

-+MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION

MEETING MINUTES

FINAL

Open Session April 27, 2011

I. Call to order at 1:09 p.m.

Roll Call: The following Commission members were present: Michael Berry, Frank Burkhead, Dan Carr, Bob Meyer, Kathy Peerson, John Sheehan.

A quorum was met. (Six members must be present to constitute a quorum, 2 vacancies.)

The following Commission members were absent: Gene Bushmann, Darrell Roegner

The following Facilities Management, Design and Construction staff members were present: Director Cathy Brown, Deputy Director and Legal Counsel Larry Weber, Deputy Director Chief Engineer Mark Hill, Charlie Brzuchalski, Cindy Layton, Sam Puckett, and Dianne Beasley.

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II. Public Comments – None

III. Approval of previous meeting minutes – February 23, 2011, meeting minutes for approval. (Moved down to agenda item V. then came back to this agenda item pending appearance of Michael Berry to meet quorum prior to addressing approval of meeting minutes.)

IV. MSPRC sub-committee reports

a. City/Neighborhood sub-committee – Michael Berry, Kathy Peerson

1. No update

b. MSP development sub-committee – John Sheehan, Gene Bushmann

1. RFP Development and Issuance

- Dan Carr asked Michael Berry to comment on the proposed RFP soliciting proposals for redevelopment of certain areas of MSP. Michael Berry said that the amendments to the RFP are completed. He asked for clarification on what needs to be done to disseminate the RFP and for clarification on the Commission's role.
- Cathy Brown said that review of the RFP has not been completed. Since there is no authorization to approve the RFP, she objects on behalf of the State on moving forward with the RFP.
- Michael Berry said that the RFP was discussed in closed session on March 11. It was advised at that time that the RFP could move forward. The Office of Administration has had the RFP since January and believes

that has been adequate time to approve the RFP. Cathy commented that until the State gives authorization to move forward, it is in direct contrary to the direction from Senator Kehoe, Office of Administration Commissioner Kelvin Simmons and other stakeholders that are developing a consensus plan for the property.

- Again, Cathy Brown suggested that issues of the RFP be delayed until the State has completed its review process. Michael Berry said that no one has communicated that to him. Cathy asked if he had been invited to the meeting with Senator Kehoe. Michael said that he was invited but was not able to attend. No one called to provide information on how to proceed with proposals, etc.
- Frank Burkhead said that he received an email from Randy Allen from the Jefferson City Chamber of Commerce that Kelvin Simmons and Mike Kehoe were in charge of the Chamber Committee that would take the lead on the long-range plan for the development of the MSP property. Frank asked for clarification on what that means for the MSPRC. He was not invited to the meeting chaired by Senator Kehoe and was surprised when he received the email.
- Cathy Brown said that the intent of the meeting with Senator Kehoe, Kelvin Simmons, herself and other entities in the room representing all stakeholders of the community and city with direction from Senator Kehoe and Commissioner Simmons was to develop a consensus plan to facilitate the movement forward of this project in a cooperative effort. The intention was to clarify that this is a state project that benefits the community, the city, and all Missourians. Knowing there are potential resources available from the city and the county and other interested citizens that might be willing to come forward if they felt there was a consensus plan in place to move forward including MSPRC members.
- Michael Berry said that he agrees that a consensus plan between all stakeholders is necessary but does not understand why it needs to be separate from the MSPRC's role. Mr. Berry suggests that the sensible thing to do would be to get an idea of private industry's interest in the development of the MSP property (magenta area on the map) by issuing an RFP. He does not see that finding out who is interested in redeveloping a piece of the project is inconsistent to developing a consensus plan. Berry also said that per statute, the legislature charged the MSPRC with duties that are not being exercised. The subject of closed session was to clarify and outline the duties of the MSPRC. Members came out of the closed meeting with a clear understanding of what they needed to do. Statute states that the MSPRC, subject to approval of the property owner, is charged with entering into contracts for the development of the property. Getting input of the other stakeholders is valuable. At the same time, the MSPRC has a job to do.

MSPRC has been patient, but needs to find out whether there are interested developers. He does not see that this is inconsistent and sees nothing wrong with issuing an RFP soliciting interested developers. If the MSPRC determines that there are interested developers, would be remiss in not issuing the RFP so they can take part in the process.

