. Fifty percent of the EATS will be deposited into the Special Allocation fund used to pay off the Notes issued for The Broadway (Tower One). The other fifty percent will be distributed to the affected taxing jurisdictions.

The total of all revenues generated for local taxing districts over the life of the TIF project is forecasted to be over \$9 million dollars, an increase of \$8.9 million dollars over current revenues. These revenue projections do not consider the more global benefits that will stem from the project, including secondary levels of taxes generated and ancillary benefits such as jobs created during construction, utility taxes, taxes on construction materials, state taxes, building fees, connection fees, increased number of visitors spending dollars, increased parking garage revenue, improvements to existing buildings or new building construction.

Discussion ensued.

The Mayor asked the staff representative to explain the current interest rate and calculations. Staff indicated that the current prime interest rate was 4.75%. The calculation indicated that with prime at that point, the effective interest rate would be higher than the fixed rate of 6.65% suggested by the council proposal. Staff concurred. The Mayor further asked what additional sticking points occurred during negotiations. Staff indicated that the jobs requirement language suggested in the new agreement

was not anticipated at the time of the original proposal and presentation. A fixed job requirement would differ from past TIF agreements and adds additional risk to the equation when negotiating with banks. What is included in the agreement now is a one-time certification of newly created jobs based on employment levels that exist 6 months prior to the opening of the new facility. The applicant would have 9 months to meet that job creation requirement. The Mayor asked if he recalled what the applicant represented to the council during previous testimony. Staff indicated that they promised the creation of 37 full time FTEs based on a 30-hour work week. The Mayor asked if there were any other major sticking points. Staff indicated that these were the major points of discussion and that clawbacks were built into this agreement if project spending was less than projected.

Skala asked for Gilmore-Bell representatives to weigh in on this topic since they helped craft the terms. The city is trying to protect their position and we don't want the applicant to game the system. Why was this agreement changed, particularly in terms of the variable rate language vs. fixed rate? A spokesman indicated that a fixed rate is simpler in terms of an agreement, but that over time, it is normal to anticipate that the prime rate will fluctuate and that the agreement should reflect that change over time.

Thomas asked for additional financial explanations. He asked if the city had agreed to pay back about \$2 million in expenses related to this project. Staff agreed with that. Thomas asked where the interest payment came into play. The speaker indicated that the interest represented the time value of money. If you wrote a check to the developer today, he would get a \$2 million check. But that is not what happens. Over time, the value of money could become less and so the interest payment is added to the total. The maximum permitted by statute is 10% interest. The minimum is 0%. The speaker further described the prime rate calculation and indicated that most TIF deals he has been involved in come in somewhere around 6 or 7% currently. The calculation using .65 as a multiplier represents the differential between tax exempt and taxable bond rates. Thomas asked if the city could set that rate. The speaker indicated that that is correct.

The Mayor reinterpreted that testimony. He indicated that the developer needs the money up front to build this project. He indicated that there are three ways that money could be provided. The city could issue bonds and pay the interest on those bonds. Or, the developer could go to a private bank, get a loan and then repay that loan with the TIF proceeds and the interest paid to him by the city. Or, he could loan himself the money, then pay himself back over 23 years with the money we pay him. Staff concurred that those were the most likely scenarios. The Mayor then asked what the developer would likely do? The speaker indicated that most likely, the developer would get a bank loan secured with TIF notes from the city. The Mayor asked what that interest rate would likely be. The speaker started to say somewhere in the neighborhood of 6 to 7%, but pulled back from that statement indicating that each loan is different. The Mayor stated that these are guaranteed TIF notes. The speaker indicated that they are NOT guaranteed because the promise to pay is based on proceeds from the project and that there are other variables.

Peters indicated that it is unusual to get a fixed rate loan over the period of 20 years, so she wanted to know if this was unusual to have a variable rate. The speaker indicated that the other two TIFs in this city were variable. Pitzer asked how often variable rate TIFs are issued in other Missouri cities. The speaker indicated that both fixed and variable rate projects are funded, in fairly equal proportions. He also asked for clarification on an earlier version that indicated there would be a deal predicated on prime minus 150 basis points. Staff indicated that that was a typo and should have shown prime plus 50. Pitzer then asked when the variable rate of interest would be calculated. The speaker indicated that



usually, the interest is paid on a semi-annual basis and that the interest rate is reset based on those specified payment dates. Further discussion indicated that the first payment would be made and the initial rate would be set when \$250,000 in actual costs have been expended and that subsequent project spending would increase the amount of the TIF notes endorsed by the city. A schedule appears on the actual note. Pitzer worried that over time the interest rate could change. Staff indicated that a variable rate would accommodate that. However, a fixed rate is less risky, but not necessarily cheaper.

Further discussion ensued about whether or not the formula used takes into account new corporate tax rates. Staff indicated that it did by using a 50-basis point offset then using a multiplier reflective of the new effective corporate tax rate. The 8% rate referenced earlier was based on the old formula. The new calculation is based on the new corporate tax rate anticipated.

Public comment was opened.

