



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, November 20, 2017
7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 20, 2017, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members SKALA, THOMAS, PITZER, PETERS, TREECE, and TRAPP were present. Council Member RUFFIN was absent. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of November 6, 2017 were approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Trapp.

Mayor Skala asked that R155-17 to be moved from the consent agenda to new business.

Upon his request, Mayor Treece made a motion to allow Mr. Pitzer to abstain from voting on Airport Advisory Board appointment. Mr. Pitzer noted on the Disclosure of Interest form that he had a professional conflict of interest with an applicant. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

The agenda, including the consent agenda with R155-17 being moved to new business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

II. SPECIAL ITEMS

SI10-17

Strategic Plan Annual Update 2017.

Mr. Matthes, Ms. Button, Mr. Whitt, Ms. Messina, Mr. Glascock, Chief Burton, Ms. Buckler, and Ms. Hubbard provided an update on the various sections of the City's Strategic Plan, which included Economy, Social Equity, Infrastructure, Operational Excellence, Public Safety, and Community Outreach.

Mr. Thomas understood there was a fourth community outreach unit (COU) in the Whitegate area, and asked if that included Quail Drive. Chief Burton replied it was nearby.

Mr. Skala pointed out social equity permeated each of categories of the strategic plan. He referred to complete streets and stated he wished it applied equitably throughout the city. He commented that those attending the area meetings wanted street lights and sidewalks, which were not huge requests in terms of cost. He understood a goal of the strategic plan was to establish gigabyte capacity, and noted he was hopeful they could change the status of it on the dashboard in the context of social equity and economic development. He stated the work on the strategic plan was really important and expressed appreciation for the work of staff in that regard.

Mr. Thomas commented that the focus on social equity was the most important work they could do and it had been inspirational to adopt it in the strategic plan. He loved how community leaders were rising up in the focused neighborhoods, and listed Sophia and Tori from a meeting in the Second Ward and Angela Whitman from the Third Ward as examples. He suggested they invest in the human capital in those neighborhoods and

replicate the work of Judy Hubbard and Glenn Cobbins through people like Sophia, Tori, and Angela.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC11-17 Board and Commission Applicants.

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

Mr. Pitzer abstained from voting on the Airport Advisory Board appointment.

AIRPORT ADVISORY BOARD

Winter, Mark, 2502 South Drive, Ward 3, Term to expire December 1, 2020

Mr. Skala suggested they delay the vote on the Board of Adjustment vacancy for the 30 days to encourage other applications. He noted they faced the situation of a default appointment because there was not another applicant. He explained the Board of Adjustment was significant and the term of an appointee was five years. Even though this was an alternate member appointment, he stated he wanted another applicant or two from which to choose.

Mr. Skala made a motion to delay making an appointment and to readvertise the Board of Adjustment alternate member vacancy.

Mr. Thomas stated he would vote against the motion.

The motion made by Mr. Skala to delay making an appointment and to readvertise the Board of Adjustment alternate member vacancy was seconded by Mr. Pitzer.

Mayor Treece commented that they often readvertised so there was a choice.

Mr. Thomas explained they readvertised when there was not an applicant, but they often made an appointment when there was a single applicant. He was not sure Mr. Skala had made the case this was a special situation.

Mr. Trapp agreed with Mr. Thomas and noted it was an alternate position.

Mr. Pitzer stated he agreed with Mr. Skala in that it was a significant appointment that merited further consideration if possible.

Mr. Skala commented that he did not feel anything would be lost with a delay. He thought they had done this on a number of occasions more recently.

The motion made by Mr. Skala and seconded by Mr. Pitzer to delay making an appointment and to readvertise the Board of Adjustment alternate member vacancy was defeated by voice vote with only Mr. Skala, Mr. Pitzer, and Mayor Treece voting yes.

BOARD OF ADJUSTMENT

Clark, John, 403 N. Ninth Street, Ward 1, Term to expire November 1, 2022

COLUMBIA VISION COMMISSION

Hickerson, Jeff, 10035 E. Highway AB, Boone County, Term to expire December 15, 2020

COMMUNITY LAND TRUST ORGANIZATION BOARD

Dowell, Jerry, 1505 Canton Drive, Ward 4, Term to expire December 1, 2021

Rhoades, Shirley, 104 Lynn Street, Ward 1, Term to expire December 1, 2021

Mr. Trapp pointed out he had served as the Council liaison for the Community Land Trust Organization Board, and would be happy to continue unless someone else was interested in serving.

Mayor Treece asked if there was any objection to Mr. Trapp continuing to serve as the Council liaison to the Community Land Trust Organization Board. No one objected.

MAYOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Reider, Karen, 3916 Cannon Court, Ward 3, Term to expire November 30, 2020
Schaal, Ryan, 5302 Wood Lake Court, Ward 3, Term to expire November 30, 2020

IV. SCHEDULED PUBLIC COMMENT

SPC65-17 Lea Langdon, Hawthorn Native Plant Society - Changes to the city weed ordinance.

Ms. Langdon, 2800 Green Valley Drive, stated she was present on behalf of the Hawthorne Native Plant Society, which had been in existence for decades and currently had about 70 members, the Mid-Missouri Wild Ones, which had been in existence for more than 15 years and had about two dozen members, and others that had been cited for having wild weeds when creating native habitats in their yards. She explained native plantings were a way to provide habitats for butterflies, other pollinators, and birds, and many of the plants grew taller than the allowed twelve inches. She commented that her interest in native plants began in 2006 when she worked at New Haven Elementary as there had been a sterile playground comprised of asphalt and short grass. She helped to create a butterfly and vegetable garden there, and since then, had volunteered in the outdoor classrooms of many other schools in the Columbia area to assist in planting and caring for pollinator gardens, rain gardens, and prairie and woodland habitats. She stated she had joined the Hawthorne Native Plant Society and the Mid-Missouri Wild Ones to learn about native plants and because they offered the schools native plants for their butterfly gardens. She explained she had been asked to speak to the Council about the positive effects of native plantings. She noted there many environmental advantages of native plantings, such as assisting with problems of stormwater and the reduction of the carbon footprints. The plantings also provided beauty and diversity for yards along with food and shelter for beautiful butterflies, other pollinators, and birds. She pointed out pollinators and songbirds were endangered from decreasing habitats these days, and felt that as a community, they could choose to provide habitats to help change that trend. She commented that the recommended native plants were almost all perennials and had very deep roots, which helped them to sequester carbon and could in turn help Columbia meet its environmental goals. Native plants did not need chemical fertilizers or herbicides so they saved the environment from toxic chemicals that could run off and pollute the creeks. Their deep roots absorbed water and created spaces in the ground for water to infiltrate so more stormwater could soak into the ground and reduce potential flooding. In addition, there would be less mowing and less noise and air pollution. She stated native plants were prolific nectar and seed sources, which nourished birds, native bees and butterflies, and provided yards beauty and interest that could last through the seasons. Allowing seed stocks and some leaves to remain in the landscape over the fall and winter could provide food and cover for birds and protect hibernating pollinators. She believed seed stocks were much more interesting to look at than a bare and cutback garden. She pointed out the weed ordinance targeted plants that were not recognized ornamental trees, shrubs, or grasses when they grew higher than twelve inches, and believed the addition of native Missouri vegetation to the list would be helpful. She noted many traditional gardens had non-native vegetation that was much taller than twelve inches, and felt the height should not be a problem if the plantings were intentionally planted and maintained. She understood some had claimed native vegetation could harbor rodents or hide trash, and believed the same could be said about any other vegetation, including the common yew. She did not feel that was a good reason to exclude native plants. She also wondered if invasive species, such as bush honeysuckle and Bradford pear trees, should be addressed in the weed ordinance as plants that should be controlled. She hoped the Council would consider encouraging native plantings by amending the weed ordinance to specifically allow native plantings for their many benefits to the community. She asked those in support to stand, and approximately fifteen people stood.

V. PUBLIC HEARINGS

- PH40-17 Proposed installation of a fire suppression system in the office and storeroom areas at the Municipal Power Plant.
- Discussion shown with B339-17.
- B339-17 Authorizing the installation of a fire suppression system in the office and storeroom areas at the Municipal Power Plant; calling for bids through the Purchasing Division.
- PH40-17 was read by the Clerk, and B339-17 was given second reading by the Clerk. Mr. Johnsen provided a staff report. Mayor Treece opened the public hearing. There being no comment, Mayor Treece closed the public hearing.
- B339-17 was given third reading with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:**

VI. OLD BUSINESS

- B214-17 Amending Chapter 24 of the City Code to add a new Article X pertaining to public utility rights-of-way management.

The bill was given fourth reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Trapp asked if it would be possible to table this item again. He commented that Boone Electric Cooperative had indicated to him that although good progress had been made, there were still some unresolved points, and they thought it would be productive to have another round of conversations. Ms. Thompson replied staff had spent many hours talking to the various providers, to include Boone Electric Cooperative, and believed it would be beneficial to hear from them this evening and to allow staff the opportunity to respond to their concerns. She felt staff had addressed most concerns, and one that would likely be brought up could be resolved this evening. She believed they were at an impasse with regard to many of the other concerns.

Matt Kholy explained he was with Socket Telecom and noted they had met with staff on several occasions, but still had concerns with the proposed ordinance. They believed the ordinance, if adopted as written, would increase operating costs, construction costs, and ultimately the rates for high speed internet and related services. He asked that the ordinance be tabled to allow continued conversations with staff to resolve outstanding issues. As written, the ordinance would require a right-of-way permit for any project involving excavation in the right-of-way. This meant if Socket was putting in a drop or a line to serve a single residence, they would have to obtain a right-of-way permit. This would increase costs and delay construction. He believed this could be fixed by modifying Section 24-166(b) to not require a permit for di minimis construction or excavation projects. The ordinance, as written, would discourage and prohibit aerial construction of new network facilities. He noted Section 24-169(12)(b) would require all facilities placed in the right-of-way to be placed underground unless a waiver was granted by the director for good cause. He understood this would apply even when there were existing poles in the area, and believed it was unnecessary. He did not feel a waiver should be required to place facilities on existing poles, and stated this would also delay construction and increase costs.

Mayor Treece asked who owned the poles. Mr. Kholy replied it was a mix of Columbia Water and Light and Boone Electric Cooperative. He noted they currently had pole

attachment agreements with both entities. Mayor Treece asked how the pole attachment request was different than a right-of-way permit. Mr. Kholy replied they submitted a pole attachment request, which identified the poles to which they wanted to attach. It was reviewed to determine if space was available. If there was not, they would pay the engineering cost to replace the pole. If they were able to attach to it, they applied for the right-of-way permit. He commented that if this ordinance was adopted, they would not be able to do this unless a waiver was granted by the director. He explained he did not want to count on trying to obtain a waiver when attaching to an existing pole because he needed some certainty that it would be allowed.

