



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, November 4, 2019  
7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### 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 4, 2019, 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 TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, and RUFFIN were present. The Interim City Manager, City Counselor, Deputy City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of October 21, 2019 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

Mr. Thomas asked that B322-19 be moved from the consent agenda to old business. The agenda, including the consent agenda with B322-19 being moved to old business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

#### II. SPECIAL ITEMS

SI14-19

Swearing in of Matthew Lue as the Director of Finance of the City of Columbia.

Mayor Treece asked Matthew Lue to join Mr. Glascock, Interim City Manager, and Ms. Whatley, Deputy City Clerk, at the podium.

The Deputy City Clerk administered the oath of office to Mr. Lue as Director of Finance for the City of Columbia.

#### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC13-19

Board and Commission Applicants.

Upon receiving the majority vote of the Council, the following individual was appointed to the following Board.

SUBSTANCE ABUSE ADVISORY BOARD

Noble, Bradford, 5601 Autumn Ridge Court, Ward 5, Term to expire October 31, 2022

#### IV. SCHEDULED PUBLIC COMMENT

SPC70-19

Jay Hasheider - Water and Light Advisory Board, Special Public Meeting Information.

Mr. Hasheider, 1812 Cliff Drive, explained he was the Chair of the Water and Light Advisory Board (WLAB) and wanted to inform the Council of a special public engagement meeting the WLAB planned to hold on Monday, November 11 at 6:00 p.m. in the Council Chamber. He noted the purpose of the meeting was to highlight the tradition and value of public power in Columbia by choosing a time and place that was convenient for members

of the public to attend with an agenda that was appropriate to the general public. Although all WLAB meetings were open to the public, they typically involved agendas that were not easy for public engagement, and the meetings generally lasted 3-4 hours. With start times at 8:00 a.m. on a business day, it allowed the WLAB members maximum access to staff, but it did not provide involvement by the public easily. He commented the WLAB valued and cherished the public nature of its utilities, which was the reason for the special meeting. They wanted to allow public input on any matters relating to water and light. He commented that the agenda would include topics of interest to the general public, including a presentation of the new customer billing portal, which had been inaugurated this past summer. He thanked the Council for its support and interest, and invited them to stop by if they had the time.

Mayor Treece thanked the WLAB for holding this meeting as he felt it was unprecedented and a great idea to obtain public input.

SPC71-19      Ann Marie Long - Reading a petition aloud in support of Councilman Ian Thomas, including comments from signors.

Ms. Long read the change.org petition, which was about four weeks old and had been signed by 526 local citizens and had almost 2,300 views. It indicated their most progressive voice on the City Council, Fourth Ward Representative, Ian Thomas, was being pressured to resign for an inadvertent error made, that he had been transparent about, and had rectified. It asked people to sign to send a message to the Mayor and City Council indicating they valued Mr. Thomas as a representative tremendously and wished for him to continue in office. She described what had occurred, i.e., the developer volunteering a donation to the low-income housing fund instead of building low-income homes and Mr. Thomas expressing support of that as a way to progress the idea of inclusionary zoning forward. She understood that for many years Mr. Thomas had dutifully sought to negotiate ways to get resources from new developments to support the low-income housing fund in Columbia, which was a much needed effort that he had championed without many collaborators. She noted many cities had lawful requirements established by their Councils, which demanded developers contribute to such a fund as a basic city policy. They were profiting so why not add a contribution to the needs of those less served. If the Columbia City Council had already settled upon such a policy, the situation with Mr. Thomas' communication would have been a moot point. She stated it was common for City representatives to negotiate rezoning approvals via other variables, such as high-efficiency appliances, greenspace, etc. She noted the money that had been earmarked for the housing fund would have offered no personal benefit to Mr. Thomas. She reiterated she believed Mr. Thomas had made an honest mistake with no malicious intent and had acted immediately, i.e., within hours of being informed of the wrongful act. He also maintained transparency and honesty with the City and constituents, and had reported himself to higher powers with full apologies and accountability. She commented that this was the type of behavior she wanted to see from all people with any amount of power. She explained the main reasons she felt compelled to speak was because she tremendously valued that driven advocacy. She noted Mr. Thomas had acted without guile or greed and had consistently shown integrity, sincerity, and candor, and she wished this was the norm in society. She stated she was present to reinforce the behaviors she wanted the most. She believed this was a teachable moment. Moving forward, she wanted everyone to set their minds on the delicate and tricky balance of protecting advocacy. She reiterated Mr. Thomas had nothing to gain except pushing City needs forward, which was a priority to her and those that had signed the petition. They needed to determine how they could empower citizens and current and future council members to not feel threatened when negotiating these tricky variables. She believed inclusionary zoning was incredibly important and noted they were losing huge opportunities to balance the types of developments that were happening as the City grew. She felt the benefits of the status quo were so

disproportionate in favor of developers at the expense of the current taxpayer base and that the citizens of Columbia needed a risk-taking negotiator like Mr. Thomas. She stated she wanted to keep encouraging policies that were more equitable and sustainable for all, and pointed out she would defend any of them that moved into that arena as that was the leadership she wanted to see.

SPC72-19 Kevin Everett or coalition representative - Comment in support of Board of Health's report on banning sale of flavored e-cigarettes/tobacco products.

Mr. Everett, 4107 Joslyn Court, commented that over the years, the City Council had done an admirable job of considering and adopting ordinances that reduced the harm caused by tobacco use and e-cigarettes. He believed the adoption of those ordinances was having positive health effects for the community. The indoor workplaces were smoke-free and vape-free based upon ordinances that kept dangerous secondhand exposure to a minimum. The sales age had been raised to 21 years old for both tobacco and vape products to reduce youth access and the use of products by youth. He noted the community had seen a rapid uptick in the youth use of e-cigarettes and vaping, and believed the community could do more. He stated he was in support of the recommendations from the Board of Health to consider an ordinance that would restrict access to all flavored electronic nicotine delivery devices and place an immediate moratorium on their sale. He believed this would be good for the short-term safety of the community from the ongoing acute series of deadly lung injuries that were occurring as a result of vaping. As of October 31, there had been over 1,800 cases of e-cigarette or vaping product use associated lung injuries reported and 37 deaths. He noted 80 percent of those cases were persons under the age of 35, and 54 percent were under the age of 25. For over 20 years, he had been working on problems caused by tobacco use. He and many in the scientific community had previously had an open mind that these products could be an answer to the deadliest of all types of tobacco products, i.e., cigarettes, but was now concerned that was not the case. He thought there were things they could do to assure the safety of the community was in the forefront. He stated the Columbia area had five documented hospitalizations due to vape-related injuries. He commented that in 86 percent of those cases, the person had vaped THC containing products, but in 64 percent of those cases, the person had used both THC and nicotine products. In 11 percent of the cases, they were only using nicotine products. He pointed out the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) had not been able to identify the specific compound or ingredient causing the injury. The CDC had indicated that the only way to ensure one was not at risk was to refrain from using all e-cigarettes or vaping products. He thought that identifying the substance or compound causing these problems was difficult considering there were over 9,000 flavors of nicotine juices on the market. He asked the Council to take the products off of the market until their safety was acknowledged by the FDA, U.S. Department of Agriculture (USDA), or the CDC. In addition to the acute problems, he asked the Council to think about the epidemic of use by youth. There had been a rapid increase in use by youth. He understood they were attracted to flavored tobacco products and e-cigarettes as 80 percent had indicated using a flavored product as their first tobacco product. He noted that was the reason flavored cigarettes had been banned except for menthol. He stated 85 percent of youth had indicated they used a flavored e-cigarette product so prohibitions were not covering those products. Older adults used flavored products at much lower levels. The marketing of flavored products was also geared toward youth. Flavors attracted youth and the potent level of nicotine in the products created the addiction. The newer generation of e-cigarette products, such as Juul, led to similar nicotine levels in the body and brain as smoking cigarettes. He saw a future where those products were even more potent in terms of nicotine addiction. He commented that there was evidence from lab research with animals that nicotine plus sweeteners led to more rapid addiction than nicotine alone. He pointed out the human