An attorney appeared on behalf of the applicant and indicated that they had worked out an agreement with city staff and the only unresolved issue was really the interest rate. He contended that a fixed interest rate was not optimum and that it could end up being less advantageous to the city. Be careful what you wish for. This should be a variable rate tied to prime. If the city would take these bonds and sell them, then what would they be worth? The applicant should be allowed to take this risk and allowed to offer an interest rate that is not based on a tax-exempt rate. This has been vetted with the various financial backers of this project. Pitzer asked how the previous issue had been handled. The attorney indicated that the earlier project was in two parts. Both parts were personally guaranteed, but the first part was a 70% loan and the rest of the project was guaranteed based on the TIF guarantee. The Mayor asked how this could have possibly occurred if the applicant only got 70% on the loans – where did the rest of the funds come from? The attorney indicated that other financing had to come into play.

Skala asked why the variable rate was better? The attorney indicated that if the current rate floats with the market it eliminates betting on a fixed rate.

The Mayor stated that the applicant had represented that they would create 37 jobs and asked why they would be reluctant to guarantee 37 jobs over 23 years. Why would you not agree to this? The attorney indicated that if at anytime they did not meet this level, then the proceeds from the TIF would be zero and that would not be acceptable. This is different than IBM. They can shift workers. What if there was a recession? If they had to continue to provide jobs it could artificially drain profitability and that would be based on an idea that should not be there. Jobs are based on need, not on an additional requirement from the city. The Mayor agreed that in the private sector that might be a true scenario, but that when they asked for public support they abandoned that model and have asked for public support. The Mayor believed that people expect them to live up to the statements they made earlier and create a minimum of 37 full time jobs over the entire course of this contract. One reason that the council voted for this entire package was because of the job guarantees. The lawyer disagreed with the Mayor's premise. Skala asked if the job guarantee would risk the viability of the project in a recession and the lawyer concurred.

The next speaker was the applicant and indicated that he was dismayed that the TIF notes he has are not as saleable as city notes and believes that the additional requirements regarding interest caps and job requirements make it even more difficult to make this work from an economic point of view. The Mayor indicated that the applicant had already promised this, and he wants them to honor their

promise. The applicant indicated that various successful businesses have varying levels of employment over time and that an artificial number should not be imposed.

The next speaker stated that he was a member of the TIF commission that gave this proposal a negative recommendation. He called this “never, never land.” He indicated that he had seen a lot of this discussion earlier and suggested that fundamentally, the benefits of this proposal will disadvantage other taxing entities. He suggests that what might be considered would be to use a 3% interest rate in order to have funds to repay the basic payments and that from a fiduciary point of view there should be a split and help pay off the other taxing entities, even though it may be a little tougher on the applicant – except that it may help build confidence with the other taxing entities. Don’t get bogged down in minutiae. Simply address the issue of interest rates fairly and consider other tax sources other than simply the property tax revenue could help repay the loan faster and would allow the project to go forward. He would be happy to provide the council with his calculations in the future.

One final speaker appeared and indicated that he was excited that this new project would hire a former homeless person but that that person had been let go today. He indicated that action had changed his mind.

Public comment was closed.

**The Mayor offered an amendment that would require that 37 jobs should be created in the first year but that it would be reevaluated on an annual basis.** The consultant agreed that a one-year reevaluation of job creation efforts could be acceptable and that numbers provided during testimony are always estimates. Things do change, so it would be more reasonable to establish initial job creation numbers and go from there. If we have a recession and are penalized 5% for the loss of each job, that is too severe. We will always have some jobs, and we want to hit the numbers we represented. In years where they exceed the number of jobs, they get no additional benefit, but the city does. The consultant indicated that on the first phase they exceeded their job creation numbers.

**The Mayor’s motion to amend the job creation number program was not seconded and died without a vote.** Thomas noted that he believed the job creation part of this discussion had no teeth and he was disappointed by that. Skala added that IBM never met its job numbers over time. He understands that this may be an onerous requirement, but he does want to have some sort of flexibility while having a way to force job creation. I don’t want this project to fail so I don’t want an artificial requirement that will make this project fail. **Pitzer added that no public money is at risk up front. He then offered another amendment regarding the interest rate. He thought a fixed rate was unusual in this sort of deal. His new amendment would not fix the rate today and would adopt language similar to the previous TIF agreement and would change the rate to make the tax-free vs. non-tax-free rates more compatible.** Skala asked why some TIF are fixed rate and others are not? The attorney from the bond counsel indicated that its about half and half in terms of variable and fixed rates and that some people prefer them for simplicity. Trapp spoke in favor of a variable rate.

Skala indicated that he thought from the point of view of fairness he will support the Pitzer amendment. The city has no money in this deal, so the risk is on the applicant – but he does not want the applicant to fail. We need to make sure that doesn’t happen.

**A vote on the Pitzer amendment regarding a variable interest rate passed 6 to 1 with the Mayor voting NO.**



Thomas asked about using other funds to retire the TIF earlier. The Mayor indicated that he was opposed to that idea because that would mean some competitors would have to pay off this hotels debt. Skala indicated that we use lodging taxes to pay off the airport, so maybe it would be OK. City attorney indicated that dedicated sales taxes, such as the lodging tax, may not be able to be used, but some general sales taxes may be eligible, but this would be a much more expanded discussion and would require an entirely different amendment and agreement. Thomas asked if we DID do that, we could reduce the pay off time. The city manager indicated that you COULD use some sales taxes, but that that would take money away from other projects.