Mr. Kholy asked that the ordinance be amended by saying aerial construction was not prohibited where existing poles could be used. A third area of concern involved the prohibition of working in the right-of-way between 7:00 a.m. and 8:30 a.m. and 4:00 p.m. and 6:00 p.m. on certain types of streets unless a waiver was obtained by the director. He stated he did not want to wait for a waiver. He explained the waiver was required even if work in right-of-way would not have an impact on traffic. The result was shorter working hours, slow progress on expansion projects, and increase costs. If the goal was to minimize the disruption of traffic, he suggested the ordinance specifically state disruption of traffic could not occur on those certain streets for that time frame unless a waiver was obtained as that would require the waiver only if traffic would be disrupted. This was how other ordinances he had reviewed from other communities in Missouri had addressed the issue. He commented that if the ordinance was adopted, it needed to be applied equally to all competitors. Unlike Boone Electric, Socket competed with other internet providers, and if they were obligated to obtain permits and waivers, he believed his competitors should have that same obligation. The ordinance needed to be enforced equally among all providers. He reiterated his request for this to be table so they could work out these issues with staff.

Mayor Treece asked Mr. Nichols if he wanted to respond to any of those points. Mr. Nichols replied limiting work at times of high traffic was important, and staff did not feel that requirement was too onerous. He commented that he also did not believe the waivers would be as onerous as had been described. Ms. Thompson stated that from the City's perspective, the concern with aerial construction was that once a new utility was placed on a utility pole or structure, the City was responsible for the cost if they chose to underground the electric utility and remove the poles. This was the reason they wanted to limit additional facilities from attaching to poles to the greatest extent possible and for a waiver if undergrounding was not planned in the foreseeable future. She understood the City for the purposes of reliability and long term costs was looking to underground as many electric utility facilities as possible. She stated it would be possible to include language, if it became a problem, indicating that if an entity attached to a pole after a certain date and the City chose to underground, that facility would have to be underground at no charge to the City. Mayor Treece asked if the waiver would be per incident or if it would be a blanket waiver. Ms. Thompson replied it would be a per project waiver. It would not be per pole, but would be per project. She noted this ordinance would be applied equally to all competitors.

In terms of the drop excavation, Mr. Nichols asked if it would be submitted as a bulk facilities agreement or if it would be done on a case by case basis. Mr. Kholy replied he was not sure it would qualify as a bulk project depending on the project. Unlike some providers, they were perpetually constructing. He explained they would build out a backbone in a neighborhood, and the drops would occur as people signed up for service. He did not feel he could work under the bulk maintenance permit because those were only good for 30 days unless another waiver was received. He could potentially be applying for permits every week, and did not feel that should be required for di minimis work. He provided an example of the Peachtree and Green Meadows area, whereby a permit was issued years ago based on identification of the backbone and the businesses in the area, and they still had customers signing up for service now. He reiterated he felt

he should not have to obtain a permit for it. Mr. Nichols explained those were the types of notifications the City needed as they would not know who was working in the right-of-way without notification. Mr. Kholly stated a permit for a very small distance would cost him \$50. He believed this and the requirement to pay for undergrounding would kill the deployment of broadband in Columbia.

Mayor Treece asked Mr. Kholly why he thought his competitors would be on the poles without a permit. Mr. Kholly replied Mediacom and CenturyLink had construction all over town, and they were already on many of the poles.

Todd Culley stated he was the CEO and General Manager of Boone Electric Cooperative. He felt they were having a productive dialogue in this setting, and suggested they be allowed to have more productive dialogue outside of this setting. He explained he had been pleased with the progress that had been made and believed they were about 80 percent there in terms of the results he wanted to see. He commented that Boone Electric competed against itself as it was an at-cost service provider of electric utility. This meant a certain revenue requirement per year was budgeted, and any margin was returned to the members served. They competed to hold down costs and hold up reliability. He understood the reasons the City wanted a right-of-way ordinance, but believed some changes were needed to the proposed ordinance to ensure Boone Electric did not have two classes of residential consumers due the potential for cost shifts since they would have to bear new costs. He preferred working from a uniform base. He pointed out this proposed legislation created a sense of uncertainty and noted they wondered how this would be interpreted 20 years from now. He asked for the opportunity for dialogue in a less public setting, and suggested this item be tabled again.

Mayor Treece asked Mr. Culley if he felt they were at an impasse with City staff. Mr. Culley replied he did not like to use that word, and felt there was always room to find solutions. He thought it was possible they could eventually reach an impasse, but did not believe there had been enough dialogue at this time. He felt all ideas had not been identified yet. He agreed this was an important issue, but questioned whether it was an urgent matter. He pointed out he did not feel it was an emergent matter. He reiterated his suggestion of tabling this item for a month or two. Mayor Treece questioned the need to table this matter for another month or two, and suggested a couple of hours. He asked Mr. Culley if progress could be made in a couple of hours. Mr. Culley replied he would allow his legal counsel to respond.

Mr. Skala commented that they limited, to some extent, repetitively tabling an item as a decision needed to be made at some point. He asked Mr. Culley if he would be agreeable to tabling to a time certain understanding a decision would need to be made at that time regardless of whether there was agreement. Mr. Culley replied yes.

Andrew Sporleder stated he was with Johnson and Sporleder, LLP in Jefferson City, Missouri, and served as general legal counsel to Boone Electric Cooperative. He echoed the comments of Mr. Culley in that they had made great strides. He explained they had participated in one meeting, which had resulted in a draft that had been provided about a week ago. In addition, they had participated in some dialogue with City legal staff since then. He thought they could work through some of the remaining issues with another meeting. He also agreed they might reach an impasse with other issues, but like Mr. Culley, he did not feel they had exhausted all ideas yet to declare they were at an impasse. He referred to Section 24-168(b)(1), which had new proposed language, and explained they wanted the language to be further developed to include a defined electrical circuit in addition to a defined area and neighborhood. This would allow them to do work by the circuit and not just the neighborhood. In terms of Section 24-168(d), he noted they wanted a digital option for the submission of forms to the City. He stated the issue associated with Section 24-168(e) showed up in different places, and they felt it would mandate a certain design or affect the design of their facilities. He understood that was not the intent, nor the wish, of the current City staff, but felt it could be interpreted differently in 20 years. He explained a line in Section 24-168(e) indicated right-of-way

users would be subject to all technical specifications, design criteria, policies, resolutions and ordinances now or hereafter adopted or promulgated. In addition, Section 24-169(2) indicated the director could also impose additional reasonable conditions upon the issuance of a right-of-way permit and listed some of those conditions, which included the design, location, and nature of all facilities. He asked that this be addressed because he did not believe there should be a mandate on their design. He referred to Section 24-169(15) and commented that they were concerned with the second sentence as it required written notice and approval by the City. He explained they were agreeable to providing written notice, but did not feel approval should be required. He questioned a situation whereby the City did not provide approval, but it was still consistent with state statute as it would negate the rights of Boone Electric as provided by state statute. He asked that the second sentence be modified or removed. He noted the last issue he had was in regard to Section 24-175(a), which involved the relocation of facilities in the right-of-way and payment of the relocation cost by the right-of-way user, as it was contrary to past practice and had the potential to impact future rates and create rate disparities between classes of members, i.e., those within the City and those outside of the City. He noted Boone Electric was a not-for-profit organization so all costs had to be accounted for and come from the ratepayers.

Mayor Treece asked Mr. Nichols to respond as he did not feel City staff wanted to micromanage design. Mr. Nichols replied that was not the intent. The intent was to allow some oversight to ensure the right-of-way could accommodate utility users. They did not intend to tell them where an elbow should be located or dictate the size of the casing. This oversight was to ensure someone did not take all of the right-of-way so it was not available for other users.

Mayor Treece asked if there was any objection to the suggestion involving tree trimming. Ms. Thompson replied no, and explained City staff had suggested deleting the second sentence.

Mayor Treece asked if there was any objection to defining the area as a circuit. Mr. Nichols replied no.

Ms. Peters commented that the tree trimming requirement was likely the result of the Rock Quarry Road Scenic Roadway because Boone Electric had the tendency to clear cut a tremendous amount of trees with no warning or understanding of it being a scenic roadway. She thought they might want to be more judicious regardless of what the state statute would allow. She agreed they wanted the electric lines to work, but thought it could be done better.

Mayor Treece understood the City was contemplating an online permitting review and payment process. Mr. Nichols stated that was correct, and noted he thought it would go live in February. Mayor Treece asked if that would accelerate the approval process. Mr. Creech replied he thought it would and explained the turnaround time was fairly quick on regular maintenance activities now. He noted capital projects might take a little longer to review since it would affect more citizens, but an electronic process would speed it up some.

Mayor Treece suggested delaying the effective date until April 2018 if there was concern with implementation. This would allow time to ensure the software program worked and to determine how the process would work in terms of the drops Socket had referred to and any waivers. He thought additional dialogue could also occur until the effective date. Ms. Thompson commented that the great thing about ordinances was that they could be amended. If there were operational problems once the permitting process was underway, the ordinance could be amended.

John Clark, 403 N. Ninth Street, stated he believed it was difficult to negotiate with the City due to the processes involved. He commented that he liked the proposal of Mayor Treece to pass this and delay the effective date if everyone was satisfied. This allowed the dialogue to continue and for time to come back to Council a month before the effective date in case anything was left to work out. He noted there appeared to be a

mixture of agendas throughout the City, and provided undergrounding as an example as it seemed to be acceptable for a barrier to exist in places with standing poles. That was a different agenda than what Mr. Nichols had suggested in that staff needed to know what was happening in the rights-of-way. He thought the software program would assist in that regard. He stated he felt there was a problem with conflicting agendas, and agreed with the agenda described by Mr. Nichols. He suggested the Council discuss the issue of multiple agendas with staff as he was not comfortable with the agenda of encouraging undergrounding when it might not be necessary for quite some time as he assumed pole fees were paid that would recover those costs. He reiterated his suggestion of the Council asking staff for the policy agendas, and noted he was not sure he would support a policy agenda to push people to go underground. He stated he also expected the providers to pay the cost to underground if undergrounding lines on existing poles was decided upon, even though they had put money into the lines on the poles previously.

Andrew Petri explained he was the Manager of Engineering and Technical Services at Boone Electric Cooperative and commented that their past meetings with City staff had been productive. He noted Mr. Culley had made a comment about the future interpretation of the proposed ordinance and agreed. He understood City staff had indicated the intent of the ordinance, and he questioned the reluctance to put the intent into the ordinance. He was not sure why they could not specifically state this would not apply to utility designs and standards. He understood that was not the intent of the ordinance and that Ms. Thompson had indicated that was not her interpretation, but felt there were other interpretations and that it could be interpreted that the Boone Electric Cooperative codes and specifications would be subject to approval. He noted his comfort level would be improved if that was put in writing. He stated there had been a comment indicating the potential for additional costs to the utilities for utility relocation if this ordinance passed. In addition, they would not have assurances their utilities would be safe or secure, or that they would have the right to occupy a space. He felt the City residents' investment in their facilities would be subject to whim of Public Works. He commented that one of his responsibilities at Boone Electric was to ensure the money of their members was well invested. This could result in requiring a separate utility easement for Boone Electric, which he did not believe anyone wanted. He understood comments had been made with regard to overhead versus undergrounding, and the number of overhead lines they had was shrinking on a yearly basis, while the undergrounding of facilities was increasing. He explained they preferred an underground system in most scenarios, but did not agree with a mandate since it was not always the best option. He believed it should be their decision since they were intimately familiar with the system and requirements. With regard to Rock Quarry Road, he commented that they had been honoring the request to review how they handled tree trimming.