brain was in a critical stage of development in the teen years and that did not stop until the age of 25. He noted over 220 communities had banned flavored products and suggested that be done in Columbia as well.

## V. PUBLIC HEARINGS

PH44-19 Proposed construction of a sidewalk on the north side of Leslie Lane, between Garth Avenue and Newton Drive.

PH44-19 was read by the Clerk.

Mr. Nichols provided a staff report.

Mayor Treece opened the public hearing.

Judy Marsden commented that she had lived on the north side of Leslie Lane for 23 years and had observed a lot of pedestrian and vehicular traffic on that street. She believed this sidewalk was necessary. She explained she had a short sidewalk in front of her house, but it then stopped at the first light pole. People tended to start out walking on the sidewalk, but then had to walk across the street or stay on the road, which was fairly steep making it difficult to see. She stated she supported the building of the sidewalk.

Mayor Treece asked Ms. Marsden if she was okay with providing an easement for the sidewalk. Ms. Marsden replied yes. Mayor Treece understood there was already a sidewalk at the corner, but it then stopped. Ms. Marsden stated that was correct.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Trapp stated he was excited for this project. He explained he was on the City Council because he had worked at Phoenix Programs, which was just down Leslie Lane from his house, and whenever he would walk to work, he would have SUVs or other vehicles buzzing by an inch from his shoulder. He had wondered why a rich city like Columbia did not have a sidewalk on that busy street. As a candidate and Council Member, he soon learned they had 300 miles of streets that did not have sidewalks, and sidewalks on average cost \$125 a linear foot. This piece was even more expensive due to the culvert. He believed this was a critical sidewalk, and noted he had run for Council on improving sidewalk infrastructure because he felt the City could do better.

**Mr. Trapp made a motion directing staff to move forward with final plans and specifications for the construction of the Leslie Lane sidewalk project. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

## VI. OLD BUSINESS

B319-19 Rezoning property located on the northwest corner of the intersection of Green Meadows Road and Gray Oak Drive from District PD (Planned Development) to District MC (Mixed-use Corridor) (Case #200-2019).

The bill was given second reading by the Clerk.

Mayor Treece noted there had been a request from the applicant to table this to the December 2, 2019 Council Meeting.

Mr. Skala pointed out he would miss that meeting. Mayor Treece asked if this was in his ward. Mr. Skala replied it was not.

**Mayor Treece made a motion to table B319-19 to the December 2, 2019 Council Meeting. The motion was seconded by Mr. Trapp and approved without objection.**

B328-19 Amending Chapter 2 of the City Code to establish the Columbia Sports Commission.

The bill was given second reading by the Clerk.

Ms. Schneider and Mr. Franklin provided a staff report.

Mr. Pitzer asked if staff envisioned the Commission having a budget someday. Ms.

Schneider replied yes. She explained, at this time, they would use the part of the Tourism Development Program funding they had set aside for bringing in sports events. Moving forward, they would develop a more solid budget when they knew what they needed. Mr. Pitzer asked what would be the revenue source for the budget outside of the fund mentioned. Ms. Schneider replied the Tourism Development Program was the only funding source at this time. In the future, they could look at sponsorships by those that were sitting on the Commission or from out in the community to help bring in sporting events. She provided MSHSAA Basketball, which they had lost, as an example and noted they would bid on it again in the next few months. If they had had a more concerted effort with all of the players at the table, she thought they might have been able to provide more community money in order to be more competitive than Springfield, Missouri.

Mr. Pitzer commented that the Victus report had laid out a path for the Sports Commission to eventually become independent and self-sustaining, and asked if that was something staff was considering. Ms. Schneider replied no. Based on examples they had seen, sports commissions that had been under CVBs and then had become independent did not work well because they tended to fight for the same dollars. She believed the continuity would be better if they were kept under the CVB and were able to work toward the same goals.

Mr. Skala understood one member would be appointed by the Chair of the Columbia Chamber of Commerce Board of Directors and asked about the rationale behind it. Ms. Schneider replied the rationale was to assist with support from the community as many organizations were members of the Columbia Chamber of Commerce. It would allow them to connect with those organizations through the Chamber of Commerce. Mr. Skala understood it would be for fiscal support. Ms. Schneider stated that was correct.

Mayor Treece asked for a refresher with regard to the MSHSAA contract with Springfield. Ms. Schneider replied it had involved basketball. Mayor Treece asked if there had been a cash incentive from the City of Springfield. Ms. Schneider replied yes and noted it had been \$80,000. Mayor Treece understood Columbia had not competed well with that. Ms. Schneider explained the \$80,000 in Springfield had come from community members while the Columbia CVB had committed \$60,000, most of which involved Tourism Development Program funds. MSHSAA had pointed out they felt Springfield had more community support due to that than Columbia.

Mayor Treece commented that this was unlike any other economic development incentive project and noted he had some concern with ceding the authority of Council in appointing members to boards and commissions. He also wondered about relying on one of the board members to go out and solicit cash contributions to attract an event to Columbia and the propriety of having that person on a city commission. Ms. Schneider stated she understood. She explained it would not be that person's only job would be to solicit funds. They hoped to use all board members as connectors if it was needed. A lot of the bigger sporting events were asking for some sort of cash sponsorship. Mr. Franklin understood after the MSHSAA Basketball event was lost a study had been done by the University showing the event had brought in \$1 million per year over five years for a total of \$5 million to the Columbia community.

Mr. Trapp stated he thought this was an important move to keep them competitive. He thought they were already doing the same kinds of functions. It had just been led by a staff person and an ad-hoc committee of people the staff person assembled, none of which were appointed by the Council. Seven members of this Commission would be appointed by the City Council and four members would be appointed by other stakeholder groups, only one of which would involve the business community. He believed the communities that were most successful had public-private partnerships and involved communitywide initiatives. He felt the process would be democratized with a citizen group that would function under the open meeting law, and thus, there would be more accountability than a staff-driven ad-hoc committee. He believed it would be a better

approach.

Ms. Schneider commented that these commission members would also assist them with connections to volunteers to help run the events, which was very important.

Mr. Skala explained he had been thinking of any precedent and thought the closest was some of the participation the Council had gained in terms of REDI. He thought the Chamber of Commerce was a valuable player. He only felt it was unusual for the member to be appointed by the Chair of the Board of Directors of that organization.