**Motion to approve the overall agreement, as amended, passed 6 to 1 with the Mayor voting NO.**

**B92-18** Amending Chapter 2 of the City Code relating to the duties of the Columbia Vision Commission.

(Action: 12 years ago, a Vision Commission was created. In their Nov. 21, 2016 memo to City Council, Commission members noted that their update on vision implementation "...essentially concludes the relevant progress that will be achieved on most strategies in the original vision report. Virtually all strategies have been addressed to some level by pertinent stakeholders, and the city is in a dramatically different place than it was in 2006 [when Columbia's vision process started]." Commission members sought, and Council members provided, guidance leading to the proposal submitted for consideration. If adopted, the Commission will remain advisory, facilitate community input into City planning and regularly report its findings to Council. To prepare for their new duties, Commission members have hosted City staff at their monthly meetings and learned about planning processes related to community health; transportation; physical development; climate action; parks and recreation; and the strategic plan.

Key elements of the new ordinance changing the duties and powers of the Commission are as follows:

1. The Columbia Vision Commission is hereby established for the purpose of **engaging the community on the implementation of the current city strategic plan and on future strategic visions and goals and other initiatives as deemed appropriate by the city council.**
2. To the extent the city seeks to optimize operations and outcomes in all aspects of governance and livability, **the commission shall review department-level strategic plans and report annually in April to the city council on areas of misalignment, both internally and externally with third-party reports of city rankings and public perception.**
3. **The commission shall have the authority to solicit the cooperation of other boards and commissions** in the city and throughout the region as needed to assist with its reporting and other duties, and also to solicit and receive information from other entities involved in visioning implementation.
4. The commission, through various means, will collect public input on the strategic and relevant plan initiatives and departmental goals. The commission, in preparation for its annual report submitted to the city council, will hold at least four public hearings for public comment on the current state of city initiatives and collected public feedback.
5. Incidental authority. The commission shall have such other authority as may be assigned by the city council from time to time and shall act in an advisory capacity in making recommendations to improve the ongoing process of visioning implementation.
6. The Commission will consist of 9 members and will be appointed by the City Council
7. **All Conflict of Interest rules applied to the current Commission are repealed.**

8. A specific nomination process has not been determined at this time.

Public discussion was opened. No one appeared.  
Skala and Trapp supported the notion.

**The motion to approve passed unanimously.**

**B83-18** Amending Chapter 29 of the City Code to clarify land features that are considered sensitive and restricted from development. **(Moved from Consent Agenda to Old Business.)**  
(Action: Staff indicated that this issue had come up in previous discussions and that although nothing had been passed under these rules, there are conflicts between different parts of the zoning ordinance and technical compliance with national bodies. This proposal is the product of previous hearings and discussion. Comments are included in this packet regarding the flood plain language and steep slopes language in the code.

We are changing the content of the land analysis map including identification of stream corridors and that streams are also defined elsewhere in the code. Steep slopes are changed from 25% to 33% in general, with clarification. Floodways and floodplains would all be included in the determinations.

The second part of this proposal includes changes to language about what is included in the definition of sensitive areas. In the instance that there is no supporting documentation that an area is sensitive, other areas could be excluded if verified by an engineer and some standards were added to insure that intentional avoidance was not the true goal.

Part 3 includes a redefinition of minimum lot sizes and how flood fringe avoidance can apply as a bonus. Part 4 addresses parking requirements and how avoiding flood plains and fringe can allow less parking than may otherwise be required.

Skala asked why this appeared on the consent agenda when it came with a 5 -2 vote from a partial commission. Staff explained why the difference and indicated that removal was appropriate. Thomas asked if the motivation to make this change was to make the new code more compatible. Staff indicated that was true and that there were different parts of the new code that had conflicting ideas. Thomas asked if this was a major content change. Staff indicated that it was not.

Thomas then asked about the steep slopes rule change. Staff indicated that this was a carry-over from original discussions but that this was not a conflict within the code. However, when P&Z reviewed this, there were conflicts between the zoning code and the building code and this was the recommendation. Skala indicated that he wants to make an amendment to keep the steep slopes at 25%. Peters asked why it went to 33%. Staff indicated that 33% was a limit on finished land sites, but that in some instances where walk-outs are reasonable this current language completely inhibits that use. This will not flatten more of the town and there are other rules that govern slopes on stream banks, tree covered areas, etc. The unique topography of Columbia will not be significantly altered. Peters asked about impact. Staff indicated that this was mostly about practicality and making all the rules work together.

Public comment was opened.

The first speaker was a member of P&Z. He indicated that things go well when enforcement works and wants the council to think about that. The Mayor asked how this appeared on the consent agenda. The

speaker indicated that was not his call. The Mayor asked if this was controversial. The speaker indicated that there were opinions on both sides. The speaker indicated that from an engineering point of view, this would work, but we need good enforcement and implementation to make this work. We should be very careful going forward.

The next speaker indicated that he had heard from another man and thought that the steep slope rule should stay at 25%. The speaker thought that maybe this was being pushed by the developers and we need to be careful.