Mr. Skala stated he was concerned about the comments Mr. Petri had made with regard to the intention of City staff now versus the future. He believed the intentionality really involved capacity within the right-of-way, and not the design standards in terms of what would be allowed within that capacity. He asked what would happen if the design standards conflicted with capacity issues, and wondered if that was reconcilable in the context of language within the ordinance. Mr. Petri replied the number of conduits, language in Section 24-169(d), etc. were components that could be dictated by the ordinance. Mr. Skala thought the ordinance referred to the design specifications of the space they intended to occupy. He did not believe it referred to the design specifications of the conduit placed within the right-of-way, and asked for clarification. Mr. Petri replied that was his interpretation of the language, especially with regard to Section 24-169(d), and understood Ms. Thompson had a different interpretation. He was requesting clarification to ensure that was not the intention as they felt that was what the language stated.

Mr. Skala asked Ms. Thompson to respond. Ms. Thompson replied it was the City staff's position that it did not represent that. She noted they had spent over two hours

discussing that particular issue, and believed they were at an impasse due to this difference of opinion as to what the design and regulatory pieces were intended to cover and what it did cover. Throughout the ordinance, there were reasonableness standards, and there were remedies the providers and users of the right-of-way had if the City did not act reasonably in the denial of a permit. She noted Section 24-171 discussed permit denial and provided all of the reasons why the City could deny a permit. It did not include disliking the way a provider designed an electrical system. It involved whether there was a negative impact to the public since it was the public's right-of-way. The privilege of using the right-of-way came with a certain obligation, which included showing a reason for needing to be there for the public good and that the use of the right-of-way would respect the public's rights in the right-of-way in addition to the legitimate needs to the utility to be there. She stated the ordinance set forth the criteria to which a denial could occur, and it was a high standard. She pointed out the City also had to provide an alternative that could be used by the utility provider that did not have discriminatory impact. She noted checks and balances were built into the ordinance.

Pam Harrison explained she was Director of Missouri Gas Operations for Ameren Missouri and agreed City staff had worked to address a lot of their concerns with the ordinance to date. The main concern she had at this time was with the digital application process. She suggested a delay in implementation of the ordinance until it could be put into place as it would help alleviate an administrative burden and would keep them from having delays in obtaining permits and installing facilities.

Mayor Treece understood Ameren did not oppose this ordinance other than that suggestion. Ms. Harrison stated that was correct.

Mr. Pitzer understood a staff position had been added to handle the right-of-way permitting process. Mr. Creech stated that was correct. Mr. Pitzer asked if that position had been filled. Mr. Creech replied no. Mr. Pitzer asked if there was a timeline for when someone might be hired. Mr. Creech replied Council action had allowed an upgrade of a current position to assist with this process. The new position was for a site inspector to help with inspections partly associated with this process, and that position had not yet been filled. The position to manage the right-of-way had been filled. Mr. Pitzer asked Mr. Creech if he felt he would be able to adequately handle all of the requests, inspections, etc. in a timely manner once he had the staffing in place like he wanted. Mr. Creech replied yes, based upon the amount of one-calls by the utilities over the past couple of years. It was difficult to say for certain since it was based upon workload, which could not be controlled. Mr. Pitzer asked about handling the requests and responding in a timely fashion. Mr. Creech replied yes.

Mr. Pitzer commented that another idea, in addition to potentially delaying implementation, was to require the two sides to come back in six months or a year. He did not want to micromanage this situation, but felt nothing would happen if they did not have a mechanism to force a discussion or review after a certain period of time.

Mayor Treece commented that based on the outstanding issues, he thought they were close to having an acceptable solution. He noted he agreed the right-of-way was a finite resource that could only hold so much conduit, sewer pipe, or fiber optics, and the City had paid for it. Just like Boone Electric had to protect its members, the City had to protect its ratepayers and taxpayers that had paid for the right-of-way by assuring the orderly build out of the limited space. He stated he was leaning more toward adopting the amendment sheet and delaying implementation for about six months as it would force some type of harmonization of the outstanding issues.

Mr. Skala stated he was not opposed to that idea, but was also inclined to support a short and hopefully productive tabling to allow the outstanding issues to be worked out. The ordinance could then be adopted knowing they could revisit the issue in six months if there were still outstanding issues. He wanted to see something in place within a reasonable period of time.

Mayor Treece commented that the other utilities had worked through their issues and

was not sure why these were outstanding issues.

Mr. Matthes explained staff would prefer Council pass an ordinance tonight with a delayed start date as that would provide time to address the minutia. He stated the staff position was that these issues had been discussed and what had been presented was a result of those conversations. He pointed out this had started over two years ago and had involved multiple meetings. Staff felt they were at a big disadvantage from managing their own land, and an ordinance on the books would create the impetus to make it better.

Mayor Treece made a motion to amend the amendment sheet associated with B214-17 by changing Section 4 so it stated "this ordinance shall be in full force and effect from and after May 1, 2018." The motion was seconded by Mr. Trapp.

Mayor Treece noted this allowed time for staff to be hired, the online submission portal to be implemented with any issues addressed, and for additional discussion with regard to any other amendments that might be required prior to implementation. .

The motion made by Mayor Treece and seconded by Mr. Trapp to amend the amendment sheet associated with B214-17 by changing Section 4 so it stated "this ordinance shall be in full force and effect from and after May 1, 2018" was approved unanimously by voice vote.

Ms. Thompson suggested an amendment to address the tree trimming issue by deleting the second sentence in Section 24-169(15) of the amendment sheet.

Ms. Peters understood that would remove the requirement of notifying the City that tree trimming would occur. Ms. Thompson explained the first sentence indicated a right-of-way user shall neither cut, nor damage any trees or roots, in and along the rights-of-way of the city except as authorized by an excavation or facilities maintenance permit or as otherwise authorized under Section 537.340 of the Revised Statutes of Missouri, which was a statutory exception. She noted notice and approval was provided under the first sentence of subsection (15). She thought it was redundant.

Mr. Pitzer asked if the City would be notified if they worked under the state statute. Ms. Thompson replied not necessarily if it was within their emergency rights. She pointed out they had that authority with or without the City. Ms. Peters understood that was different than routine tree trimming. Ms. Thompson agreed and explained it was to protect the lines.

Ms. Peters asked for clarification as to why Ms. Thompson was suggesting they remove the second sentence. Ms. Thompson replied it was redundant with the first sentence and did not except out the statutory exception, which they had to allow them to follow.

Mr. Trapp made a motion to amend the amendment sheet associated with B214-17 by deleting "tree trimming and pruning may be permitted to occur only after prior written notice to the city of the extent of trimming and pruning to be performed and the prior written approval thereof by the city" from Section 24-169(15). The motion was seconded by Mr. Pitzer and approved unanimously by voice vote.

Mr. Pitzer asked if they wanted a mechanism to consider the different interpretations after a certain period of time. Mayor Treece replied he would be willing to provoke that as he thought it would be a good mechanism to have for the harmonization of some of the issues. Ms. Peters wondered if they should look at it in a year since the effective date would be delayed for six months. Mayor Treece stated he was hoping discussion would take place between now and May on some of these issues. Mr. Matthes suggested the Council direct him to do this, and noted he would hold another meeting of all of the partners.

Mayor Treece made a motion to amend B214-17 per the amendment sheet as amended. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Skala stated he was satisfied with his need for something concrete to happen and the persuasive argument that this might provide the incentive to work out some of the details.

The vote on B214-17, as amended, was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B346-17

Authorizing an agreement for professional services with Cascadia Consulting Group, Inc. for the development of a climate action and adaptation plan; appropriating funds.

The bill was given second reading by the Clerk.

Ms. Buffaloe provided a staff report.

Mayor Treece asked what money would be used for this. Ms. Buffaloe replied this would be funded with leftover surplus funds. Two years ago, they had proposed doing a solar project on one of the parking garages, but it had not been a viable project at that time. As a result, they had decided to use those funds for this opportunity since it involved reducing carbon emissions for Columbia.

Mr. Pitzer asked how much time the consultant would spend in Columbia and whether that was defined in the contract. Ms. Buffaloe replied they would come to Columbia for at least three different in-person meetings. They also had a subcontract with Shockey Consulting in Kansas City. KLA would handle the online dashboard that would show progress, and Nikki McGruder with the Diversity Awareness Partnership was the equity consultant.

Mr. Pitzer asked if there would be assessments or a way to assess the impacts of climate change beyond the greenhouse gas emissions. Ms. Buffaloe asked Mr. Pitzer if he meant climate vulnerability. Mr. Pitzer replied yes. Ms. Buffaloe explained climate action plans usually addressed carbon mitigation, but this plan would also include adaptation so climate vulnerability assessments would be conducted.

Jay Hasheider, 1812 Cliff Drive, commented that his memory of the contract was that there were no subcontractors so that was somewhat of a surprise. He was not sure if it was good or bad, but thought they should be identified. He explained his main concern was the fact public involvement in the project was non-existent thus far because staff had decided who the contractors would be and what they would cover. He had hoped for an ongoing public involved process. He noted he was taken back by the fact there would be a public engagement plan in Task 1 that would come from a meeting with staff. He thought the public could be engaged in determining the public engagement plan. He believed this would hinge upon the advisory committee and felt the advisory committee would listen, give advice, and pass on comments for the final plan. In his view, he thought more specifics were needed for a longer engaged public process. He understood the focus was mitigation and adaptation strategies, and did not feel much direction would be given on the adaptation strategies. The contract had indicated sectors, neighborhoods, and issues of particular concern would be identified based on discussions with the City's advisory committee and the public at the first community workshop. He did not feel much expertise would be provided with regard to the adaptation strategies. He thought they were real, significant, and very important. He understood the assessment would be completed by April and did not feel an advisory committee could possibly come up with a vulnerability assessment if they only met once. He also understood the draft plan would be public in December and the final plan would be completed in June, so the plan would sit for six months after it was developed. He suggested the public be engaged in developing a plan for those six months. He asked for

more public involvement and for serious consideration to the adaptation strategies.

Mark Haim, 1402 Richardson Street, stated he was the Director of Mid-Missouri Peaceworks, and although they were happy to see this plan move forward, they had some concerns. He noted they were concerned about the goal and would urge the adoption of a 100 percent reduction in greenhouse gases by 2050. He believed it was doable, and only took ambition, effort, and investment. He felt it was better to aim high and miss than to aim low and hit, and did not believe an 80 percent reduction in 33 years was very ambitious. He pointed out they had mentioned this at least twice previously, and did not know whether the Council had debated the 80 percent versus the 100 percent goal or any other target. He urged the Council to set a higher target or for the goal to be identified as part of the process.

John Clark, 403 N. Ninth Street, echoed the comments of Jay Hasheider and noted he did not feel many in citizen government understood the term citizen participation in terms of what it took to facilitate it. He suggested the Council charge the advisory committee to meet with the consultant to design the public engagement program together. He believed this would energize the process all of the way through, including developing the plan, reviewing it, etc. He commented that the City was 30 percent understaffed and the staff was not trained to do this. If the Council wanted something different to occur, they would have to direct staff. He reiterated his suggestion of appointing the advisory committee and asking the consultant to work with the advisory committee to design the citizen engagement process so they had meaningful involvement at the beginning.