- Frank Burkhead said that he thought the RFP was approved except for one sentence. Suggests removing the one sentence and going ahead and issuing the RFP if state is ok with doing that.
- Cathy Brown asked what document Frank was looking at. Cathy said that the RFP has never been approved; it has been in the review process.
- Michael Berry said that the document was given to MSPRC at the January 26 meeting.
- Cathy Brown said that since that time, it has been determined that the RFP is contrary to the direction that Senator Kehoe and Commissioner Simmons are taking to bring everyone to the table including MSPRC.
- John Sheehan asked Cathy Brown if the plan forthcoming by the state is to identify areas for redevelopment that are eligible for historic, for state development, and other projects.
- Cathy said that is the intent. Part of the issue has been that not a lot has occurred in the last 10 to 11 years. The intent is to help facilitate development and bring in funding to entice developers. This plan remains consistent with the Master Plan.
- John Sheehan said that the RFP is also consistent with the Master Plan.
- Cathy Brown said that the RFP is consistent with the Master Plan but is not consistent with the new direction from Senator Kehoe and Commissioner Simmons.
- Frank Burkhead asked Cathy to elaborate on the new direction.
- Cathy Brown said that the new direction is a cooperative effort to develop a consensus plan of where this project goes in the next five years, how it gets done, and potential sources of funding.
- John Sheehan asked the Sarah Alsager and Gary Oberkrom (JCCVB) if any of the action teams were considering project funding. The answer is yes.
- Michael Berry still does not see what it would hurt to issue an RFP to determine the level of interest.
- Frank Burkhead said that he agrees with Michael Berry and knows of at least one entity that has a huge interest in the project. He is asking the state to issue the RFP to find out what interest is out there. There may not be an interest in five years.
- Michael Berry said that he can't see the long range plan changing. The community wants to see a substantial private component of this development. No one is interested in seeing this becoming a purely

public office campus. The intention is to find out if there is private interest. Kathy Peerson has volunteered to receive the bids.

- Kathy Peerson asked if the RFP could be sent out through the Chamber rather than from MSPRC.
- Cathy Brown said that this is an MSPRC RFP and needs to originate through MSPRC and come back through MSPRC and receipt of bids and all proper legal action through MSPRC.
- Michael Berry said that if instructions are for FMDC to not take part in issuing the RFP, that's fine. However, MSPRC needs to do what the legislature has directed and issue the RFP and do with the best they can with those constraints.
- Dan Carr expressed a concern on what MSPRC would do if any responses are received.
- Michael Berry said that per the advice provided at the March 11 closed session, any agreement entered into per the MSPRC's statutory authority is contingent on the property transfer to MSPRC. When responses are received, that is the time to involve other entities such as the city and county in the process for infrastructure needs.
- Dan Carr said that an RFP was issued once before. A qualified developer responded, however, no public funding was available for the project. Dan Carr said that if the RFP goes out, Kathy Peerson will receive the bids. Someone should be appointed to take questions between the RFP issue date and response date. Dan Carr will take on this responsibility. The responsibility lies with MSPRC to send out the RFP.
- Michael Berry said that MSPRC does not have authority to transfer real estate. Statute allows for reimbursement of expenses for MSPRC members.
- Michael Berry said that his suggestion and proposal is to move forward with the RFP. He said he respects Cathy Brown and the Committee's position.
- Frank Burkhead asked what the statute requires to be published in connection with an RFP.
- Larry Weber said that RFP has to be published in a statewide publication or a minimum publication in a unit of government in Jefferson City, which can be a newspaper in Jefferson City.
- Dan Carr said that he is favor of issuing an RFP but worried about whether the MSPRC can enter into an agreement with a developer.
- Frank Burkhead asked about proper legal counsel for the MSPRC.
- Cathy Brown said that there are attorneys on the Commission. State funding cannot support legal assistance. Larry Weber said that the Attorney General is the legal counsel for all boards and commissions.
- Cathy Brown said that the consensus group plans to come back to the table on July 31 with a recommendation that represents all stakeholders

including MSPRC. The current Master Plan is 10 years old. The intent is not to throw away the Master Plan but to take a look at and determine how best to use the plan to incorporate the needs of the stakeholders. Details will be worked out on the type of presentation when the recommendations are final.