The next speaker appeared on behalf of the Sierra Club. She indicated that she wants to leave the steep slopes at 25%. We are open to looking at this issue and give the engineers a little more of what they want. She claimed that the Sierra Club was not asked for input. Let's address this through Energy and Environment Commission and P&Z. Engineers may be able to work this out, but it may not be best practice. Staff did discuss this with me, but I just found out that the land disturbance permit requirements do not match this requirement. One more thing. As you move out to the edges of the county where we are growing to, you see a lot more steep slopes that would not be protected. Thanked the staff for taking out some tree preservation trade-offs that were originally included by developers.

Skala indicated that this goes back to Cross Creek and that area was clear cut right next to steep slopes. Lots of sediment was deposited in nearby waterways and that bad experience is where this originated. Environment and Energy Commission recommended the 25% level back then. Skala believed that if you go to 33% then you start talking about retaining walls. 25% is really the true limit. I understand that there is a range. If you look at our buildable land, very little of it falls within the 33% steep slopes rule. The rest of the suggestions are OK.

**Skala made the amendment to change the rule from 33% back to 25%.  
Amendment passed unanimously.**

Energy and Environment Commission has asked that this item be referred to them and would like to refer it back. The Mayor is willing to do that. Skala thought it would be OK but was not adamant about it.

**The motion to approve the bill as amended passed unanimously.**

The Mayor asked if this needed to be referred back to E&E. No formal motion was made.)

**B89-18** Authorizing a right of use permit with Missouri Network Alliance, LLC dba Bluebird Network for installation and maintenance of fiber optic cable within the City rights-of-way. (Moved from Consent Agenda to Old Business.)  
(Action: Thomas had pulled this issue to ask if there was coordination between city internet facilities and this installation. There are multiple fiber networks that operate in this city. Just wanted to make sure this was not being overlooked.)

**Motion to approve passed unanimously.)**

**CONSENT AGENDA  
(All items remaining on Consent Agenda passed unanimously.)**

**B83-18** Amending Chapter 29 of the City Code to clarify land features that are considered sensitive and restricted from development. (Item moved to Old Business for further discussion and amendment.)

**B84-18** Changing the uses allowed within The Colonies Lot 101 & 102 O-P Plan located on the east side of Colony Drive and approximately 400 feet north of the Forum Boulevard and Katy Lane intersection; approving the statement of intent (Case No. 18-68).

**B85-18** Approving the Final Plat of CPS Waugh - Locust Subdivision located on the southeast corner of the intersection of Waugh Street and Locust Street; granting design adjustments relating to street rights-of-way; granting a design adjustment relating to corner truncation (Case No. 18-59).

**B86-18** Authorizing a contract for sale of real estate with Paul A. Hinshaw and Michelle Hinshaw for the acquisition of property located at 1101 N. Eighth Street and 1103 N. Eighth Street.

**B88-18** Authorizing a relinquishment of outer roadway agreement with Missouri Highways and Transportation Commission for conveyance of a portion of Jacobs Place.

**B89-18** Authorizing a right of use permit with Missouri Network Alliance, LLC dba Bluebird Network for installation and maintenance of fiber optic cable within the City rights-of-way. (Moved to Old Business from Consent Agenda)

**B90-18** Authorizing an internship program agreement with the Society of Municipal Arborists to sponsor an urban/community forestry intern in the Parks and Recreation Department; appropriating funds.

**B91-18** Appropriating funds for a new temporary employee.

**R62-18** Setting a public hearing: proposed installation of traffic calming devices on Rollins Road between Stadium Boulevard and Sunset Drive.

**R63-18** Setting a public hearing: proposed construction of repairs to portions of Runway 2-20 at the Columbia Regional Airport.

**R64-18** Setting a public hearing: proposed construction of the Hirth Avenue storm water improvement project.

**R65-18** Setting a public hearing: consider the Water and Light 2018 Renewable

**R66-18** Authorizing an artist's commission agreement with Amanda Harms relating to the Traffic Signal Cabinet Art Program.

**R67-18** Authorizing an agreement for professional engineering services with Allstate Consultants, LLC for geotechnical and subsurface exploration services for capital improvement projects.

**R68-18** Authorizing an agreement for professional engineering services with Engineering Surveys & Services, LLC for construction material testing services relating to capital improvement projects.

**R69-18** Granting a temporary waiver from the requirements of Section 16-265 of the City Code to allow AOD-MO Holdings, LLC to extend the workday hours of building construction on its property located on the northeast corner of Paris Road and Waco Road.

**R70-18** Authorizing the temporary closure of the vehicular lanes and eighteen (18) parking spaces on Seventh Street between Locust Street and Elm Street, and the sidewalk on the south side of Elm Street between Sixth Street and Seventh Street, to facilitate the installation of utilities and the rehabilitation of

steam chases and manholes.

**R71-18** Transferring funds for the Columbia Police Department (CPD) facility improvement project.

**R72-18** Authorizing an agreement with Brentwood Services Administrators, Inc. for third party claims administrator services for automobile and property damage, automobile liability, public officials' liability, general liability, and workers' compensation claims.

## NEW BUSINESS

(None.)