Mayor Treece asked Ms. Buffaloe if she had acquainted the consultant with the wide array of voices in Columbia. Ms. Buffaloe replied she had, and explained Task 5 involved ongoing advisory committee meetings. She pointed out the intent was to obtain feedback from the Council as to the number of members, etc. at the December 4, 2017 work session. The thought was that it would include professionals and researchers of the University along with community members and other stakeholders. The ongoing advisory committee meetings would develop the goals and objectives, inform the public engagement plan, review interim and final project deliverables, and provide direction to the Cascadia team with regard to the prioritization of strategies and the consideration of technical and community input. It was never the intent of staff to leave out public discussion because that was needed for any plan to succeed.

Ms. Peters asked about the time frame. Ms. Buffaloe replied she had mentioned that this might be a three year process in June, and upon public comment, it was decided it needed to be done in two years. She noted the consultant had the expertise for analyzing and communicating on climate science, and for looking at the real vulnerabilities of a community in relation to climate and the weather. The time frame of that happening by April did not mean it would be the end all of any of the adaptation strategies or proposals. The six month time period between a draft plan and the final adoption provided time as she was not certain a draft plan would be completed by December, but the Council had set a deadline of June 2019. She commented that the intent was also for further outreach in those six months before a final adoption.

Mr. Thomas understood there had been a review committee that had looked at the 9-10 proposals and had selected this firm, and asked who had been on the committee. Ms. Buffaloe replied she, the Community Development Director, the Parks and Recreation Director, the Public Health and Human Services Director, the Sustainability Manager from the University of Missouri, a Civil Engineering Professor at the University of Missouri, and the Purchasing Agent had all been involved. Mr. Thomas asked if there had been any thought about bringing in people from the Environment and Energy Commission (EEC), the Water and Light Advisory Board, or the community. Ms. Buffaloe replied she apologized for not thinking about that as part of the review process. Prior to asking for proposals, it had been provided to the EEC at their request, but they had not voted on the issue. She understood the EEC had been exploring other climate action plans and were interested in whether or not EEC members would have the opportunity to serve on the

advisory committee.

Mr. Thomas asked Ms. Buffaloe when she anticipated the appointment of an advisory committee. Ms. Buffaloe replied she wanted feedback from the Council on December 4 as to what the Council wanted in the resolution establishing the advisory committee. Mr. Thomas understood this meant it would happen soon after the New Year.

Mr. Trapp commented that he thought this struck a fair balance with the expedited scheduled Council had directed and public involvement. He noted he liked the emphasis on equity and the bringing in other elements. He stated he was pleased with it.

Ms. Buffaloe pointed out the Council had been asked previously to set a goal, and she would bring that back up for discussion at the December 4 work session. She explained the 80 percent in 2050 was in relation to a framework of the Urban Sustainability Directors Network on how to strategize and plan for carbon reduction. It was not a goal set by Council. It was a framework that was within.

Mr. Thomas understood there was still the opportunity for Council to set a goal. Ms. Buffaloe stated that was correct.

B346-17 was given third reading with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B347-17 Approving the Final Minor Plat of McGary Subdivision Plat 2 located on the northwest corner of the St. Charles Road and Tower Drive intersection; granting a waiver and design adjustment relating to sidewalk construction along St. Charles Road (Case No. 17-190).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked for the responses to the four criteria in PR48-06A. Mr. Teddy replied staff had recommended to the Planning and Zoning Commission (PZC) that they thought it would be reasonable to build the sidewalk based upon the relative cost. He noted an argument had been made that perhaps the value of the right-of-way dedication should be added to the cost of the sidewalk. Staff only looked at the cost of a concrete sidewalk. It would accommodate a future roadway improvement even though they did not know when that improvement would be made, and it would enhance the property value when and if it happened. Mr. Thomas understood they had only looked at the actual construction cost for the sidewalk. Mr. Teddy stated that was correct. He noted they felt it was physically feasible. Although there was a slope, they did not feel it was insurmountable. Mr. Thomas understood if the sidewalk was built, it would be in a location that would allow for the road to be widened later. Mr. Teddy stated that was correct, and explained the red line in the diagram was an approximation. He explained a sidewalk was normally placed one foot inside of the right-of-way line, and would typically occupy the last six feet of the new public right-of-way. He noted this was in a developing area as a preliminary plat of a subdivision that was not too far away had been approved. In terms of pedestrian generators, there were some commercial services within some distance of the area.

Mr. Skala understood there had been discussion at the PZC with regard to a payment in lieu of a sidewalk. He noted St. Charles Road was not likely to be improved soon, and asked about the discussion and any time limits. Mr. Teddy replied he thought seven years was a reasonable period for cash in lieu when that alternative was proffered by an applicant and accepted by the Council. Ordinarily, there was a three year performance period associated with plats. There was also a statute of limitations in terms of enforcement. In this case, the only pending sidewalks would be those associated with development activity.

Kevin Murphy, 3401 Broadway Business Park Court, stated he was an engineer with A

Civil Group and explained he had sent an e-mail to the Council, which included additional thoughts and examples of recent variances with no conditions. He noted he hoped they had been able to visit the site to view the condition of the right-of-way and terrain. He commented that he did not believe the staff diagram fairly depicted the location of the sidewalk, and described where it would be located and the terrain there. He explained the parents of the McGary's had purchased the property in the 1970s, and Terry McGary and his wife had purchased a piece of it in the early 1990s while the rest of it was later inherited by Mr. McGary and his sister. He did not believe many people walked on this road and also did not feel 200 feet of sidewalk would benefit anyone. He read Section 1 of the policy resolution, which indicated the Council shall review each request for a variance in the context of there being a reasonable relationship between the proposed activity of the landowner and the requirement of the landowner to construct a sidewalk, and that public safety and welfare made it desirable to construct the sidewalk. He felt a single-family subdivision would only create a minor impact, and the sidewalk, which would be 200 feet in length and five feet in width, would be located 15-20 feet off of the road. This meant someone would have to leave the side of the roadway to get to the sidewalk and would then have to get back to the side of the road. The associated cost of the sidewalk was in upwards of \$28,000, and the potential sale of the property would only involve about \$37,000-\$40,000. He stated they did not feel this was the right time to construct this sidewalk since St. Charles Road was not on the 10-year plus plan on the CIP, and pointed out the City had the ability to tax bill properties by charging abutting property owners per abutting linear foot for projects involving streets, sewers, etc. He suggested that be looked into as any payment in lieu would need to be returned if not spent within seven years, and that would likely happen in this situation. In addition, he did not believe the money could be used elsewhere. He believed a variance for this property was warranted.

Terry McGary, 4305 St. Charles Road, commented that he felt if they were required to build the sidewalk now, it would negate their ability to sell the lot. He stated they would be glad to make an in lieu of payment or anything else that might be necessary to make it happen in the future.

Mr. Skala explained he was generally an advocate of sidewalks and did not really believe in the notion of a sidewalk to nowhere because at some point it would eventually connect to another sidewalk, but noted he also understood St. Charles Road would not be improved any time soon. It was a dangerous road and he hoped to be able to persuade the Council to construct emergency shoulders along it at some point. He commented that he was bothered by the seven year limitation because he thought the owners of the property should contribute to the eventual construction of the sidewalk, but did not feel it would be done within the next seven years. He noted he had been out to the property and there was a significant drop in the topography. As a result, he believed it would cost a considerable amount of money to construct this 200 foot sidewalk for a single property site. He pointed out this was a slowly developing area and he was not certain how much it would develop in his lifetime. He stated he was conflicted on this vote.

Mayor Treece commented that he was concerned they were creating so many variances that it would become the rule instead of the exception, and noted the applicant had pointed out the last three variances provided as evidence of why this one should be supported.

Mr. Thomas explained he had reviewed the situations in which the previous variances had been provided, and one involved a trail that essentially provided the pedestrian connectivity. He thought they had required a crosswalk to ensure the ability to get to a sidewalk on the other side for another one. He stated he was reluctant to waive the requirement. In itself, he did not feel it was an adequate argument to say this was the only sidewalk on the street or in this area because the point of the policy was to build the sidewalk network incrementally and someone needed to be first. It would never happen if they always awarded waivers.

Mr. Thomas asked Mr. Teddy if the \$28,000 estimate seemed realistic to him. Mr. Teddy replied he had no doubt they were being truthful with regard to the additional cost of fill. He noted staff had estimated the cost of concrete only at \$30 a running foot so it was a little over \$6,000 for just the concrete. He realized there would be some fill required and the length of the sidewalk would be 214 feet.

Mr. Thomas believed there was a financial mismatch if the cost to build the sidewalk was \$28,000 when the lot would only sell for \$30,000-\$40,000.

Mr. Thomas asked how the fee in lieu was determined, and asked if it would be the \$28,000. Mr. Teddy replied he thought it would have to be agreed upon as there was not a standard formula. He noted the policy resolution referenced the cost of projects within the last two years, and the Public Works Department had determined that was about \$6 per linear foot, which was about \$30 per running foot. Some contribution was helpful because it would offset the eventual public cost, but it was hard to know what was fair as the actual cost would include grading, etc.

Mr. Thomas asked if the reason for the sidewalk requirement was due to the platting process. Mr. Teddy replied yes. He explained the owner was required to create a legal lot as the tracts had only been described by survey. They had to modernize the way the lot was mapped. Mr. Thomas understood they sometimes received similar requests for construction on a vacant lot. It did not always involve the platting process. Mr. Teddy stated that was correct and provided an example from earlier this year whereby there was multi-family zoning on a collector street as it had triggered the sidewalk requirement.

Mr. Trapp understood the point of Mayor Treece, but noted it was a lot of money for a relatively small transaction. If they required the sidewalk, the project might not happen, which meant they would lose a chance to obtain a little extra density from that lot. In addition, the sidewalk would not be built since there would not be any incentive to sell the lot if all of the money would have to be used to build the sidewalk required to sell the lot. He stated he would support the waiver.

Mr. Pitzer suggested requiring a payment in lieu if they granted the waiver, and recommended requiring the \$28,000 since that would be what it would cost the City to construct the sidewalk. This was not a situation where they were saving a tree, and there were not any extenuating circumstances.

Mr. Skala commented that he was having a hard time with this since he did not anticipate an improvement to the road within seven years, so even if they required a payment in lieu, the return of the money would likely be required. As a result, the community would be required to pay for it. The cost was \$28,000 for a \$40,000 lot, which seemed to be out of line. He stated if he were to favor a payment in lieu, he would favor something less than \$28,000.

Mr. Teddy explained the Public Works Department had calculated a total of \$13,047 based upon the average cost over the last two years, so it was about \$61 per linear foot. Mr. Thomas understood this did not take into account the topography in any particular location. It was only the average based on all of the recent projects. He asked if that was used to estimate fees in lieu. Ms. Thompson replied that had been used on the last project in which there was a fee in lieu estimated.

Mr. Skala stated \$13,047 was a much better figure, but noted it would leave someone having to construct it at \$28,000 if not constructed in seven years.

Mayor Treece thought they were only compounding the problem because some lots were not developable. If this waiver was allowed with a payment in lieu and it was built within seven years, the City would have to construct a retaining wall fifteen feet into the property and a fence, which would not make the owners at that time happy.

Ms. Thompson explained the acceptance of a fee in lieu did not have to be parcel specific. They could define a radius of a half-mile or mile to create a nexus that was within a reasonable pedestrian navigation. Mr. Thomas thought this had been done for a project on Highway WW in the Old Hawthorne area. Mr. Skala stated he would favor that approach at the \$13,047 amount in hopes something in the area would come through

fruition within the next seven years.