- Dan Carr suggested waiting to vote until the next meeting pending the recommendation from the action teams.
- John Sheehan asked for clarification that the consensus plan continues to be the same areas identified in the Master Plan. Focus groups are gaining input from the community, city, county, and state. The recommendation of the action teams is development of the commercial area. Asked if ideas formed around commercial development. If plan remains the same (magenta area), then recommendation will be available by August 1, and development ideas for the area will be available for the next meeting. MSPRC will approve RFP when the recommendation is complete.
- Cathy Brown said that she is not sure if group is working on specific recommendations for commercial area. Could be a recommendation about historic district. When get through the process would be a better time to look at the RFP.
- Gary Oberkrom (JCCVB) said that there are other action teams involved looking at different projects for business sites. His action team is working with infrastructure and historic perspective. Without commercial development, the funding of infrastructure does not work. Gary Oberkrom said he does not know what the RFP says, but will look at all phases. Action teams are trying to create a plan that addresses years 1-5. Year 1 is where to go and what to do and year 5 is where want to be. Then put out RFP with MSPRC and work on the commercial development. Work the time line.
- Mark Mehmert said that it is best to hold off on the RFP until the recommendation is complete.
- Sarah Alsager (JCCVB) said she does not see major changes and suggests that it would be a benefit to MSPRC work with the action teams to incorporate the RFP into the recommendation.
- Michael Berry said that MSPRC had not thought of looking at it that way and likes the idea of the consensus plan including the RFP. Since it has waited this long, no need to meet until August until process plays out. There has to be some changes. All of the entities that have evolved have come up from frustration. Community is frustrated. People are asking if anything is going to be done with the property. Withdrew his motion to vote to send out the RFP.
- Kathy Peerson asked if the idea of issuing the RFP through the action plan is more popular to the state than if it came from MSPRC. She asked

to go on record saying that her attendance at the action team meetings, with the Chamber, does not have anything to do her status as an MSPRC county member. She attends the meetings since she is a Chamber member.

- Cathy Brown said that once the process is complete then it would be a better time to look at an RFP. Cathy encouraged MSPRC members to attend the action team meetings if possible.
- Dan Carr applauded the efforts of the sub committees and the Chamber for picking up the ball. The RFP will be on hold for a couple of months. The RFP process will have more value with the action teams behind the MSPRC. Everyone come together to agree on what to do to develop the property.
- John Sheehan asked for an update on how the spring rains have impacted the historic buildings on the MSP property.
- Charlie Brzuchalski said that the ventilation is serving well to preclude additional mold accruing in the buildings.

V. Review and update on MSP Redevelopment Project Activities

a. Community Action Teams Activities – Sarah Alsager, Gary Oberkrom

1. Sarah Alsager from the Jefferson City Convention and Visitor's Bureau provided an update as representative of the Community Action Teams. Sarah Alsager advised that the Jefferson City Chamber of Commerce hired a consultant in 2010 to revamp the Chamber's strategic plan. The consultant provided a list of opportunities to address that would improve the community. The top four opportunities related to the Missouri State Penitentiary property. The complete list of opportunities was broken out into nine action teams. The action teams meet monthly as a whole. The intent of the action teams is to compile a consensus plan to move the MSP redevelopment plan forward. The teams consist of State Representatives, State Senators, city officials, county officials, MSPRC members, OA staff, but the majority of the members are citizens. These teams provide a community voice and the level of involvement from the community is appreciated. The action teams plan to have a recommendation by the end of July 2011 for presentation to the Strategic Plan Committee.
2. Kathy Peerson attends the action team meetings as a county participant not on behalf of the MSP Redevelopment Commission.
3. Sarah Alsager invited the MSPRC Commission members to attend upcoming meetings. Dan Carr requested that an announcement of these meetings be sent to the MSPRC members. Sarah Alsager advised that a list of meeting dates was given to Cathy Brown. Dan also requested that a list of action topics be provided to MSPRC members when the list is available.
4. Sarah Alsager further advised that if anyone has any questions to contact either her or Mark Mehmert.