### INTRODUCTION AND FIRST READING

**B93-18** Calling a special election on Tuesday, August 7, 2018 relating to the issuance of Water and Electric System Revenue Bonds.

**B94-18\*\*** Voluntary annexation of property located generally southeast of the intersection of I-70 Drive SW and Strawn Road (840 N. Strawn Road); establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 18-47).

**B95-18\*** Approving the Final Plat of Strawn Road Subdivision located generally southeast of the intersection of I-70 Drive SW and Strawn Road (840 N. Strawn Road) (Case No. 18-48).

**B96-18\*\*** Approving the Auburn Hills Plat 16 PD Plan for property located on the south side of International Drive and approximately 300 feet east of Rangeline Street (Case No. 18-81).

**B97-18\*** Approving the Final Plat of Riddick Subdivision Plat 1, a Replat of all of Lot 3 and East Half (E ½) and the South Half (S ½) of the West Half (W ½) of Lot 4, of Garth's Addition to Columbia, located on the north side of Broadway and approximately 250 feet west of Garth Avenue (201 W. Broadway); granting a design adjustment relating to street right-of-way (Case No. 18-79).

**B98-18\*** Approving the Final Plat of The Villas at Old Hawthorne Plat 9C, a Replat of a portion of Lot 5 of Old Hawthorne Plat 1, located southeast of the Old Hawthorne Drive West and Screaming Eagle Lane intersection; authorizing a performance contract (Case No. 18-70).

**B99-18\*** Approving the Final Plat for Craig Point Plat No. 1 for property located on the east side of College Avenue and south of Hospital Drive (1022 S. College Avenue) (Case No. 18-94).

**B100-18** Authorizing construction of sanitary sewers to serve the Henderson Branch Watershed; calling for bids through the Purchasing Division.

**B101-18** Authorizing the acquisition of easements for construction of sanitary sewers to serve the Henderson Branch Watershed.

**B102-18** Authorizing an annexation agreement with Bechtold Properties LLC for properties located on West Highway 40.

**B103-18** Authorizing an annexation agreement with VH Properties LLC for properties located on Highway UU and West Van Horn Tavern Road.

**B104-18\*** Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for sidewalk repairs and enhanced pedestrian facilities along Providence Road from Vandiver Drive to Stadium Boulevard.

**B105-18\*** Authorizing the City Manager to execute permanent and temporary

easements to the Missouri Highways and Transportation Commission relating to proposed sidewalk repairs and enhanced pedestrian facilities along Providence Road, between Vandiver Drive and Stadium Boulevard.

**B106-18\*** Authorizing the City Manager to execute an agreement for temporary construction easement to Red Oak Marketplace, LLC relating to a storm water improvement project along Grindstone Parkway.

**B107-18\*** Accepting conveyances for utility, sidewalk and street purposes.

**B108-18\*** Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to extend the go-live date for the EnerGov module relating to software for Business License operations.

**B109-18\*** Authorizing a Memorandum of Understanding with the Missouri Department of Health and Senior Services for STD testing and treatment services.

**B110-18\*** Authorizing an inspections participation agreement with the Missouri Department of Health and Senior Services for a summer food service program for children.

**B111-18\*** Appropriating funds received from the Missouri Department of Health and Senior Services for current and future building projects at the Sanford-Kimpton Building and replacement of the electronic medical records system used by the City's Department of Public Health and Human Services.

**B112-18\*** Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for the reconstruction of Runway 13-31 and Taxiway C projects at the Columbia Regional Airport; appropriating funds.

**B113-18\*** Appropriating funds for the Clary-Shy Community Park - Agriculture Park improvement project.

**B114-18\*** Appropriating architectural salvage sale revenue to the New Century Fund.

**B115-18\*** Amending the FY 2018 Annual Budget by adding and deleting positions in the Community Development Department; amending the FY 2018 Classification and Pay Plan by reassigning a classification; appropriating funds.

## REPORTS

**REP35-18** Short-Term Rental Public Information Meetings.

Council Memo

(Action: Because of the increase in alternative lodging opportunities and of the benefits the CVB provides to bring visitors to our community, the CVB sent a report to council on this issue on November 20, 2017. Subsequently, the CVB, in partnership with the Community Development Department, conducted a series of four public meetings and solicited public comment on taxation and other issues related to short-term or home rentals and other alternative short-term lodging establishments. The public meetings had two distinct audiences, owners/operators of short-term rentals and neighborhoods where short-term rentals are located. Questions from the community also had two distinct paths – taxation and zoning/inspections.

There has been an increase in the short-term rental market. In March 2017 there were 545 listing nights booked at 64 properties on AirBnB, just one of the on-line platforms. A search of AirBnB in March 2018 showed 1464 listing nights booked at 133 properties. However, short-term rentals are not a defined term in the City's regulatory ordinances. Chapter 22, Article V (Rental Conservation Law) requires a certificate of compliance for the operation "of any apartment house, rooming house, two-family



dwelling, or single rental unit.” It is the leasing or subleasing of residential property that defines rental; no distinction is made between short term and traditional rental.

The Community Development Department has requested that operators of short-term rentals register their properties as rentals if they have not done so already. A number of vacant rental properties that are already in compliance with the Rental Conservation Law have been converted to short-term use. Currently the staff does not track the numbers of short term rentals that have a certificate of compliance; this will be done in conjunction with the new EnerGov software launch that is planned in the last quarter of fiscal year 2018.