Ms. Peters asked if sidewalks were built on other properties which were not a part of major developments. She wondered whether the ordinance was a good ordinance to keep due to all of the waiver requests. Mr. Teddy replied a lot of sidewalk was added through platting. The Council saw the exceptions. Ms. Peters understood they were increasing the sidewalk network. Mr. Teddy stated they were slowly getting there. He pointed out the City had miles and miles of streets that had never had sidewalks, but they could slowly increase the percentages of streets that had sidewalks.

Ms. Peters commented that the PZC was trying to stick to the ordinances that had been passed by the Council, and the Council seemed to be granting exceptions. She stated this would be annoying if she were on the PZC. Mr. Thomas agreed and noted City staff had also recommended against granting the variance based upon the rules.

Mr. Skala stated they had the same discussions when he was on the PZC with regard to the point of making a decision and sticking to the rules when the Council did not do the same. He pointed out the PZC did not have the final vote like the Council, and believed it was fair, even with a different decision, if the Council considered the recommendation of the PZC.

Mr. Thomas asked for clarification on the fee in lieu. He wondered if the money would be required to be paid at the time of platting and if it would be returned if not spent within seven years. Mr. Teddy replied the money would be held and identified by a project account number. Mr. Thomas asked if staff had a system for tracking the money and if they would warn the Council when they were close to the seven years if the money had not yet been spent. Mr. Teddy replied there was in the sense they had the subdivision history and would know when the three years was expiring. Mr. Thomas asked for the significance of the three year mark. Mr. Teddy replied it was related to the performance contract in terms when a sidewalk should be built. He pointed out it could be extended outward, but they would not wait more than seven years regardless. Ms. Thompson explained that was the situation for actual construction, but Mr. Thomas was talking about the fee in lieu. Mr. Teddy stated he was discussing the amount of time the money would be held.

Ms. Peters asked if it needed to be used in seven years if it was a fee in lieu and they planned to use it elsewhere. Mr. Teddy replied yes.

Mayor Treece stated he was inclined to approve the final plat, but deny the design adjustment to waive the sidewalk.

Mr. Thomas commented that he preferred the compromise position of taking the \$61 per foot as that would provide the incentive to continue with this subdivision while obtaining some money to put into a sidewalk there or in the area. Mr. Skala stated he agreed.

Mr. Thomas made a motion to amend B347-17 by adding a new Section 4 to require the owner, in lieu of construction of the sidewalk adjacent to St. Charles Road, to pay the equivalent of the cost of sidewalk construction which was determined to be \$13,047; for the city to hold such funds in escrow and authorize, at the direction of the Director of Public Works, the use of such funds for the construction or maintenance of sidewalks within a one mile radius of McGary Subdivision Plat 2; for the funds to be used by the city for such purposes within a period of seven years following payment into the escrow by the owner; and for any portion of the funds remaining in escrow at the expiration of seven years to be returned to the then owner of the property. The motion was seconded by Mr. Skala, and approved by roll call vote with Mr. Skala, Mr. Thomas, Mr. Pitzer, Ms. Peters, Mayor Treece, and Mr. Trapp voting yes.

Ms. Peters made a motion to approve the design adjustment relating to sidewalk construction. The motion was seconded by Mr. Skala, and approved by roll call vote with Mr. Skala, Mr. Thomas, Mr. Pitzer, Ms. Peters, Mayor Treece, and Mr. Trapp voting yes.

**B347-17, as amended, was given third reading with the vote recorded as follows:
VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO:
NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:**

VII. CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

- B325-17 Voluntary annexation of property located on the west side of Old Plank Road and north of Glasgow Drive (1001 W. Old Plank Road); establishing permanent R-1 zoning (Case No. 17-212).
- B327-17 Approving the Gadbois Professional Offices PD Plan located on the northwest corner of the Nifong Boulevard and Santiago Drive intersection (Case No. 17-228).
- B328-17 Approving the Major Plat of Stoney Creek Plat No. 2, a Replat of Lot 2A Stoney Creek Subdivision, located on the west side of Providence Road (Case No. 17-159).
- B329-17 Approving the Final Plat of Somerset Village Plat 5 located at the western terminus of Armstrong Road and northwest of the intersection of Battle Avenue and St. Charles Road; authorizing a performance contract (Case No. 17-189).
- B330-17 Approving the Final Plat of The Park at Somerset Village Plat 2 located on the west side of Lawton Drive and northwest of the intersection of Battle Avenue and St. Charles Road; authorizing a performance contract (Case No. 17-191).
- B331-17 Changing the name of "Hackerry Boulevard" to "Hackberry Boulevard" (Case No. 17-246).
- B332-17 Vacating a right of access easement located on the northwest corner of the Smith Drive and Louisville Drive intersection, approximately 3,000 feet west of Scott Boulevard (Case No. 17-241).
- B333-17 Authorizing a program services contract with the Missouri Department of Health and Senior Services for maternal child health services.
- B334-17 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation services.

- B335-17 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for HIV Prevention services.
- B336-17 Authorizing a memorandum of understanding with the Cape Girardeau County Public Health Center Rural Health Clinic and the Missouri Department of Health and Senior Services relating to deputizing and oversight of local public health agencies to provide vaccines for underinsured children.
- B337-17 Accepting conveyances for sewer and temporary construction purposes.
- B338-17 Accepting a limited partnership general warranty deed from Partnership for Kelly Farms of Columbia, L.P.
- B340-17 Authorizing the City Manager to execute a temporary construction easement for highway purposes to the Missouri Highways and Transportation Commission for property located on the east and west sides of Route 763 and adjacent to Columbia Terminal Railroad (COLT) right-of-way.
- B341-17 Authorizing a master end user license agreement with Schneider Electric, Inc. for software for supervisory control and data acquisition (SCADA) at the Water Treatment Plant.
- B342-17 Amending Chapter 19 of the City Code as it relates to unclassified service.
- B343-17 Amending Chapter 19 of the City Code as it relates to unclassified service; amending the FY 2018 Annual Budget by adding and deleting positions in the Municipal Court; amending the FY 2018 Classification and Pay Plan by adding and closing classifications; appropriating funds.
- B344-17 Amending the FY 2018 Annual Budget by adding and deleting positions in the Human Resources Department; amending the FY 2018 Classification and Pay Plan by adding a classification and a union affiliation designation to a classification.
- B345-17 Amending the FY 2018 Annual Budget by adding and deleting positions in the Community Development Department - Planning & Development -

CDBG/HOME Division.

- R156-17 Setting a public hearing: proposed construction of the Police Precinct/Municipal Service Center North facility to be located on the south side of International Drive in the Auburn Hills Subdivision.
- R157-17 Setting a public hearing: proposed construction of the College Avenue sewer replacement project, between Rollins Street and Bouchelle Avenue.
- R158-17 Setting a public hearing: voluntary annexation of property located on the north side of State Route WW, approximately 900 feet west of Rolling Hills Road (Case No. 17-76).
- R159-17 Authorizing the temporary closure of portions of sidewalks on Sixth Street, Seventh Street, Elm Street and Locust Street, and a single parking space located on Locust Street, to allow for the construction of a new State Historical Society Building located at 605 Elm Street.
- R160-17 Authorizing a business associates agreement with Inova Health Care Services, d/b/a Inova Employee Assistance, for employee assistance program services.
- R161-17 Authorizing agreements for FY 2018 Signature Series Funding under the Tourism Development Program.
- R162-17 Declaring the results of the special election held on November 7, 2017 to impose a local use tax on out-of-state purchases.
- R163-17 Authorizing a services agreement with Benevate, Inc. for software to manage housing and community development programs.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: RUFFIN. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- R164-17 Approving the Preliminary Plat of CPS Middle School Subdivision located east of Sinclair Road and south of Chesterfield Drive (Case No. 17-226).

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Peters asked what would be done with regard to Sinclair Road. She wondered if

anything was planned. Mr. Teddy replied it was a ten year plus project. Ms. Peters asked if the Columbia Public Schools (CPS) had plans to improve it or if they would put the students at risk. Mr. Teddy replied they would have to construct turn lanes, widen the section of road in front of the school, and create the necessary pockets for the storage of vehicles. Ms. Peters asked if there were any expectations for sidewalks. Mr. Teddy replied they were not going to rebuild Sinclair Road.

Ms. Peters asked if CPS had discussed the placement of this middle school with the City. Mr. Teddy replied they had announced their intentions. The City did not have a mechanism, other than the traffic study, for improvements, and the improvements being recommended were by agreement to address impacts specific to the school.

Ms. Peters commented that this was the same as Battle High School to some extent. Mr. Teddy agreed the roads were very similar.

Mr. Pitzer asked for the amount of frontage along Sinclair Road. Mr. Teddy replied he did not know, but thought the engineer for the applicant could respond to that question.

Mr. Pitzer asked Mr. Teddy to describe the connectivity for the neighborhoods to the south to the school site. Mr. Teddy replied the tract was a part of the University of Missouri's Sinclair Farm. It did not have existing points of connection to adjacent subdivisions. Sinclair Road would be the route. Mr. Pitzer asked about someone who wanted to walk or bike the half-mile from the neighborhood to the school. Mr. Teddy replied they would have to use the sidewalks such as they were on the east side, which he believed was intermittent. Mr. Pitzer clarified he was asking about the neighborhoods to the south. Mr. Teddy stated he could not see any facility that could be used by pedestrians from the south.

Mr. Pitzer understood the large vacant lots to the west were owned by the University of Missouri, and asked if there was anything on those tracts that might hinder future development. Mr. Teddy replied he did not believe there was anything that would stop development entirely. He noted there would be constraints.

Mr. Pitzer asked Mr. Teddy if development tended to speed up or slow down with the construction of a school in his experience. Mr. Teddy replied it would attract development. He referred to Battle High School as subdivisions were in progress and future phases would come forward in the fall and winter.

Mr. Pitzer asked if the subject site was already within the city limits. Mr. Teddy replied yes. Mr. Pitzer understood Sinclair Road, further to the south, was within the County. Mr. Teddy stated the Arrowhead Subdivision was within the unincorporated area, but the Cascades Subdivision was within the city limits of Columbia.

Mr. Pitzer understood there were some sidewalks to the north, but there were sidewalk gaps. He referred to a specific area where there was a sidewalk gap and understood there was a project that would address that gap. Mr. Teddy stated that was correct. Mr. Pitzer noted that would at least provide a connection to the Heritage Woods and Heritage Meadows neighborhoods.

Ms. Peters asked if CPS would be responsible for constructing a sidewalk all along their property. Mr. Teddy replied yes. Ms. Peters understood the kids from Heritage Meadows could get to school utilizing the sidewalks.

Mr. Skala commented that he believed Sinclair Road could be another candidate for the type of treatment that had occurred on Clark Lane and would occur on Ballenger Lane, which involved emergency shoulders for pedestrian and bicycle traffic while preparing the roadbed for future improvements when there was development. This was a relatively inexpensive way to make improvements that provided more safety for bicycle and pedestrian traffic in the short term. He explained he was becoming a fiscal conservative in terms of issues of annexation and the extension of infrastructure since they were having difficulty paying for existing infrastructure. He felt the situation became more exacerbated with annexation. In this situation, he believed interim measures would maintain the safety of pedestrians and bicycle traffic given the location of the school.