- b. CDBG Demolition Project – Charlie Brzuchalski
  1. Survey, Archeology, Photography
    - Moving ahead with Archeological work onsite.
    - Found footings and foundations of buildings that were not known existed. Found some cisterns.
    - Hope to wrap-up within the next week.
  2. Schedule Update
    - Anticipate bidding demolition project in mid July. Contingent on getting clearance from SHPO based on archaeological and photographic information. Begin work mid to late August through end of year. Buildings in orange are the buildings in the base project.
  
- c. MSP Greenway Trail Project – Charlie Brzuchalski
  1. Survey, Archeology, Photography
    - Completed archaeological and photographic work to submit to SHPO. Should have final clearance letter soon.
    - Onsite work. Cleared trees in areas. Surveyors staked center line that offsets the alignment of the trail way path. Should be complete within the next week. There should be crews onsite by mid May to begin grading. Trail alignment and elevation set.
  2. Schedule Update
    - Anticipate bid for contractors to do pavement in mid June. Begin work mid to late July and complete by October/November this year.
    - Frank Burkhead asked if this was still within the grant base. Charlie Brzuchalski affirmed.
  
- d. Historic Area Project Update – Cathy Brown
  1. Still no final approval on receiving State Energy Program (SEP) Funds for the Historic Area. This funding will have a great deal of restrictions.
  
- c. MSP Property Boundary – Charlie Brzuchalski
  1. Union Pacific Property Ownership / Boundary
    - Charlie Brzuchalski provided an update on the property boundary per request from a previous meeting. Red Xs on the drawing indicate the boundary as we believe it to be. Several parcels show that they belong to the railroad.
    - Frank Burkhead asked about the age of the drawing. Charlie Brzuchalski replied that the drawing is two years old and is based on abstract research and survey research.
    - Dan Carr asked how to come to a resolution with the railroad. Legal staff may need to get involved. Larry Weber stated that the railroad would need to quit claim the property to the State or maintain a

declaratory action judgment. Frank Burkhead asked if we can send a letter to the railroad to get them to respond. Union Pacific Railroad is aware there is an issue and that there is a need to define the boundaries for several parcels that need resolution along the Missouri River.

- John Sheehan asked what steps would be taken once the RFP is issued to assign transfer title of a small parcel to an entity inside the large parcel. Larry Weber stated that the land would be surveyed out of the larger parcel with a description determined for the parcel and then transferred by deed. Not a cumbersome process.
- Dan Carr asked what the next step would be with the railroad. Larry Weber stated that nothing moves quickly with the railroad. Just need to continue to pursue the issue along with the railroad. Both parties have properties that the other would like to have clear title to; it will come down to a tradeoff. Look at encroachments and work out a package deal.

d. MSP Master Plan – Charlie Brzuchalski

1. Development Standards and Design Guidelines – Grading Plan

- Charlie Brzuchalski referred to the large photo of the grading plan area that is included in the Master Plan. The grading plans in the Master Plan matched elevations from State Street to Lafayette Street to the edge and tipped up the cul-de-sac to flatten it out. The grading plan in the Master Plan was done by a civil engineering firm with hydrology and storm water management in mind and factored in to follow the Master Plan.
- No further information received regarding the recommendation to the Wall. No updates available.
- Part of the grading plan was the development of a utility plan for water, sewer, storm water, electric, natural gas, communication and data for the network grid. The water main has been installed according to the Master Plan along Lafayette Street and Chestnut Street.
- Dan Carr asked Charlie Brzuchalski to get a copy of the map to Gene Bushmann.

2. Trees

- Continuing to acquire trees from the community tree program according to specifications that meet the landscape plan in the Master Plan for planting on site.

3. Historic District

- Dan Carr asked if the Historic District is outlined in the Master Plan. Charlie Brzuchalski said that it is in the individual drawings in the

framework plan. Defined by color in the drawings but not as clearly defined in the Master Plan.