Chapter 29, the Unified Development Code, also does not recognize short-term rentals as a distinctive use of residential property. Some cities have begun to distinguish short-term rental from traditional residential occupancy. Staff reviewed and presented summaries of selected ordinances from other cities where short-term rentals are subject to some degree of local regulations. Zoning-related considerations in the sampled ordinances include restriction by zone, owner-occupancy/hosting requirements, spacing between units or restricted numbers per area, occupancy limits on numbers of persons (per zone, number of bedrooms, square footage, etc.), parking requirements, conduct standards (e.g. trash, noise), and site plan requirements (generally addressing entrance locations, signage and assigned parking).

Public input on the prospect of land use regulation was mixed. Some participants described short-term rentals as detrimental to their enjoyment or expectation of use in single family neighborhoods while others expressed strong support for short-term rentals as a neighborhood-based business opportunity. Safety concerns regarding transient/unknown persons and over-occupancy issues (parking, noise, trash, vandalism, etc.) were voiced throughout the public input process. However, other members of the public voiced concerns against zoning-related restrictions or advocated for different considerations for owner-hosted and smaller-scale operations.

Public input on taxation was also mixed. While some participants felt taxation should be paid as it is part of conducting business, others felt there should be a tiered taxation based upon number of rooms rented. Others felt there should be a fee structure based on type of rental unit. Some smaller property owners voiced a concern that taxation may hinder their ability to stay competitive with like rentals. Staff will prepare an ordinance to change Chapter 26 defining a hotel/motel, by lowering the number of bedrooms, and to include short-term rentals, and bed & breakfasts, and to solicit additional public feedback on rental conservation and zoning-related issues to define this use, where it will be permitted, and any additional standards or considerations related to health and safety concerns. A registry, permit process or business licensure may also be explored if directed by Council.

Discussion began.

Skala wants to see this in the form of an ordinance. Pitzer asked if there were instances of private homes being used on a wholesale level for AirBnB. Staff wants to know if the rental conservation law applies here and stated they do not have a mechanism to keep track of who uses property for short-term rental. We have some enforcement, but we do not have a reporting mechanism at this time. We have to hear about the bad activity and then we can send an inspector out. If it's a business, we can regulate it. What about people who advertise 20 people capacity plus alcohol stocking services, etc.? I think we need to include all of this. What are you looking at? Something like regular BnBs? Conditional use? Wow, there are hundreds of these. That's a 3-month process. Maybe it could be a registration process, maybe a definition of occupancy, it's the whole universe of apartments and homes out there.

City staff indicated that there are some that are not offered online and it is hard to track. Pitzer indicated that he is concerned that this is too commercial in neighborhoods. Skala indicated that in New Orleans neighborhoods are being destroyed by corporate AirBnB providers.

**Trapp asked to move forward with an ordinance to include these establishments in the definition to collect tax and continue to analyze this problem. No further formal action was taken.)**

**REP36-18** Request to reduce the number of members on the Mayor's Council on Physical Fitness and Health

(Action: The Mayor's Council on Physical Fitness and Health was originally established on March 1, 1999 with 17 voting members. The Council thrived for approximately 15 years; but in more recent years, reaching a quorum of 9 members proved to be difficult resulting in only five meetings in 2014-2017. At their April 3, 2018 meeting, the Mayor's Council voted to request permission from City Council to reduce their membership from 17 to 13 members. In order to meet that goal, staff is requesting Council permission to not advertise any new vacancies based on resignations or forfeitures until the Mayor's Council reaches the desired target of 13 members. If agreeable, staff will return to Council with a request to change the legislation that officially establishes the Mayor's Council of Physical Fitness and Health membership.

**Some discussion occurred suggesting the complete elimination of this group, but after additional input, it was decided to let the group be reconstituted and see if future changes would warrant dissolution or a refinement of responsibilities. The Mayor also suggested putting a hard sunset date on future boards and commissions when they are created.)**

**REP37-18** Source Water Protection Plan Task Force.

(Action: In May of 2010, the Council established a Source Water Protection Plan Task Force to develop a Source Water Protection Plan for the City of Columbia's water supply. The final plan was approved in 2013. The Chairman, John Betz, presented the last annual report to the Water and Light Advisory Board in March of 2017. There are some on-going items identified in the Plan (Columbia SWPP Task Force Action Item List). With the resignation of the Chairman from this Task Force, effective February 15th, 2018, Staff is seeking Council direction on legislation whether to dissolve the Source Water Protection Plan Task Force with any ongoing work to be taken over by the water utility staff or reestablish as a standing committee. At the March 7th, 2018 Water and Light Advisory Board meeting, Staff requested input from the board members. After discussion, the board passed a motion to recommend the Source Water Protection Plan Task Force be dissolved with any ongoing work to be taken over by the water utility staff. **Staff recommends a resolution to dissolve the Source Water Protection Plan Task Force and will bring one forward.)**