Mr. Thomas stated he did not believe this was just a problem involving annexation as he

felt it was a problem of growth and inadequately collecting infrastructure dollars for the impacts on public infrastructure. They did not collect any fees for schools even though the community had to build more schools for every several hundred homes that were constructed. In addition, they collected an inadequate fee for roads. The fifty cents per square foot only covered about ten percent of the cost of expanding roads for the additional traffic caused by growth. He noted he did not have a specific proposal, but believed they needed to address the cost of growth so they did not continue to be affected by these situations where the community did not have the money to do what needed to be done.

Michael McMillen, 2005 Devonshire Drive, explained he was representing the Heritage Woods Homeowners Association Board of Directors, and noted the Heritage Woods neighborhood was immediately north of the proposed middle school on Sinclair Road. He stated they shared the concern of increased traffic on Sinclair Road as a result of the new middle school. There would be two schools within three-quarters of a mile of one another. They were not opposed to the middle school, but felt Sinclair Road was in need of serious upgrades. It had blind-spots and hills, and was heavily used by bicyclists even though it did not have bike lanes. It was also used by joggers and runners even though they did not have sidewalks. He understood there was a for sale sign up for the property across the road from their subdivision for 535 acres of land, which he assumed was zoned residential or would be zoned residential. He commented that the turn lane being proposed would only provide for people to get to the school if they were heading south. It addressed people getting in and out of the school, but did not address the problems of the residents along Sinclair Road. He thought it would be in the City's interest to construct a four-lane road from Nifong Boulevard to an area south of the new school. Although he shared the concern of finances, he did not believe they should be short-sighted either. He pointed out Sinclair Road had been designated a major collector, but was currently unimproved. It had also been identified as an urban trail/pedway.

Mr. Skala understood the desire for a four lane road, but noted they might need to address safety for pedestrians and bicyclists while getting the roadbed ready for a later improvement. Mr. McMillen commented that he had been told Southampton Drive would cross Sinclair Road as development occurred, and this would also increase traffic. He noted the bridge over Mill Creek Road was an issue as well as heavy rain impacted it. He stated he would hate to see the City spend some money now and have to come back a few years later to widen it.

Fred Carroz explained he was with Engineering Surveys and Services and was available to answer any questions regarding the plat.

Mr. Pitzer asked when construction was anticipated to start. Mr. Carroz replied he thought it would be late spring. Mr. Pitzer asked what would happen between now and then. Mr. Carroz replied the plans would be developed and finalized. Mr. Pitzer asked how long construction would take. Mr. Carroz replied he was not certain, but thought it might be two years.

Charles Oestreich explained he was the Director of Facilities and Construction Services for CPS and noted they planned to start clearing the site as soon as the permit was approved, which he hoped would be in December. Actual civil work, which included grading, would likely begin in April or May, and the hope was to actually start building in June. He stated they were on a rushed schedule in that one of the middle schools was already overpopulated.

Mr. Pitzer asked about plans for onsite improvements along Sinclair Road. Mr. Oestreich replied he thought the plans called for a sidewalk along the frontage of the property and a deceleration lane. He understood that was all the traffic study had recommended. He commented that like everyone else, they had an extremely tight budget. Any additional burden with regard to sidewalks or road improvements would reduce the square footage of the building, which would not benefit students.

Mr. Pitzer asked if sidewalk connections were considered when determining where to

locate a school. Mr. Oestreich replied they had a process, and explained they initially had about 40 sites, which they had vetted with City staff and others. He noted City staff had a voice in the final selection of the site that was chosen. The preferred site had not been for sale, and this subject site was the only one that offered the infrastructure that could be afforded by CPS at this time. He reiterated the City had been involved in the selection process. Mr. Pitzer understood it had the infrastructure CPS could afford, but pointed out it would accelerate the demand for additional infrastructure on the City. Mr. Oestreich commented that they had to build more schools as more houses were built. They would not find an ideal spot with all of the necessary infrastructure. He stated it was becoming more and more difficult to find property within Columbia and Boone County. He reiterated they had started with about 40 sites, which were ranked based upon criteria. Any site chosen would require some level of additional infrastructure. They allowed the traffic study to guide them on what might be necessary.

Mr. Pitzer noted the site was large and asked if there were plans to construct additional buildings. Mr. Oestreich replied the thought was that they might need another facility as they continued to grow for an elementary school or early learning building so they wanted to purchase the necessary acreage. The site plan would include stormwater management for the entire site in case they needed to build another facility. Mr. Pitzer understood that meant more vehicle, pedestrian, and bicycle traffic. He asked Mr. Oestreich if CPS liked encouraging kids to bike and walk to school. Mr. Oestreich replied he hoped the property to the south would be purchased and developed as it would accommodate some of the infrastructure needs. He commented that he wished they had the money to build four lanes with sidewalks from Mill Creek Road to Route K, but they did not. It was not realistic.

Mr. Pitzer asked for clarification regarding the left turn lane on Route K. Mr. Oestreich replied a recommendation of the traffic study was for a deceleration lane off of Route K. Since it was not needed immediately, they would contribute the cost of that lane to the City when it was needed. Mr. Pitzer commented that the staff report had indicated a roundabout instead of a turn lane and asked for clarification. Mr. Teddy explained he worded it as a turn lane equivalent contribution to a roundabout because a roundabout was favored as of now. Mr. Pitzer asked for the turn lane equivalent percentage of the cost of a roundabout. Mr. Teddy replied it would be the cost to build the turn lane. Mr. Oestreich understood the long range plan was to build a roundabout, but only a deceleration lane was needed now so they would contribute the cost of the deceleration lane toward the construction of the roundabout. Mr. Pitzer commented that the turn lane equivalent would likely be a small fraction of the overall cost. Mr. Teddy explained they were not responsible for the entire roundabout because it would benefit the area. Mr. Pitzer noted it was another infrastructure improvement that building two schools would demand.

Mayor Treece asked Mr. Oestreich how many students the proposed middle school would serve. Mr. Oestreich replied he thought they were looking at 650 with the total build out of the school. He believed Gentry Middle School was populated at 850 students.

Mayor Treece asked if Mill Creek Elementary was also on Sinclair Road. Mr. Oestreich replied yes. Mayor Treece commented that when they had discussed the Sinclair Road roundabout at Nifong Boulevard/Vawter School Road, it had involved the sharing of costs for a parking lot at Mill Creek Elementary. Mr. Oestreich stated, if he recalled correctly, CPS would donate the land to build the roundabout, and the City would increase the CPS parking there as part of the project to keep the vehicles off of Nifong Boulevard. He explained they now tried to provide adequate parking and stacking at all of the schools so vehicles were not on the public streets. Mayor Treece asked if there had not been adequate parking and stacking at Mill Creek Elementary when it was built. Mr. Oestreich replied no as it was built 25-30 years ago. Mayor Treece asked how many students Mill Creek Elementary served. Mr. Oestreich replied he did not have a number, but

understood it had gone down since Beulah Ralph Elementary had been built. Mayor Treece asked for a rough estimate. Mr. Oestreich replied he thought there were likely 500-600 kids at that school. Mayor Treece understood at least that many cars would stack at the new middle school since those kids did not drive either. Mr. Oestreich stated they would provide for adequate stacking on the new site. He hoped it would be rare for cars to be backed out onto the roadway.

Mr. Thomas understood CPS provided bus service for all elementary and middle school students that lived more than the walking distance, and even within the walking distance, if it was unsafe. Mr. Oestreich replied he could not speak to that issue with confidence, and noted he thought bus service was provided outside of a one mile radius.

Jonathan Sessions, a CPS Board Member, explained state law required bus service outside of two miles for elementary school students and three miles for secondary school students, but CPS provided it for any student that lived further than one mile away for elementary school students and two miles away for secondary school students. They also provided the service for any student whose transportation would require them to cross unsafely.

Mr. Thomas asked if CPS had considered encouraging parents from driving students to school by charging a drop off fee because buses were traveling through the neighborhood regardless and it was creating unnecessary traffic congestion problems on city streets. Mr. Sessions replied he was not sure they had a mechanism for that, and agreed they would have less of a stacking issue if more students rode the bus. He explained it was a struggle to keep up ridership at a school that was built in the 1980s as more and more people drove. Mr. Thomas thought the City and CPS needed to find ways to partner to discourage people from driving so much. Mr. Sessions stated the CPS was actively working to find solutions, but needed state law to change first.

Mr. Sessions pointed out CPS would be providing busing to this school for students within a one mile radius because they recognized there was a lack of sidewalks to the south.

Mr. Skala understood the Council had more flexibility at the preliminary plat stage than it did with the final plat as it was often characterized as a ministerial action unless it involved public safety. Ms. Thompson stated that was correct, but explained the Council needed to consider how the lot was configured in terms of whether it was appropriate and met all of the subdivision standards. The required public improvements would need to be installed at the time of final plat or guarantees of installation would need to be put into place. The question involved what were the required public improvements. Mr. Skala understood they would likely see a final plat fairly quickly depending on the outcome of this preliminary plat. Ms. Thompson stated that was correct. She explained larger developments or developments with significant impacts sometimes involved development agreements that set forth the required public improvements for the specific project.

Mayor Treece asked what type of offsite improvements would be required for a similar 63 acre development that generated traffic of 650 vehicles twice a day at the same time. Mr. Teddy replied an alternative use would likely be other institutions than residential so they would be comparable. If they viewed it as an office corridor, it could have a more intensive impact and require more improvements. It would be important to look at zoning and what else could be permitted as a right. Single-family residential was really the only alternative use, but there would not be as many vehicles in a continuous stream. Mayor Treece asked for clarification. Mr. Teddy replied the length of a turn lane might not be as great as it was for a school on a comparable sized site.

Ms. Peters asked if there was an area plan for how the southwest part of Columbia would develop. Mr. Teddy replied they used the Comprehensive Plan as there was not an area plan.

Mr. Teddy noted Mr. Pitzer had asked about the length of the frontage, and it was approximately 22,060 feet, which was equivalent to a little over four-tenths of a mile.

Mr. Pitzer explained a roundabout had been approved for the north end of Sinclair Road, a

stormwater project was planned across Mill Creek, and a sidewalk project was planned in the area, and they all had funding. In addition, there would be improvements along the frontage of this site. He believed they would now have to do something about the south end of Sinclair Road due to additional traffic created by the development of this site. As a result, there were five different individual projects involving Sinclair Road. Ms. Peters understood there was not a plan for Sinclair Road. It was all cobbled together.

Kristina Powell, 6808 Port Orchard Drive, stated she was present as the President of the Homeowners Association for Cascades. She commented that their friends from Heritage Meadows had pointed out that Sinclair Road was full of blind hills and blind corners. The aerial map did not show the topography of the land. She noted those that traveled Sinclair Road would frequently come up on a biker, jogger, or someone walking their dog on the road because there were drops, ditches, and high hills off of Sinclair Road. She asked the Council to table the approval of the new middle school until a comprehensive road plan was agreed upon by the City, CPS, and the residents that lived around Sinclair Road. She stated their fear was that development would happen before the infrastructure was in place. Tabling would allow for the opportunity to plan for the infrastructure prior to the school being built. She pointed out flooding occurred at both the north and south ends of Sinclair Road. She understood busing would be provided to the Cascades, but felt it was unrealistic to think middle schoolers would not want to walk or bike to school. She reiterated her request to table approval of the school.