**B328-19 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

B322-19 Amending Chapter 14 of the City Code as it relates to the annual permit rate for unmetered off-street parking facilities.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Thomas stated he planned to vote against this. He felt the purpose of a bulk discount was to encourage bulk purchasing and he believed they needed to discourage people from purchasing parking spaces and the emphasis placed on driving in the transportation mix. He thought they should encourage more environmental, healthy, and equitable forms of transportation.

Mr. Skala commented that if they were bringing something up-to-date for a practice in which they were currently engaged, they should do it, and if it was a serious question about policy, they should have a discussion with regard to amending the ordinance. He stated from his perspective, this was a housekeeping issue.

**B322-19 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, SKALA, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: THOMAS. Bill declared enacted, reading as follows:**

## VII. CONSENT AGENDA

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

- B317-19 Voluntary annexation of property located on the southwest corner of Clark Lane and St. Charles Road (5406 Clark Lane); establishing permanent District M-C (Mixed-use Corridor) and District M-N (Mixed-use Neighborhood) zoning (Case No. 195-2019).
- B318-19 Rezoning property located on the south side of Clark Lane and approximately 1,200 feet west of St. Charles Road (5320 Clark Lane) from District A (Agricultural) to District M-N (Mixed-Use Neighborhood) (Case #194-2019).
- B320-19 Approving the Final Plat of "Cullimore Cottages" located on the west side of Eighth Street and north of Fairview Avenue (Case #165-2019).
- B321-19 Vacating a portion of a sanitary sewer easement within Lot 1 of Rockbridge Subdivision Block V located on the northwest corner of the intersection of Nifong Boulevard and Providence Road (203-205 E. Nifong Boulevard) (Case No. 172-2019).
- B323-19 Amending the FY 2020 Annual Budget by appropriating funds received from Jeffrey E. Smith Investment Co. L.C. per the terms of a developer agreement for the Nifong Boulevard corridor improvement project.
- B324-19 Authorizing construction of the Shannon Place PCCE #22 Sanitary Sewer

- Improvement Project; calling for bids through the Purchasing Division or authorizing a contract for the work using a term and supply contractor.
- B325-19 Accepting conveyances for utility purposes.
- B326-19 Accepting conveyances for temporary construction and sewer purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B327-19 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for maternal child health services.
- B329-19 Amending Chapter 14 of the City Code relating to the impoundment and immobilization of vehicles issued a warrant for failure to appear for unpaid parking citations.
- R155-19 Setting a public hearing: proposed construction of the Tupelo Place and Larch Court sanitary sewer improvement project.
- R156-19 Setting a public hearing: proposed construction of the Quail Drive storm water improvement project.
- R157-19 Setting a public hearing: proposed construction of the Magnolia Falls Park improvement project to include construction of a playground structure and small shelter, renovation of the existing gravel perimeter trail, grading improvements to create an open playfield and expansion of the existing pond, construction of a small parking lot and an ADA walkway, and installation of signage, bike racks, fencing and landscaping.
- R158-19 Authorizing an agreement with Windcave Inc. for credit card processing gateway services for the exit and pay-on-foot stations in the City's six (6) municipal parking facilities.
- R159-19 Authorizing an investment advisory agreement with Metlife Investment Management, LLC for the police and fire pension plans.
- R160-19 Approving the "Columbia Corners" Preliminary Plat located on the southwest corner of the intersection of Clark Lane and St. Charles Road (5406 Clark Lane) (Case No. 196-2019).

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

## VIII. NEW BUSINESS

None.

## IX. INTRODUCTION AND FIRST READING

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

- B330-19 Approving the Final Plat of "Northwest Highlands Second Addition, Plat No. 2" located on the northwest corner of the intersection of Mikel Street and Hardin Street; authorizing a performance contract (Case No. 223-2019).
- B331-19 Vacating street right-of-way at the east terminus of Jacobs Place located

- between East Broadway (State Route WW) and Broadway East Terrace Subdivision (Case No. 183-2019).
- B332-19 Authorizing an annexation agreement with Old Hawthorne Development LLC for property located on the south side of Highway WW (4172 E. Highway WW) (Case No. 175-19).
- B333-19 Authorizing a motor vehicle crash data license agreement with the Missouri Highways and Transportation Commission for the purpose of analyzing data for potential safety enhancement improvement projects.
- B334-19 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for the Emerald Ash Borer (EAB) management plan; amending the FY 2020 Annual Budget by appropriating funds.
- B335-19 Amending the FY 2020 Annual Budget by appropriating funds received from the University of Missouri and the Economic Development Administration associated with construction of the Discovery Drive Roadway and Sewer Extension Project.
- B336-19 Accepting conveyances for street and sidewalk purposes.
- B337-19 Authorizing a power purchase agreement with Boone Stephens Solar I, LLC.
- B338-19 Authorizing construction of the Magnolia Falls Park improvement project to include construction of a playground structure and small shelter, renovation of the existing gravel perimeter trail, grading improvements to create an open playfield and expansion of the existing pond, construction of a small parking lot and an ADA walkway, and installation of signage, bike racks, fencing and landscaping; calling for bids through the Purchasing Division for a portion of the project.
- B339-19 Authorizing a tax credit agreement with the Missouri Development Finance Board and Columbia Center for Urban Agriculture relating to construction of the Clary-Shy Community Park - Agriculture Park - Phase II improvement project.
- B340-19 Amending the FY 2020 Annual Budget by appropriating funds for the 2021 Columbia Bicentennial (CoMo200) planning efforts.
- B341-19 Authorizing a contract with the Missouri Department of Transportation - Highway Safety and Traffic Division for acceptance of a grant for a DWI traffic enforcement unit; amending the FY 2020 Annual Budget by appropriating funds.
- B342-19 Authorizing a contract with the Missouri Department of Transportation - Highway Safety and Traffic Division for acceptance of a grant for DWI enforcement relating to sobriety checkpoints and saturation patrols; amending the FY 2020 Annual Budget by appropriating funds.
- B343-19 Authorizing a contract with the Missouri Department of Transportation - Highway Safety and Traffic Division for acceptance of a grant to conduct special traffic enforcement of hazardous moving violations; amending the



- FY 2020 Annual Budget by appropriating funds.
- B344-19 Authorizing a fire service cooperative agreement with the Boone County Fire Protection District relating to primary service responsibility and automatic aid where service boundaries overlap in areas along Interstate 70 and Highway 63.
- B345-19 Amending Chapters 4 and 24 of the City Code relating to the regulation of sidewalk cafes.
- B346-19 Changing the uses allowed within Lot 1 of Centerstate Plat 6 (also known as "Ruby Tuesday PD Plan") located on the south side of Vandiver Drive and north of Bass Pro Drive (3310 Vandiver Drive) to allow a medical marijuana dispensary as an allowed use; approving a statement of intent (Case No. 190-2019).
- B347-19 Approving the Final Plat of "Truman Solar" located on the south side of I-70 Drive SE and approximately 2,000 feet east of St. Charles Road; authorizing a performance contract (Case No. 202-2019).