**REP38-18** Commission on Human Rights: Paid family leave for City of Columbia employees.

(Action: The Commission on Human Rights is requesting that the city initiate a study to determine the feasibility of implementing a paid family leave policy for city employees. As a commission, they understand that the budget is tight and that both the cost of a study and implementation could be expensive, but that this is a policy that has been implemented by many cities in the United States and throughout the industrialized world. The initial proposal is to provide paid leave for six weeks after the birth or adoption of a new child. The City currently has a paid leave policy. The Mayor asked what additional provisions should be added? The City Manager indicated that a survey among current

employees ranked this benefit lower than others. He noted that sick leave can be bundled and that some employees do not have children and have no plans to do so. Various individual scenarios do occur, so we try to balance the benefit fairly among all employees. Parental leave can be built up over time. There are costs associated with increasing the benefit, but at this time we believe that the policy is adequate. The Mayor mentioned that at the state level there is a way to build up paid leave time. Staff will look into other options.

**REP39-18 Downtown Columbia Leadership Council: Downtown parking garages.**

(Action: The DLC requests the Council review the following: 1. The location of the public parking spaces in the 8th & Walnut "Plaza" garage; 2. Issues in the Short Street Garage including the permit process, the percentage of reserved spaces versus public parking, and the number and location of spaces leased to The Broadway Hotel. In general, the DLC would like to see more public parking spaces available on the first floors of all the parking garages for the convenience of downtown business customers and visitors. The DLC understands that this issue may be reviewed by the newly created Parking Commission, but believes that any recommendation coming from that group may be quite some time in being issued.

The Mayor asked about this and thought we had already addressed this issue. Discussion about parking availability ensued and both the Trapp and the Mayor thought it was important to have parking for customers available. Skala then asked about the TIF discussion and how parking allotments work for the Broadway Hotel. The city manager indicated that having short term parking being more readily available was important. The new parking commission should be asked about this recommendation and provide some advice.

Thomas asked why we could not just let all spaces be available to anyone parking, then sell passes and whoever occupies the space pays either way. Just do away with designations of permit parking and allow all people to park according to their plan in any space. We currently oversell parking permits by about 20%. Reserved spaces are sold to longtime parking users at a higher rate. The higher rate gives you a guaranteed spot.

Why not prioritize some spaces? Does this require council action? Staff believes this could be done internally. We have had some feedback. If we get a recommendation from the board, we can get direction from the commission then come back to the council with a report. Thomas asked that the commission also review non-designated spots. Staff also indicated that they will have better parking data once the new gate arms are installed. We can track turnover, types of users and frequency of use. Different garages have different use patterns. We will need feedback from current users before we make a change. We also realize that utilization patterns are different at different times of day and on different days of the week.

The staff will take these ideas to the new commission. No further action was taken.)

**REP40-18 Government Finance Officers Association Distinguished Budget Presentation Award.**

(Action: City Manager accepted the award and indicated that this is a peer reviewed award and have awarded us for the 22<sup>nd</sup> consecutive year with this honor. **No further action was taken.**)

**REP41-18 How other cities address politically charged, personal attacks during public comment periods.**

(Action: During the council comments of the April 16, 2018 City Council meeting, Councilman Pitzer requested a report outlining how other cities address politically charged, personal attacks during public comment periods of city council meetings. One of the primary resources of information on this topic was supplied by Sheela Amin, City Clerk. Specifically, Ms. Amin emailed her professional network, the City Clerks and Finance Officers Association (CCFOA), to request input on how other cities handle politically charged, personal attacks during public comment periods of city council meetings. The following are some instances of how such situations are handled or regulated:

- City of Overland, Missouri.
  - o “Each speaker is allowed three (3) minutes to express comments and/ or concerns.”
  - o “Statements must be presented in a respectful manner.”
  - o “Refrain from vulgar or profane language.”
  - o “Refrain from personal attacks.”
- City of Clayton, Missouri. Per the City Clerk, the mayor (or presiding officer if the mayor is not present) will intervene to “not allow those types of comments” and “usually stops the speaker very quickly.”
- City of Belton, Missouri. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the city council, shall be forthwith, by the presiding officer, barred from further audience before the city council unless permission to continue is granted by a majority vote of the city council. o Sec. 2-97. - Enforcement of decorum. The chief of police, or such member or members of the police department as he or she may designate, shall be sergeant at arms of the city council meetings. However, said attendance and function shall be subject to the discretion of the presiding officer of the city council. As sergeant at arms, said member or members of the police department shall carry out orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the city council meeting.
- City of Cameron, Missouri.
  - o “Please be respectful and patient of the ideas, suggestions and comments of the other participants. Every idea or proposal is worthy of consideration. Respect is also shown by the words used, so profanity and derogatory comments made about individuals are not acceptable.”
  - o “This is City Council’s business meeting. We want it to be enjoyable, interesting and, most importantly, productive and beneficial. Questions and comments should be presented in a courteous and professional manner.”
- City of Grandview, Missouri. There is language throughout the City’s Rules of Procedure that addresses such behavior at meetings. “Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Aldermen, shall be forthwith ordered by the Presiding Officer to leave the microphone and the sound will be cut from the microphone. If the speaker refuses to relinquish the podium he/she shall be escorted from the podium by the sergeant-at-arms. If a speaker is escorted from the podium, he/she shall be prohibited from addressing the Council in a meeting for a period of six (6) months.”
- City of Osceola, Missouri. There is a police officer present at every meeting which helps to keep order at meetings. According to the Osceola City Clerk, “It’s amazing how mild and meek people become when they see a uniform.”
- City of Lake Forest Park - “Council’s business meetings will be efficient and businesslike. The information exchange, review, deliberation, and vetting of issues during the prior Work Session enables Council business meetings to be expeditious. The Presiding Officer’s role, especially at the business meeting, is to keep Council business focused and expeditious.”
- City of Mukilteo, Washington - “All speakers, including members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in contemptuous or disorderly behavior, or discuss or comment on personalities, or