Mr. Pitzer asked if there was sidewalk access along Sinclair Road from the Cascades. Ms. Powell replied they had sidewalk access within the subdivision, but not to the proposed school site. Mr. Pitzer asked Ms. Powell if she knew the distance between the end of the sidewalk and the proposed school site. Ms. Powell replied she thought it would be about one-half of a mile to a mile.

Eugene Elkin, 3406 Range Line Street, commented that someone with the City needed to take on the issue of streets and sidewalks. He wondered if there were any new substances that could be used for paving streets and constructing sidewalks. He stated he had attended a two-story school and asked if that was a possibility. He noted every time another school was built more tax revenue was needed.

Mr. Oestreich stated he objected to the idea of tabling this item. CPS was under a tight schedule and they were overpopulated. The school would not be completed until 2020, which provided a couple years to determine what additional road improvements might be needed. He noted there were 13-14 trailers at Gentry Middle School, which was not an ideal learning environment, so they needed to build the new school as soon as possible. He pointed out they had been making great strides in reducing the number of trailers they had as they had gone from 173 to 65 to date, but it had been done by building schools.

Mr. Carroz commented that he wanted to respond to the flooding issue mentioned, and explained Southampton Drive could be used as an avenue out on the north end if Sinclair Road was to be closed.

Mr. Pitzer explained he had been troubled ever since CPS had announced this site for a new school due to the condition of Sinclair Road. He agreed this school was desperately needed as only one of the six middle schools in Columbia was located south of Broadway, and the overcrowding at Gentry Middle School was significant. He commented that he was not sympathetic to the idea of trying to figure it out within the next couple of years as the school was being constructed because nothing would happen. He believed deadlines tended to focus the mind. He suggested this be tabled for a short period of time, such as two months, to allow time to think about what they were doing on Sinclair Road. He noted there were at least five individual projects on Sinclair Road that had funding identified, but he was not sure anyone was looking at them comprehensively. He thought they should look at the whole thing to determine the best approach. He pointed out there were huge tracts of land that were primed for development in the area, and those developments would bear some of the burden of the costs for the infrastructure as they occurred, but in the meantime there would not be a

way to get to the school safely, similar to what had happened at Battle High School. He stated it would be great for all of the development and infrastructure to be in place prior to building the school, but that was not reasonable. He wished there was a way to fund some of the improvements and recover costs as development occurred, but understood that was not a possibility. He commented that it was incumbent upon the school system to look at the costs they were placing on the City when they decided on the location of schools and to take into account the safety of kids that were biking and walking to school. He pointed out he had been saying this for months. He understood the City might have been involved in some of these discussions prior to the selection of this school site, and reiterated he thought it was incumbent to ensure the safety of kids trying to get to school. He did not feel it was right, fair, or just for the school system to decide to build a school in one area and impose additional costs, such as the cost of a parking lot at Mill Creek Elementary and the intersection improvements at the south end of Sinclair Road. He felt it was important to pause and determine a plan to attack this in a responsible fashion.

Mr. Pitzer made a motion to table R164-17 to the January 16, 2018 Council Meeting. The motion was seconded by Mr. Thomas.

Mr. Skala stated he would not support the motion for tabling even though he felt the objective was reasonable. He commented that he wished there were four lanes road with gutters in his ward. He explained he had compromised for emergency shoulders on roads for safety purposes, and felt the same should be done here. He noted he was beginning to get frustrated by those on the south side feeling as though that was not satisfactory. He pointed out that the Council used to receive a letter from the CPS about the number of students and any need for additional infrastructure. Although he appreciated the staff involvement, he believed the Council should be notified as well. He understood they were all independent governmental entities that had the ability to have a tax base, but felt they needed to do a better job of partnering. He reiterated something needed to be done in the short term to protect the students and believed that could be done while the school was being constructed. He did not see any purpose for a two month delay.

Mr. Thomas commented that he would support the motion to table because he was not willing to approve this preliminary plat when looking at it in terms of Vision Zero. He agreed there would not be any focus in solving the infrastructure problem if the plat was approved as the school would then be built creating an unsafe situation. He was not sure they would get much help from future developments as the City only charged 50 cents per square foot for the road system. He suggested a really good pedway, which was in the plans for that road as it would provide a safe bicycle and pedestrian connection, from Vawter School Road and Route K, as he did not feel it would cost too much. He pointed out traffic jams would create more of an incentive for kids to walk and bike to school or use the bus, and the pedway would allow them to do it safely.

Mr. Trapp noted he was against the tabling as the school was on a construction deadline due to overcrowded schools. He agreed there was not a perfect site, and public planning sometimes involved choosing the least worst option. He felt the traffic study had concluded the essential pieces of infrastructure improvements and which pieces needed to happen in the immediate future. He noted they could continue to look for other sources and solutions. He pointed out there were a lot of needs citywide, and the fundamental formula of how infrastructure was paid did not cover the cost of a lot of residential development, which included schools. He felt that equation needed to be rebalanced, but did not believe those pressures needed to be placed on this project.

Mayor Treece commented that although a four lane road was likely the optimum solution, he felt some additional focus might present alternatives like a pedway, a substrate that would support a shoulder, etc. He explained he was struck by the expectation of taxpayers for governments to cooperate and work together with the same realistic expectation that they would likely require more offsite improvements if this was a private

development generating the same amount of traffic prior to approving the plat. He stated he would support the tabling so a plan or memorandum of understanding could be developed.

The motion made by Mr. Pitzer and seconded by Mr. Thomas to table R164-17 to the January 16, 2018 Council Meeting was approved by voice vote with only Mr. Skala and Mr. Trapp voting no.

R155-17 Setting a public hearing: proposed construction of the Ballenger Lane improvement project, from Ria Street to Mexico Gravel Road.

The resolution was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Skala asked about the time frame with regard to the start of this project and the potential completion of it. Mr. Nichols replied it would begin in 2019 and timing would be dependent on how long the right-of-way acquisition would take. He noted they would likely bid it in late 2018 so construction could begin in the spring of 2019. He pointed out he was also communicating with MoDOT with regard to culvert replacement because he did not want to take on a road with poor drainage. Mr. Skala understood some of the topography was torturous, which was why they could not construct sidewalks as it would cost more than the road improvements. Mr. Nichols explained there were some sidewalks, which they would connect to the shoulders so there would be connection points along the route. Mr. Skala asked that this be under construction in 2019 prior to the next election.

The vote on R155-17 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: RUFFIN. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B348-17 Authorizing construction of the Vandiver Drive and Parker Street roundabout improvement project; calling for bids through the Purchasing Division.

B349-17 Authorizing the acquisition of certain interests in real property for construction of the Vandiver Drive and Parker Street roundabout improvement project.

B350-17 Authorizing a non-federal limited design and implementation reimbursable agreement with the Department of Transportation Federal Aviation Administration relating to additional work associated with the rehabilitation and extension of Runway 13-31 at the Columbia Regional Airport.

B351-17 Amending Chapter 22 of the City Code to update requirements relating to the inflow and infiltration reduction program.

- B352-17 Accepting conveyances for sewer, drainage and utility purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B353-17 Accepting conveyances for underground electric, water utility and utility purposes.
- B354-17 Amending Chapter 19 of the City Code relating to employment discrimination.
- B355-17 Amending Chapter 19 of the City Code as it relates to employee incentive programs.
- B356-17 Adopting the Choice Plus \$750 Plan, the Choice Plus \$1,500 Plan and the Choice Plus \$2,700 High Deductible Health Plan for the City of Columbia.
- B357-17 Authorizing a first amendment to the agreement with The Curators of the University of Missouri, on behalf of its Office of Social and Economic Data Analysis, for data collection and analysis services relating to socio-economic, housing, health and education community indicators.
- B358-17 Authorizing an agreement with Columbia Center for Urban Agriculture, Inc. for the development and operation of an agriculture park at Clary-Shy Community Park.
- B359-17 Authorizing an agreement with Columbia Farmers Market, Inc. for the operation of a farmers market at the Clary-Shy Community Park.
- B360-17 Designating a portion of the City of Columbia as a redevelopment area; approving the Broadway Hotel Phase Two Redevelopment Plan and project; adopting tax increment financing (TIF) within the redevelopment area.

X. REPORTS

- REP92-17 Definition of Hotel and Motel.

Ms. Schneider provided a staff report

Mayor Treece understood the proposal did not include regulating Airbnb or VRBO units. It simply addressed the application of the transient guest tax. Ms. Schneider stated they would want to apply any other applicable taxes as well. Mayor Treece asked if this was seamless to the operator in other communities that did this. Ms. Schneider replied the

City would have to come to agreement with the short-term rental company so there would have to be an agreement with Airbnb, Expedia, etc. Once there were agreements with those companies, the companies would take care of the applicable taxes with those that were using them.

Mayor Treece understood the Convention and Visitors Bureau did not currently market any of the Airbnb or other rentals in Columbia, and if they would be eligible for those services if they paid the tax. Ms. Schneider replied people were coming to Columbia for a variety of reasons and due to the marketing done by the Convention and Visitor Bureau and other entities. If it were not for this marketing, they would not have people staying with them.

Mayor Treece asked Ms. Schneider if she had reached out to any of the Airbnb operators. Ms. Schneider replied that would happen next, and explained she was currently only reporting to the Council that this was an issue that needed to be reviewed. A lot of conversation was needed before a decision was made. She pointed out this had implications on City departments other than the Convention and Visitors Bureau.

Mr. Pitzer asked if the short-term rentals would be commercial enterprises if this change was made. Ms. Thompson replied this was the reason a conversation was needed across various departments. This was a report with a singular view from the Convention and Visitors Bureau and the Convention and Visitors Advisory Board. It had not been vetted in terms of planning and zoning or anything else. Mr. Pitzer stated that was his concern as he understood it would then not be allowed in the R-1 zoning classification. Ms. Thompson agreed this change would have a ripple effect. Ms. Schneider pointed out the Convention and Visitors Bureau was well aware of this and understood conversations needed to be held.

Mr. Skala commented that he believed the Airbnb issues needed to be addressed. About a year ago, he had been contacted by constituents in the East Walnut neighborhood about this issue. He noted a records request had recently been received as well, and wondered if these discussions had prompted that request.

Ms. Schneider emphasized this was not anything that could happen overnight as there were a lot of things that needed to be looked into. She reiterated they felt it was important to bring this to the attention of the Council as a conversation was needed.

Mr. Skala agreed the conversation needed to occur as there were some conflicts occurring in some of the neighborhoods.

Mayor Treece suggested some of the legal issues be flushed out before bringing back an ordinance for consideration.

Mr. Trapp stated he was supportive of moving forward with the conversation. He believed the argument of short-term rentals receiving the benefit of the services of the Convention and Visitors Bureau was strong. He believed many other communities were looking into this issue as well.

Mr. Pitzer agreed every community was dealing with this issue and many were finding solutions. He thought they should move forward.

Mr. Matthes pointed out there were days short-term rentals represented the largest hotel in Columbia as the number of units were more than what was in the City's largest hotel.

REP93-17

Vision Zero Action Plan - Enforcement Critical Action #2, Initiative B.

Deputy Police Chief Gordon and Ms. Thompson provided a staff report.