## X. REPORTS

- REP94-19 Board of Health Report on Vaping and E-cigarettes.

Mr. Trapp commented that Mr. Everett, in his presentation to the Youth Community Coalition, had discussed dual users for vaporization and kids migrating from vaping to tobacco use, but they had not seen that in the numbers as there was a remarkable rise in the rate of youth vaping but not in youth tobacco use. In terms of this request from the Board of Health, he felt more was needed before infringing on legitimate harm reduction strategies with regard to tobacco. He understood 86 percent of the vaping related illness had been related to THC vaping, and wondered if that other 14 percent came from states that had a marijuana prohibition where people might not be forthcoming about what they were vaping because they feared criminal prosecution. He agreed there was a dramatic rise in youth vaping, which was problematic, but noted Columbia also had Tobacco 21 whereby one had to be 21 years old to purchase it. He thought being more proactive in the enforcement of existing laws made more sense than banning vape flavors, which would largely hit adults. If the problem was life-threatening illness because of black market vapes, increasing the black market did not seem like a great response. He commented that he lived with a former smoker that had moved to vaping as a harm reduction substitute. This person had moved to vaping as a way to eliminate nicotine from his life and had not yet been successful. Research had shown that vapers were not getting off of nicotine and it was more of a maintenance situation. He explained he was a former smoker that had used Chantix to help quit in February of 2009. He reiterated he wanted to see more. He wanted a detailed report that dug into the facts and science before making a move legislatively.

Mr. Skala understood the Board of Health had two requests. One was a moratorium on flavored vaping products and the other was a referral back to the Board of Health for a closer look. He commented that his father had smoked tobacco products for many years and had eventually died of emphysema. He noted he himself had smoked in high school and in the military and had quit in 1969. He explained vaping bothered him from the youth perspective and vaping was a nicotine delivery device. He understood it had benefits for weening people off of nicotine, but had doubts as to whether it was truly a successful strategy. He thought it would be prudent to send this back to the Board of Health for a more in-depth look into the statistics, dangers, benefits, etc., and for a recommendation of strategies to help with the youth issue. He believed the moratorium aspect was more tenuous and was reluctant to issue a moratorium without additional

information.

Mayor Treece noted these products were already banned for persons under the age of 21. He did not understand how banning adults from accessing otherwise legal products would make the problem any better. In terms of referring it to the Board of Health, he understood the FDA, CDC, Health and Human Services, the Missouri Department of Health and Senior Services, the Missouri Department of Elementary and Secondary Education, and the Department of Public Safety - Alcohol and Tobacco Control were all studying the issue and would propose some type of rulemaking. He was not sure what the Board of Health, which was an advisory board, would find that these federal and state agencies would not. He was reluctant of putting more burdens on them when federal and state governments were looking at this.

Mr. Skala commented that he did not feel it was a burden since the Board of Health had requested it. They were anxious to look at it and more information was better than less information. In addition, they would not know what their recommendations were unless they referred it back to them. He stated he would not go as far as suggesting a moratorium without more information, and in order to get that information, he thought they needed to refer it back to the Board of Health.

Mr. Thomas asked Ms. Browning to comment about the discussion and report of the Board of Health along with her professional opinion as the Director of the Columbia/Boone County Department of Public Health and Human Services. Ms. Browning replied the Board had heard a presentation in October with regard to the health risks of e-cigarettes and vaping, and it had been focused on flavored tobacco products and their appeal to youth. She commented that she had heard from her staff that worked in schools that it was prevalent in the schools. Some schools had indicated 75 percent of kids were vaping. She agreed Columbia had Tobacco 21 so those products should not be sold to minors under 21 years old, but they were clearly getting them. It could be that they were purchasing them online. She noted flavors had been one of the concerns of the Board of Health and they had been concerned enough to ask for the moratorium, which was unusual. In addition, they wanted to study it further to see what other communities were doing. She understood they were interested in possibly bringing back an ordinance to the Council at a later time as well.

Mr. Trapp asked if there had been any discussion with regard to nicotine salts as that seemed to be more than flavors being singularly linked to the increase in youth usage. Ms. Browning replied not that she recalled. Mr. Trapp noted that would be something he would be interested in and explained it had been mentioned in Mr. Everett's presentation to the Youth Community Coalition.

Mr. Trapp asked how enforcement for this would differ from enforcement of Tobacco 21. He noted he had heard anecdotally that the vape shops were doing a good job of selling to those that were 21 years old or older. Ms. Browning pointed out they would soon find out as their new person would soon be hired. She explained they would be sending people out to determine who could purchase the products. Mr. Trapp understood they would do more compliance checks. Ms. Browning stated that was correct. Mr. Trapp commented that he thought that would be key as Tobacco 21 was an empty promise until they could build in enforcement mechanisms. He stated he regretted they had not done that with its initial passage. Ms. Browning noted they might have some results from compliance checks as the Board of Health was studying the issue. Mr. Trapp felt it would be helpful to know who was selling to minors and who was not.

Mr. Skala asked how they planned to proceed. Mr. Trapp replied any of them could make a request for a board to weigh in on an issue.

Ms. Peters stated she wanted a more of in-depth report as opposed to an ordinance recommendation. She thought it would be helpful to know what other communities were doing and have data from enforcement. She wanted to know why Tobacco 21 was not working well.

Mr. Skala noted he would not mind having a draft ordinance as well if they had a

recommendation to make. Mayor Treece explained that was the problem. The Board did not draft the ordinance. It was drafted by staff and he did not want staff to bring back an ordinance if four of them did not want it. Mr. Skala understood the Board could make policy recommendations. Mayor Treece stated that was correct if four of them agreed.

Mr. Glascock asked if they would prefer a work session over a report. Mayor Treece replied no.

Ms. Peters stated she wanted a report. Mr. Skala explained he would like a report as well. Mr. Thomas agreed he wanted a more detailed report with a more thoughtful recommendation. Mr. Pitzer stated he did not want to see one too soon. Ms. Browning noted the Board only met once a month. Mr. Pitzer explained many federal and state agencies were looking into it and there was already regulatory action that had been proposed. If there was something that happened over the next several months at the federal or state level, he felt it would be more appropriate and more useful to know how that intersected with the Tobacco 21 legislation than just another research report. Mr. Skala commented that action by the federal or state government might take a while. Mr. Pitzer agreed and explained that was the reason he did not want to rush this. Mayor Treece noted the Governor had already asked the legislature to address this issue in 2020, primarily due to the THC problem and the medical marijuana industry. He commented that it appeared as though there was support for a report, but noted he did not want to duplicate or replicate what the expert agencies were doing in terms of policy.

REP95-19 Business Loop Community Improvement District - End of Fiscal Year Report.

Mayor Treece explained this had been provided by the Business Loop Community Improvement District (CID) as their end of year report and staff had caught there were no written resolutions. Chapter 67 of the Revised Statutes of Missouri required CIDs to do business with an official written resolution so he had asked the Business Loop CID to comply or show their intent to comply.

REP96-19 Affordable Housing Fee Waiver Program Annual Report.

Mr. Teddy provided a staff report.