indulge in derogatory remarks or insinuations in respect to any other member of the Council, the Mayor, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.”

- City of Poulsbo, Washington - “The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens’ choice. We pledge that we will accord each Councilmember, the Mayor and staff the respect which their positions accord. We will extend the same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.”

Pitzer commented that he did not know where to draw the line, but thought that it had gotten out of hand earlier this year. We want to keep a place for constructive debate, but there is not always fair recourse. Harassment and attacks on other city employees may also be addressed. Skala indicated that the expectation is that people will always act honorably, but sometimes that does not happen. We have ejected people from the room in the past, but it sometimes is a matter of degree. I think we should put this in written form so all people know what the expectation is. The Mayor indicated he was reluctant to do anything that would infringe on speech. If he needs to do a better job he will, but he thinks he does a good job at maintaining a welcoming attitude toward public discourse. If we put this in writing, I want us to look at the idea of being required to state your name and address, since some people don’t like to do that.

The clerk indicated that sometimes they need the name and address to identify speakers when the staff puts together meeting minutes. Skala indicated that perhaps you could submit their name without stating it, but if it is turned in, the clerk is obliged to make that information public if asked. Sometimes, if people don’t want to give their address we don’t push them too hard. Peters suggested that people simply say their name and spell it. The clerk indicated that in some places you have to sign up in advance. Peters thought we did not need to over legislate this. Thomas thought we should simply adopt an informal idea about conduct and be willing to cut people off if they go over the line. The city attorney indicated that you have to be careful about regulating speech based on content. The Boulder, Colorado council has adopted some rules and due process protections that were vetted by the ACLU and maybe we could visit those rules for guidance.

Pitzer asked if we have formal rules of conduct. The clerk indicated that there are some things that are mentioned, but even boards and commissions have differing rules and some people follow Roberts Rules of Order more strictly than others. Skala does not think this a high priority but that it may not hurt to formalize this on some level.

**No further action was taken.)**

**REP42-18** Intra-Departmental Transfer of Funds Request.  
**(Action: No comments were received.)**

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

##### **Public**

One speaker indicated that he was a water freak and wanted to talk about the bond issue regarding drinking water. He thinks the water supply is in danger. He handed out data that indicated that current water testing shows problems. His dental office tests came in today. The fluoride amounts showed 6.82

parts per million. We only need 1 part per million. Chloroform is bad. Bromide is bad. This report came in today. He also tested another private residence. Chloroform was very high and it is in a new subdivision. Our drinking water supply is contaminated. We can fix it by introducing granulated, activated carbon according to the engineers. In March, however, we got another report that shows that may not be the solution. Right now, no one knows what exactly we should do. I am willing to help you look at the McBaine system. Whoever provides the water purification system, we need to make sure they look at antibiotics. We need to do studies on the water feed source. We need a new protocol before we spend millions on the wrong approach. We need to do this before we vote for millions to adjust our current system. \$42.8 million for a bond issue. I ran the differentials. If we do this this way, we will really have to spend \$142 milion. We can do it a different way.

Skala asked about the presenter's information. He noted that the speaker used a very small sample size. Could be right – but it is not statistically convincing. I want comparisons from other communities. I want to make sure we protect our water supply. I will welcome your input.

The Mayor asked staff's response to this new data and would like it before the bond issue discussion. Skala indicated that the first bond issue will be used to address capacity. Water quality will be addressed in further elections. The speaker indicated that he has a surgical office and they test what comes out of the city water line – and you need help.

The next speaker indicated that she represented a water coalition. She has reviewed information about the water quality of Columbia and the recent full report. They support the improvement of the system with a new bond issue, but this bond issue only deals with part of the problem. She indicated that capacity will be affected when improvements are being made and that we should have made improvements 6 years ago. We urge oversight and believe that there could be more done to improve the system. In terms of the Source Water Commission issue – we believe that a wide cross section of citizens can be helpful in creating an appropriate plan, but tonight we are dissolving the Source Water Task Force. We should reconsider that. Skala challenged the speaker's characterization of the chloramine study. The speaker defended her position and indicated that different additives have been used, but that the recommendation unanimously advised returning to pre-chloramine standards.

Final speaker indicated that his father's business closed down 60 years ago. Back then there were chemicals running into the McBaine bottoms and there were farm chemicals running that way. Have we ever addressed what we sent into our water supply way back then?

**No council action was taken based on these comments.)**

**Council  
(None.)**

**Staff  
(None.)**

**ADJOURNMENT  
(Time: 10:37 PM)**

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