Mr. Thomas commented that Vision Zero was a multidimensional approach that included engineering, enforcement, and education. He believed a major component of a no texting while driving ban was education, and that the clarity of the language was important in making it effective. He stated the Chesterfield law was clear, but the proposed language for Columbia was not clear. As a result, he did not believe it would have the educational impact of discouraging people from texting while driving. He noted he was interested by the fact the communities had split the law for those over 18 years old and under 18 years old, and that they did not really enforce the over 18 years old law due to state law. He suggested they do the same, and to adopt the O'Fallon law, which allowed the enforcement of these things. That would provide the enforcement benefit from the

ordinance proposed along with the education benefit from the over 18 years old and under 18 years old clause. He also believed they needed to apply pressure for a change in state law by joining communities that disagreed with the state law.

Deputy Chief Gordon pointed out they had to get away from the narrow focus on texting as the use of the cell phone device was causing the crashes. He noted he had recently seen someone watching a television show while driving and another person holding a Facetime teleconference while driving. He explained he would be able to stop a person for failing to maintain the single lane more than once and could have contributed it to cell phone use when writing his narrative to the municipal judge. Mr. Thomas asked under what law he could have stopped the person. Deputy Chief Gordon replied careless and imprudent driving, and pointed out it was a mandatory court appearance in front of the municipal judge. This first part involved the actual trial in terms of whether the person was guilty or not guilty of the violation, and next was the sentencing phase, which was when the judge could decide on the fine. He reiterated it was more than texting as people googled while driving, used navigation while driving, etc. It was a larger problem than just texting.

Mr. Thomas suggested a short and simple ordinance that prohibited using a handheld cellular device. Deputy Chief Gordon stated he believed the State would declare that as unconstitutional. Mr. Thomas noted the law existed in Chesterfield and other Missouri communities. Ms. Thompson pointed out those laws had not been enforced. Mr. Thomas stated he thought Columbia should follow their path and expand it beyond texting as had been suggested. If they felt the other law, which had been proposed, provided actual enforcement capacity, it should be done as well. Deputy Chief Gordon replied they always had the enforcement capacity. Mr. Thomas understood this law would not change anything. Deputy Chief Gordon stated that was not correct. It did change things as it would only allow them to indicate the cell phone was a contributing factor as to why the vehicle was being operated in a careless and imprudent manner as part of the punishment phase before the judge.

Mr. Skala commented that a topic at the National League of Cities Conference had been pre-emption, which was endemic throughout the United States. He noted Columbia had been a victim to it, and provided the example of the plastic bag ban. As a result, he believed they needed to be careful in how they approached the State. If it was enforceable to deal with handheld devices beyond texting for those less than 21 years old, he was supportive. Deputy Chief Gordon pointed out this would be for everyone. Mr. Skala thought they would not be able to enforce it for those over 21 years old except when they took it to court due to another infraction.

Deputy Chief Gordon explained the Chesterfield law allowed this to be the primary offense for someone under the age of 21. He noted the problem was in trying to determine the age of the person. If he stopped the person for this and the person was 21 or older, the traffic stop immediately had to end. His precursor for contact with the person was gone. Mr. Skala understood the law would have to be violated in some fashion in order for the stop. Deputy Chief Gordon stated that was correct. He pointed out the Chesterfield law was written as a primary offense. He was concerned the associated citation would be overturned. Mr. Skala understood they would come across a violation, make a stop, make a determination of age and whether the device was a contributing factor, and take that to court for the judge to sanction that behavior because it involved reckless driving. Deputy Chief Gordon explained the judge would take the person's driving history, the type of violation, etc. into consideration, and could add to the fine due to cell phone involvement.

Mr. Skala asked if it was worthwhile for an ordinance for those over 21 years old as suggested by Mr. Thomas even though it was a political statement. Mr. Matthes replied it would be awkward. He explained officers took an oath to enforce all laws, and if the Council passed a law they did not intend for officers to enforce, they would violate the oath. Mr. Skala thought they might just want to invest funds in education to ensure

people understood it was lethal. Mr. Matthes suggested they go with the approach that had been recommended by staff.

Mayor Treece understood the recommendation of staff indicated the operator of a motor vehicle could not cause his or her vision or attention to be obscured, diminished, or directed other than the path of travel, including, but not limited to, using a mirror to engage in grooming; reading anything located in the vehicle other than the operation manual, vehicle gauges and equipment; writing; drawing; manually inputting information into a GPS or mapping device; or turning one's head substantially away from the path of travel to observe things in the vehicle or outside the vehicle. Deputy Chief Gordon replied yes. Mayor Treece pointed out it did not mention a digital device. Deputy Chief Gordon stated that was correct, and explained he believed they would open themselves to an appeal if they included it.

Mr. Thomas asked if it would be an appeal on a given case where one was ticketed or if it would be a larger scale sanction the State of Missouri would try to apply. Ms. Thompson replied it would be a claim made by someone. Mr. Thomas thought that would great as it would test the reasonableness or unreasonableness of the law. Ms. Thompson stated they were trying to provide their best judgement on something they felt could stand up to a challenge, and they believed that language would stand up to a challenge as it could be applied to someone over the age of 21.

Mayor Treece asked if this would contribute to the public's perception of increasing the likelihood of pretextual stops since it was a broad definition. Deputy Chief Gordon replied he did not believe it would because it would not be the primary offense. The person would have had to have committed some type of law violation, which should have been captured on the in-car camera. It would only provide the ability to control the careless and imprudent driving they were seeing due to mobile devices. He believed the State of Missouri was one tragic event away from the current law being overturned. He felt the suggestion of staff was an enforceable law that could stand up to a constitutional test. It would also not put officers in a difficult position by trying to enforce a law that was not enforceable or trying to push the issue when it was considered an overreach. Officers did not want to be on a YouTube video or have their case before the Missouri Supreme Court because their name would be attached to it.

Mr. Thomas asked if an education campaign was planned. Ms. Cole replied Annette Triplett with PedNet had recently provided a very rough draft of a campaign plan they had for the next three years, and she understood this would be a component of it. Mr. Thomas asked if they were thinking about rolling something out at the same time as the law. Ms. Cole replied no. She did not believe any education campaign would begin until the spring. Deputy Chief Gordon pointed out MoDOT would be rolling out a campaign and the City would participate in it via Twitter, Facebook, and message boards. Mr. Thomas asked if the education messages that went along with the law change mentioning not using cell phones or texting while driving would put the City at risk for a sanction from the State. Deputy Chief Gordon replied he did not feel it would as the education campaign was about the reduction of accidents.

Ms. Thompson commented that there was not anything that said they could not do the under age 21 law and educate on it as a complete ban on texting. They could do a dual approach. It could be the primary offense if the person was under the age of 21.

Mr. Thomas understood the communication messages would not be limited to under age 21. Deputy Chief Gordon stated that was correct.

Mr. Trapp suggested the law be brought forward for consideration. Mr. Skala agreed.

REP94-17

Discussion of changes to Chapter 11 - Weeds.

Leigh Kottwitz provided a staff report.

Mr. Trapp stated he would be supportive of obtaining public input to assist in crafting legislation. Ms. Peters agreed.

Mr. Skala commented that he believed the public would inform this discussion and agreed they should move ahead with public discussion. He thought they would likely find

people on both sides of this argument. He felt the goal should be a reasonable compromise between those that wanted natural plants and those that preferred manicured lawns.

REP95-17 Proposed terms for Wheelchair Accessible Vehicle (WAV) taxi grant program.

Mayor Treece understood what was important to those that used wheelchairs was for a van to always be available. He was not sure how that would be coordinated.

Ms. Thompson commented that staff would take feedback from Council and incorporate it into the final grant.

Mayor Treece asked when this would be rolled out. Ms. Thompson replied she thought they wanted to get a program going by the end of the year. Mayor Treece asked if staff had reached out to some of the taxi providers. Ms. Thompson replied she believed there had been discussions with taxi providers. She thought they really wanted to make sure they could coordinate and were not limiting it to separate taxi companies as they wanted it a 24/7 operation in terms of availability.

REP96-17 Business Loop Community Improvement District - End of Fiscal Year Report.

Mayor Treece understood this report had been provided for informational purposes.

Mr. Thomas stated he liked the protective bike lane options in the plans.

REP97-17 Administrative Public Improvement Project: ARC Security Camera System Replacement.

Mayor Treece asked if there was any objection to using the administrative public improvement process to replace some exterior security cameras at the ARC. No one objected.

Mr. Trapp noted technology had advanced significantly in fifteen years, and there was better capability and ability to manipulate images. He thought they would be able to massively upgrade their capability with this investment.

Mr. Skala asked if this would affect the capacity of recordings in addition to the resolution. Mr. Huffington replied it would. He explained they would be able to record more footage and might be able to use smart devices to look at the footage. Mr. Skala asked about the timing in terms of when footage was discarded. Mr. Huffington replied they could hold up to 30 days of footage now.

REP98-17 Intra-Departmental Transfer of Funds Request.

Mayor Treece understood this report had been provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, commented the Judy Hubbard and Glenn Cobbins had run the first homeless shelter in Columbia, and he was glad they were still trying to work with the homeless like him.

Mr. Elkin understood that nut shells were being used for replacement fuel. He asked if the City was using other means to generate electricity.

Mr. Elkin suggested adding something to sidewalks and pavement to stretch funds with lesser upfront costs while helping by not adding to the landfill.

Mr. Elkin hoped for a permanent homeless shelter in the future.

Katie Essing, 11 S. Tenth Street, explained she was the Executive Director of the Downtown Community Improvement District (CID). She noted food truck vendors had been given three locations to park downtown in 2014, and they had asked for an expansion to embrace further opportunities. The CID had vetted the issue and three locations had been recommended to be added. The current food truck locations were at

Walnut Street between Ninth and Tenth Streets, Cherry Street between Sixth and Seventh Streets, and Locust Street between Ninth and Tenth Streets. They were asking for Walnut Street between Seventh and Eighth Streets, Walnut Street between Tenth and Hitt Streets, and Eighth Street between Broadway and Walnut Street. She noted this would require an ordinance change, which was why she was before the Council. She noted in addition to the downtown restaurants and businesses, they had talked to the Mid-Missouri Restaurant Association.

Mayor Treece thought food trucks were already allowed in front of the ARTlandish Gallery. Ms. Essing stated they tended to park there, but it was not an official location.

Mayor Treece stated he was a fan and would like to see an ordinance come forward. He thought it incubated restaurants although he understood one restaurant was closing and moving to a food truck. He also believed it added to the vibrancy of downtown and was great for special events.

Mr. Skala noted it put more people on the streets and sidewalks, which improved the vibrancy of the downtown.

Mr. Pitzer commented that the Council had received correspondence regarding the Henderson Branch sewer this week and understood the issue was waiting on legal approval related to some associated documents, and asked if that was correct. Ms. Thompson replied she had worked with the Sewer Division on an annexation agreement, and all of that language had been approved. She thought they had been in contact with the property owners with regard to pre-annexation type agreements. Mr. Matthes replied he agreed, but would ensure that was the situation.

Mr. Skala stated he had attended the National League of Cities Conference in Charlotte, and the Racial Equity and Leadership (REAL) group had held some robust discussions from community policing to racial profiling. They had many resources and provided assistance to communities. He commented that he had received a packet of information and had asked the City Clerk to send it to the City Council and City Manager.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 11:50 p.m.