Mr. Pitzer understood one waiver had been granted to an accessory dwelling unit (ADU) and asked if that meant there was only one ADU or that it was the only one that had applied for the waiver. Mr. Teddy replied only one ADU had requested it during this time period. Mr. Pitzer asked if other ADUs had been constructed. Mr. Teddy replied he did not believe so because they would have had to qualify it as ADU according to the zoning ordinance definition.

Ms. Peters asked if ADUs were being sold separately from the houses on the front of the lots. She referred to the statement in the report indicating that the fifth waiver was for an ADU which by policy was not required to be sold to a low income resident. Mr. Teddy replied there was a criterion in the ordinance as Council wanted to encourage that type of housing. Ms. Peters asked if the ADU came with a house. Mr. Teddy replied yes, and explained it had to be subordinate to a single-family house. Ms. Peters understood it could not be sold separately. Mr. Teddy stated the ADU would be on the same lot and would typically be an affordable rental. The homeowner in the primary residence would rent it. He explained that statement was just meant to point out they did not have to income qualify the person living there. The expectation with the other waivers was that the person buying it was certified as low to moderate income.

Mayor Treece asked if ADUs were allowed in R-2 or multi-family zoning categories. Mr. Teddy replied R-2 and multi-family, and pointed out a conditional use permit was required for R-1 zoned property.

REP97-19 Administrative Public Improvement Project: ARC Facility Improvements.

Discussion shown with REP99-19.

REP98-19 Administrative Public Improvement Project: Albert-Oakland Park Improvements.

Discussion shown with REP99-19.

REP99-19 Administrative Public Improvement Project: Memorial/Heritage Bench Replacement.

Ms. Peters asked for clarification regarding forced account labor. Mr. Griggs replied that was staff. Mayor Treece asked why it was not called in-house staff. Ms. Peters replied that would sound better than forced labor.

Ms. Peters understood the memorial heritage benches were being replaced and the same plaques would be reinstalled on them. Mr. Griggs stated that was correct.

Mayor Treece asked if there was any objection to using the administrative public improvement process for these projects. There were not any objections.

REP100-19 Information regarding electric utility preventative maintenance, tree trimming, undergrounding, prevention identification, improvements, and the metrics used to measure success and effectiveness.

Mr. Williams provided a staff report.

Mr. Pitzer explained he had requested this report in light of the uptick in the number and severity of outages this past spring and summer, and asked if there were any opportunities for improvement to the maintenance program staff had identified. Mr. Williams replied staff was trying to leverage their GIS technology to begin to identify areas where they might have older direct buried cable, particularly when they first started to underground the system. He stated they had noticed an uptick in the failure rate of that particular style of installation. As a result, they were trying to leverage GIS information to help them be more targeted in proactively replacing certain aspects of that early installation of underground systems.

Mr. Pitzer understood the Vegetation Management Program was updated and reviewed every ten years, and asked where they were in that 10-year cycle. Mr. Williams replied they maintained a 3-year cycle. The update of the actual zones happened every ten years. He noted they were actually achieving a 3-year cycle. In years past, they had a 4- and 5-year cycle. As they trimmed, if there were areas that were taking longer, they tried to blend them with a zone that might take less time.

Mr. Pitzer asked how much they budgeted for the Vegetation Management Program. Mr. Williams replied over \$2 million per year. He thought it was \$2.2 million. Mr. Pitzer asked if that was their highest dollar preventative maintenance program. Mr. Williams replied yes. He explained they had in the neighborhood of a dozen crews that helped them with tree trimming. The actual tree trimming crews were contractors, but they were facilitated by internal staff that helped customer engagement and coordination to ensure the customer experience was as best as possible. A lot of people did not like it when they came in and did vegetation management. He noted they were accused of butchering lots of things, but it was key to maintaining electric system reliability so they tried to find a balance between an appropriate vegetation management program and keeping local area residents happy.

Mr. Pitzer asked if the City was similar to Boone Electric Cooperative with how they handled vegetation. Mr. Williams replied they were slightly more aggressive. Ms. Peters stated she did not feel they were slightly more aggressive as she believed they were very aggressive. Mr. Williams replied the City tried to target fast growing species and selectively trim vegetation whereas Boone Electric Cooperative would come through and cut the length of the easement. The City tried to take only what might cause a problem within the 3-year cycle. He noted they had been recognized by Tree Line USA for this methodology.

Mr. Pitzer asked if someone had actual eyes on those lines every three years. Mr.

Williams replied staff walked the lines with their infrared every year, typically in the spring when the leaf cover was off, and utilized that technology to identify hotspots that had developed over the course of the year to try to get the equipment replaced before it failed. Mr. Pitzer asked if there was a problem if it literally showed up as a hotter spot. Mr. Williams replied it appeared to be white hot and in his eyes it was an orangey gray. Mr. Pitzer understood that indicated something was about to burn out, trip, or fail. Mr. Williams stated it was significantly hotter than the surrounding equipment. If they were all running the same temperature, there was not a temperature differential so it was really the temperature differential they were trying to identify. It helped to recognize bad sections of equipment.

REP101-19 Winter Weather Response for 2019/2020 Winter Season.

Mr. Nichols provided a staff report.

Mr. Pitzer asked if there were enough drivers for all of the trucks. Mr. Stone replied staffing was still of concern, but they were working with other departments to add people. They intended to have them all full going into winter. He pointed out it was a struggle to keep trained personnel.

REP102-19 Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.

Mayor Treece explained this had been provided for informational purposes.

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

Barbara Wren, 615 Bluff Dale Drive, commented that the Council, excluding Mr. Skala, should be ashamed of themselves. She stated Columbia was known as a progressive town and an opportunity they had had was shattered today. Cities around the country were craving urban wilderness areas, and Columbia had a 37 acre forest in its heart. Today, that forest was shattered because City leaders did not have the forethought to save it. Urban wilderness areas were probably the most expensive property in a city, and it allowed people to get away from civilization. She commented that today the Bobcats went in indiscriminately even though they had been told that construction would be careful. She stated it had taken 50 years for the area to evolve from a dairy farm to an urban climax forest, and she was not sure how they could live with themselves. She thought they should be ashamed.

Jeffrey Ford, 404 Kentucky Boulevard, stated he had been a resident of Columbia since 2007 and was an undergrad senior dually working on a graduate degree in geography, biogeography, and environmental science. He noted he had also served in the Corps of Engineers in the 82nd Airborne Division in Desert Storm and was a Missouri Student Association (MSA) senator that sat on three Chancellor standing committees. He commented that he had recently conducted studies of the riparian forest structure along the Hinkson Creek/Capen Park area, which was only two miles downstream. The focus of the study had been the effect of the disturbance by humans and naturally occurring events in that biome. Rainfall was being seen in heavy high volume amounts and short durations, which had been amplified by recent developments in the watershed upstream. He stated he had been out there today when the Bobcat was tearing through in an effort to come up with some sort of solution. Since many of the reports on the project were four, five, or six years old, he felt the environmental conditions had likely changed as had bicycling. He stated he did not own a car and traveled by bicycle all over campus and utilized the trails, but as a geographer and Eagle Scout, he believed there was something unique about that particular spot. He asked the Council to hold a special hearing this week to potentially look at this again for the 67 year old lady and her supporters.