- e. Federal Courthouse Project Update – Charlie Brzuchalski
  - 1. GSA staff could not attend the meeting because of scheduling conflicts.
  - 2. Charlie Brzuchalski presented slides of the progress on the Federal Courthouse.
  - 3. Tour of the Federal Courthouse for Commission members scheduled following the meeting. Kathy Peerson asked if the Commission members were aware of the tour. Charlie Brzuchalski advised that the tour is listed on the meeting agenda for today's meeting.
  
- f. Whitton Expressway – Charlie Brzuchalski
  - 1. The US Department of Transportation has approved the Environmental Impact Study (EIS) submitted by MoDOT. MoDOT is moving forward with property acquisition and the design phases as soon as money is available.
  
- g. Lafayette Street Project – Charlie Brzuchalski
  - 1. Street construction is occurring in the McCarty and Lafayette Street area up to Capitol Avenue and High Street. The completion of this phase will finish the Lafayette Street Project. This project is being led by the Cole County staff in cooperation with the City of Jefferson staff using the ½ cent capital improvement sales tax money.

- VI. Personal Financial Disclosure filing with Ethics Commission – Filing Due May 2, 2011
  - a. Reminder to Commission Members to file. Everyone has filed.

- VII. Old Business (Pending items from previous meetings)
  - a. February 23, 2011 Minutes

- 1. Chair Dan Carr requested a motion be made to approve the minutes from the February 23, 2011, meeting and asked to clarify the changes to the minutes requested by Gene Bushmann.

Changes applied to minutes per Gene Bushmann's email request for clarification to the minutes on Page 3, at section IV, b. 4, Lafayette Street Improvements, strike the second and third sentences and add in lieu thereof the following: "The original plan called for Lafayette Street to end at a point approximately parallel to the Shoe Factory. As built, Lafayette ends approximately parallel to Housing Unit 5. Considerably shorter. The Master Plan also called for the last portion of Lafayette to slope downward from Housing Unit 1 so that it would end at an elevation of 614 feet. As built, Lafayette is not only shorter but, more importantly, ends at an elevation of 622 feet. The street between the Shoe Factory and Housing Unit 5, which was

to be the western terminus of the Master Plan Parkway, is at an elevation of 606 feet. The incline between the lower street and the Lafayette turnaround is too severe to meet the requirements of the Master Plan.”

MOTION: Motion made to approve February 23 Meeting Minutes as amended by Gene Bushmann and seconded. All in favor. None opposed. Minutes from February 23 meeting approved with changes.

- b. March 11, 2011 – Closed Session (Kathy Peerson will prepare meeting minutes from closed session on March 11; add to agenda for the next MSPRC meeting.
- c. Meeting with city/county/OA on street alignment (Berry speak with Mayor Struempf) – no update
- d. MSPRC Commissioner Term Expiration Listing
  - 1. Dan Carr asked what should be done about the term expirations.
  - 2. Cathy Brown suggested going to the City, County, Mayor Struempf, to encourage appointments. She said that the state is actively trying to get the vacant positions filled. It is difficult to find people outside of Jefferson City and Cole County interested in appointment.
- e. MSPRC Meeting Schedule for 2011
  - 1. Suggested schedule in meeting packet.
- f. Tour of Federal Courthouse for MSPRC Commissioners on March 23
  - 1. Not held.

VIII. Other Items:

- a. Dan Carr asked if there was any other business.
- b. Sarah Alsager said that the next action team meeting is May 3 at 7:30 a.m. MSPRC invited. Will send out a week notice to MSPRC members with the location of the meeting.
- c. Dan Carr asked the status of the Surplus Property Building. Cathy Brown said that about a year ago all historical artifacts were moved out of the Capitol basement to accommodate a major electrical renovation project in the Capitol to a safe location with more humidity control. The artifacts were moved to the old Surplus Property Building following major updates to the facility to address humidity concerns, which includes a new HVAC system. This is a fully functional DNR facility that addresses all of the historical artifacts. Won a very prestigious award on the federal level on the conservation of these types of artifacts.

IX. New Business Items for Discussion (Agenda items for Next Meeting)

- X. Dan Carr asked for motion to adjourn. Motion made and seconded to adjourn. Stand adjourned.

Next Meeting: November 1, 2011  
Truman State Office building  
Room 750  
Jefferson City, MO