Krista Blomenkamp stated she was a resident of the area where the trail would go

through and noted she had lived in Columbia for almost a decade. She explained she lived at the corner of the Southwood Drive and Old 63 area where many pedestrians and bicyclists would be using that point to access the trailhead. Her main concern involved the wildlife and the safety issues impacting the neighborhood. The neighborhood did not have sidewalks or areas to park. There were a lot of blind spots and corners. Currently, the neighborhood was being shut down in terms of parking along the street which would cause difficulties for the residents. She commented that she had been exiting her neighborhood about a week ago when bicyclist on the sidewalk on Old 63 ran into her vehicle. It was a problem experienced frequently. She stated she wanted to express her concerns with regard to safety and parking due to the trail.

Michelle Johnstone, 711 Bluff Dale Drive, thanked the City for its excellent police force and for the Sheriff's Department. They had been at the end of Bluff Dale Drive all day today and had been very generous, kind, and informative. She noted she also wanted to talk about the safety of the streets as she had almost hit a pedestrian the other night. These streets were narrow, had blind curves, no sidewalks, and parking on both sides. It was also a bus route and other service vehicles traveled it. They were pulling out of Woodlea Drive and near where it connected to Southwood Drive and then Old 63, and a car was turning into Woodlea Drive while a jogger was coming around the corner, and they almost hit the jogger. Her concern was that their streets were a part of the trail and they were not safe. She asked the Council to do something about them and noted it was not a safe trail because it included those three streets.

L.R. Hults, 2101 Woodlea Drive, expressed his surprise throughout this entire process for no consideration for the possibility of a trail that might accommodate the trees and the habitat. As a resident who had never been asked for his input, it had felt like a fait accompli ride along. He noted there were trails and parks all over the country that existed with, right next to, and through the trees. While he appreciated the need to get people off of Old Highway 63 and Broadway, and for the connector, he did not understand why it seemed like they were not included. None of the four options had considered it was a wild space in the middle of town that served the community. He agreed they needed the trail, but believed they also needed the trees and wild spaces.

Frank Klockenga, 2120 Southwood Drive, stated he was a concerned Bluff Dale Drive resident as he had experienced safety issues similar to those expressed by Krista Blumenkamp. He asked if anyone was willing to table the topic and bring it up for another discussion and vote for another reasonable alternative approach.

Eugene Elkin, 3406 Range Line Street, commented that he did not live in the community impacted, but had set out to find it today. He noted he still did not know where the opposite end would be on the University campus. He wondered how many trees were acceptable to be removed as trees supplied oxygen. He hoped an aerial view could be accomplished to determine how many acres of wooded land were left within the City. He questioned why they had to pick this spot for the trail.

Brian Johnstone, 711 Bluff Dale Drive, commented that he had quite the experience as a member of It's Our Wild Nature working with the City in trying to understand the plan, where the trail would go, and when it would go there. After commissioners had gone through the property and assessed a price for the easements, he had received a copy of a map the City had generously provided them showing the easement lines. He did not believe the map had a scale on it and felt it was too small as he could not see any landmarks. He noted he had asked the City's spokesman, Steve Sapp, if he could explain some of the issues. He commented that he wanted to look at a map and see with definition where things were located. He stated he was concerned the property was

assessed for easements when half of the property the City would take was assigned to the Parks and Recreation Department as that property line was marked with a center post that appeared between trees and brush periodically. The other side was a function of the Public Works Department, and they were parallel to each other. Between the permanent trail markers, which were supposed to be 10-feet wide, and the construction markers, which were supposed to be 50-feet wide, it was impossible to tell where the easements were located. He was not sure how they were able to estimate a price. He felt the idea of no definition whatsoever applied to a lot of the transparency behavior in terms of trying to understand what the City wanted to do. He stated he was highly frustrated in dealing with this level of behavior as it seemed as though the City was more interested in confusion than informing and allowing people to work logically and cooperatively with one another. He stated there had not been cooperation because they had not received adequate information. He noted someone had asked him about the cost of bridges today, and understood the three bridges that were being recommended in the area had gone up in price dramatically, but the last information received indicated the three bridges would each cost \$330,000. If each bridge was \$330,000, he wondered why one of the bridges was three times the size of the other two because he believed that should impact the cost. He pointed out he had asked, but had not received a response. He was not sure how the Council was able to make the decisions it had without accurate, quantitative information. He understood the reason for the trail had been mode shift, and had asked the Council what had been suggested to them as a potential mode shift that they could show the federal government that would justify the \$28 million for more bicycling in Columbia. He noted his Council Member had promptly gotten back to him indicating she could not remember and that was the last time he had heard from her on the issue. He pointed out Mr. Thomas had provided him more information, but it had been very subjective and not quantitative. He wished the Council would do research and provide the bottom line data used to make decisions rather than summary reports. He believed the trail that existed on Old 63 was adequate, and that the trail they were constructing now might be picturesque, but was a duplicate trail. He did not feel it was right.

Ilinca Popescu, 1018 Sycamore Lane, stated she no longer lived on Bluff Dale Drive and noted she had emailed Mayor Treece about a week ago and had not received an answer. She pointed out she did not expect an answer because she understood he likely received a lot of emails, but wanted to make sure her voice was heard because her dear friend, Sutu Forte, was up in a tree, and she really wanted her down. She understood the Council had the power to change this and make her come down. Mayor Treece stated he could not make her come down. Ms. Popescu explained Ms. Forte had indicated she would come down if the City postponed the development of the trail and allowed for more discussion. She hoped the project could be changed so it was simpler and more trees could be saved. She also suggested replacing some concrete with gravel or something else and building only one bridge instead of three. She begged the Council to improve the bridge at Stadium Boulevard because a lot of people would take that route.

Nadia Navarrete-Tindall explained she was present to support her friend, Sutu Forte, who loved those trees, and believed something needed to be done to protect the trees. She commented that she did not understand that in the beginning. She stated she was native plant specialist and at first she only saw honeysuckle. Later, she was able to see beyond that and realized why they needed to protect the trees. She explained she was personally not against trails, but believed they needed to be constructed in an ecological way and hated to see more impervious surface next to the Hinkson Creek, which was an endangered body of water. She noted she had sent an email to the Council, but had only received a couple of responses. She wished more of the Council would respond. She understood they had gone through a process, but more people were now aware of the

project. She reiterated she was supportive of the trail if it was done in an ecological way and the trees were protected.

Brian Mayse commented that he had been born in Columbia, currently lived in Ashland, and had many properties in and around Columbia, and wanted to discuss the proposed flavor vape ban. He stated he opposed such a ban and felt it was a terrible idea. He noted he was a successful smoking cessation champion for vaping. He had tried everything and nothing had worked until he found vaping. He explained he had originally found the products at the Lake of the Ozarks, and for a period of months, he would drive there to obtain everything needed. He later found a store in Columbia that met all of his needs so he no longer had to drive to the Lake of the Ozarks. If they placed a moratorium or ban on the flavored juices, he pointed out people would still get them. They would just go outside of the municipality to find them just as he had done previously. In addition, he believed if the products were banned, people would seek out the materials to make them themselves, and the result would likely be dangerously high nicotine concentrations causing people to be sick and potentially die.

Mayor Treece asked Mr. Mayse if he had been able to listen to the discussion of Council on that issue. Mr. Mayse replied he had been and appreciated the fact they had put it on hold until they received more information, but when they received more information, he hoped they would consider his opinion.

Mr. Mayse pointed out the vape stores in Columbia employed several people and were thriving. They were also policing the issue so no one under the age of 21 was buying their products. He noted he had never seen anyone under the age of 21 in Columbia not get carded and turned away.

Cameron Hays stated he worked at COMO Vapor, which was one of the shops that sold juice and vapor products. He thanked the Council for taking a common sense approach to the recommendation of the Board of Health. He suggested they research data on the devices that were being used and the level of nicotine being used for those devices. He stated he believed a large majority of the teen use had to do with accessibility. It was easy to grab something that was prefilled, throw it in, and use it. It was not necessarily the accessibility of purchasing the product as it also had to do with using the product. If they really wanted to cut down on teen use, he thought they should look into what devices were being used and change how that was approached. He noted he was more than happy to help to determine what they could do to limit the venues for teens.

Mayor Treece asked if a lot of teens attempted to buy his products. Mr. Hays replied they had people from other areas that were above the age of 18 years old that were used to being able to purchase the types of products they sold, but they would turn them away. If they were not 21, they were not allowed to purchase anything.

Justin Miller, 5900 Misty Springs Way, explained he was the co-owner of COMO Vapor and understood a concern of the Council when it had passed Tobacco 21 was that they did not have anyone in place to do any checks. He wanted to point out that Columbia would not be the only organization that checked stores as the FDA and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted checks. He understood every store in Columbia had passed those checks. He agreed with Cameron Hays as there were alternatives to banning flavors, such as nicotine levels and getting rid of prefilled devices. People in the industry had many of ideas if anyone wanted to talk to them about it.

Rick Siegle, 7700 E. Richland Road, stated he was also a co-owner of COMO Vapor and explained he had smoked 2-3 packs of cigarettes per day for 25 years and had tried Chantix twice, the patch, and hypnosis. Only vaping had worked for him. He noted he had left a corporate 500 company to own a vape shop to help people quit smoking. He



did not want kids to vape or smoke. He wanted the alternative.

Jeffrey Ford commented that he lived in the dorms at the University of Missouri with 18-19 year olds, and there was a vaping culture. It was not vaping as they knew it as it involved prefilled Juuls. They were obtaining it in volume at will and flavored. He stated he was not as concerned about the males as he was the females that were trying it due to the culture. They were not as inclined to do the juicing. The Juuls were discrete and could be used on campus and in the dorm rooms. He believed there was high usage on campus. He reiterated he was concerned about the young ladies that would progress to tobacco products. He pointed out he had smoked for many years and had used Juuls to get down to almost nothing so there was a use for them, and re-emphasized his concern for 18 and 19 year olds.

Mr. Trapp stated he want to address Mr. Elkin's comments at the last council meeting with regard to 1804 Holly Avenue, near Parker Avenue, where there were a lot of cars parked. It had been brought forward as a complaint in 2008 and through some research the Business License Office had learned it had an existing business license for auto repair and vintage auto sales, which had been grandfathered at the time the property was zoned. As a result, it was a legally compliant use.

Mr. Pitzer understood the Planning and Zoning Commission had a 3-3 vote on the issue of short term rentals so there was not a recommendation from them. He also understood an ordinance would be introduced for first reading at the November 18, 2019 Council Meeting. He noted there had been a significant amount of public comment and multiple revisions to the ordinance as proposed, and explained he was concerned about how effectively and efficiently they would be able to deal with that ordinance as part of their regular process, particularly if there was any action other than a straight up or down vote. He suggested a pre-council work session with regard to the ordinance in terms of what was in it and how they had gotten to the point they were at now, whether to conduct the public hearing at one council meeting and take action at a different meeting, whether to hold a special extraordinary meeting simply to consider the ordinance, and/or whether to refer it back to the Planning and Zoning Commission for consideration by their full nine-member body.

Mayor Treece stated he liked the idea of a work session. They had received one report whereby they had provided feedback, but that had been over a year ago. Without a recommendation from the Planning and Zoning Commission, it felt as though they were lacking the context associated with it.

Mr. Skala understood there had been several iterations and draft proposals, and believed a work session would be appropriate. He thought there might be enough information at the work session to schedule a dedicated hearing to deal with the issue. He reiterated a work session might be a good approach initially.

Mayor Treece stated he anticipated offering a number of amendments they might want the benefit of lying on the table until the vote on it.

Ms. Peters understood it would be introduced the second meeting in November. Mayor Treece stated that would put it up for public comment and a vote at the first meeting in December. Mr. Skala noted they could table it. Mr. Pitzer thought they could delay putting it on the agenda until after the work session. Ms. Peters asked how the work session schedule looked.

Mayor Treece wondered if it was something they wanted to discuss at the last meeting before Christmas or the first meeting of the New Year, but also thought there was a sense of urgency because they were operating now without any type of regulatory framework. Mr. Pitzer pointed out this process had been going on for at least a year and likely longer. He wondered if they could have a work session on November 18 or if that was too quick. If it was, the work session could be held on December 2. He noted they

could also have an extraordinary meeting. Mayor Treece stated he was not sure his schedule allowed for anything extraordinary at the moment. He thought they could allow it to be introduced at the November 18, 2019 Council Meeting to give the public and them access to it. They could then table it to the first meeting in January. He hoped they could dispose of it in the month of January. Mr. Skala stated he wanted to see it beyond the second of January. Mayor Treece suggested a third reading and vote at the second meeting in January and hold a work session between now and then. Ms. Peters asked if a work session was available. Mr. Glascock replied they would make one of the dates work.

Mr. Trapp stated he liked the idea of bringing it forward for first reading so they could see the proposed legislation and of the work session. It did not appear as though anything was scheduled for December 2. There was a topic on November 18, but he was not sure it would take the two-hours allocated. He noted he would leave that to staff. He commented that he thought it would be good to mention any amendments at a work session so staff could draft and vet them. He pointed out he had not heard any complaints in the Second Ward although he understood there had been complaints elsewhere. Mr. Glascock noted multiple work sessions could be held if needed.

Ms. Peters noted she wanted to address the Rollins to Shepard Trail. She stated she was very sorry for the neighbors that were frustrated with the City and with her as their representative. She explained this had been at least a 10-year process, and they had gone through 2-3 different trail renditions. She recalled the first interested parties meeting having about 180 people in attendance so there was a lot of interest in a trail that allowed people to be off of the highway and to cross the Hinkson Creek in order to access the University of Missouri or the downtown. She believed they had done the best they could to address the needs of the neighbors, and realized people were still walking and biking in the neighborhood. She was sorry that Sutu Forte had chosen to be in a tree for a week. She noted this trail would go forward, and the best they could do was to try to minimize the frustration and inconvenience to the neighbors. She thanked the Columbia Police Department and the Boone County Sheriff's Department for being sensitive to the neighbors and to Ms. Forte. She stated they heard the neighbors, and was sorry they could not do what those neighbors wanted.

Mr. Thomas commented that the purpose of the trail and the on-street nonmotorized transportation system was to reduce car use in the community, which was an important goal. This particular system of trails accomplished that by creating transportation options and recreational options to use nonmotorized transportation. A tremendous number of apartment complexes would have a connection to East Campus, the University campus area, and downtown Columbia via a safe and pleasant walking and bicycling route when these trails were built. The one that was under construction right now and connected Bluff Dale Drive across the creek and to East Campus linked in the Broadway Village Apartments, which had hundreds of residents. Those that traveled from there to campus via a motorized car would have a nonmotorized option. The other section, which was to be built by the Parks and Recreation Department at some point in the future would connect The Domain along with all of the apartments south on Old 63 into that trail system along the Hinkson Creek to the same bridge and up to East Campus. He commented that the recreational component was important as well because there was a lot of research indicating that walking and bicycling commuters did not jump straight into it. They started by walking or bicycling for recreation and fun. He pointed out the trails were a part of a long planned and envisioned 30-mile loop that generally followed the creek corridor, and it would change the culture. Many of the people that started recreationally walking and biking would then transition to using those modes for transportation as well, which would help achieve the City's goals. He stated he did not want to see any more trees taken down than needed to be taken down, and did not

believe anyone else on the Council did either. He understood they had given clear direction to staff that impact on the environment, and in particular the removal of older trees, should be minimized. He noted he had spoken with Mr. Glascock earlier today and understood staff would provide some documentation as to what was done in that regard. He invited everyone to visit the Scotts Branch Trail, which started behind Fairview Elementary and traveled along the edge of the Audubon Bird Sanctuary and dropped down steeply to the Scotts Branch Creek. A large part of it was built on a boardwalk and it followed the creek all of the way down to the intersection of Scott Boulevard and Chapel Hill Road. Another recommendation was the Forum/Katy trail connector, which started behind the Forum 8 Theater near the intersection of the Forum Boulevard and Stadium Boulevard and traveled down another steep hillside and connected with the MKT Trail in the Hinkson Creek Valley. He explained both of those sites looked rough as the construction was happening, but now there were trees close to the trail and lots of larger, older trees making it feel as though they were in a natural environment. He stated he was confident that when the Shepard to Rollins Trail was completed and restoration was conducted, they would see the same thing there. The Nature Sanctuary would still exist and there would be better access to the Nature Sanctuary. At the moment, kids could not get there unless they were provided a ride in a car with a parent or someone else. Once it was part of the trail system, kids all over Columbia would be connected to it by walking or biking.

Mr. Thomas understood they all received a message from someone that had been hit on the sidewalk by someone on a scooter. He commented that he generally received two types of complaints regarding scooters. One was the way they were left when someone finished riding it. He noted they had rules as to how they should be left, but people did not always comply. The other was riding on the sidewalk, and they had a rule that they could not be ridden on the sidewalk. He understood if someone found a scooter that had been left blocking a sidewalk or ramp for mobility access, there was a phone number on the scooter that could be called to file a complaint. The scooter company would then be able to follow up with the person that left it there and potentially sanction them. He thought that was really the only level of enforcement they had at the moment, and understood that was not an option when someone was riding on the sidewalk because they would not be able to access the phone number. He asked Mr. Glascock what could be done if someone was illegally riding on the sidewalk. Mr. Glascock replied they could contact the City and as long as they could provide a time and an address, there was a possibility it could be tracked. He was not positive it could be tracked for sure, but noted it could be turned into the company to try to determine who might have been riding it. Mr. Thomas understood the company tracked the scooters via GPS and other data collected. He thought they should press the company to find out who was responsible for riding on the sidewalk illegally and provide some sort of sanction. He felt they needed to provide citizens the opportunity to trigger an action when illegal activity was happening. He stated the scooters needed to be on the road, just like bicycles, following the rules of the road.

Mr. Thomas noted he had ex parte conversations with Robert Hollis regarding B317-19 and B318-19.

Mr. Skala commented that he had a different take than Mr. Thomas with regard to the trail issue and had been consistently in opposition to it since 2009. He stated it had been a 10-year discussion, and at one time, there had been \$13 million left in federal funds for trails, but they had avoided the Shepard to Rollins Trail because it was controversial. He noted there had been alternatives, and they had decided to spend that funding on other trails, such as the Grindstone Trail, Moon Valley Trail, and County House Branch Trail. He recalled one of the potentials was a trail along the COLT

Railroad, which would have benefited the Second and Third Wards, but it had not been funded. Instead they later took up the issue of the Shepard to Rollin Trail again, and there had been four options. One was the current configuration that was happening right now. Another had been a connector from Old Highway 63 where there was a sidewalk and right-of-way to Stadium Boulevard and across the bridge on Stadium Boulevard to the next connector than connected campus. He believed there had been some misconceptions with regard to that option because some had indicated it was very dangerous due to traffic, but he understood the original proposal had included a cantilevered bridge that would provide protection for pedestrians and bicyclists. He recalled criticisms about the grades, but they were still talking about getting from one place to another and they would eventually have those grades anyway. He pointed out that option was one he supported, but it had not been supported by the Council as a whole. He understood that would have likely been a \$500,000 project instead of the \$3 million project they were now facing. He noted there had been a lot public discussion subsequently, to include the City Council on at least two occasions, and they had continued to support moving forward with the current trail option. He stated he respected that and felt there were times they had to accept something and move on. He explained he had received a lot of questions, primarily on social media, and had provided the history. He noted It's Our Wild Nature had contacted him for advice and he had suggested they focus their energy on the remediation and demanding sensitivity with regard to the trail. He stated he was confident they had gone the extra mile based on past experiences with trails. He pointed out they had also discussed alternative surfaces and it had been determined by staff and other experts that the amount of maintenance on chipped or gravel surfaces was not reasonable so they were left with cement. He commented that he had walked the trail a number of times and one of the reasons there was an 80-foot construction easement was due to the high span bridges. He explained he had been an advocate of low water crossings because he had felt it would be appropriate as a compromise measure, but the discussion had avoided options such as that because it would involve the Corps of Engineers. In addition, it was not what the Council had approved.

Mr. Skala asked if they wanted to reconsider any of this in an effort to minimize the impact.

Mayor Treece stated this issue had been debated for years, and if there was new information that would help educate, inform, or persuade the Council, he would be happy to consider it, but he had not seen any new information. He thought the level of transparency by staff and the Council for this project had been very much a work in progress. He noted members of the Council had met with the neighbors, an extraordinary interested parties meeting had been held a few months ago, and the City had provided extraordinary written communication to the neighbors. He reiterated he did not have any new information. He also pointed out staff had walked the trail with the neighbors several times to make adjustments for the best product moving forward and was not sure of any alternative. He stated the Council had voted on this issue in February and the people that were now complaining had purchased the property five months after the Council had voted to proceed with the project. They had then asked to start over and a judge said no. They asked for more money and an independent appraiser said no. The City had followed the court order and had paid the assessment for the use of the easement on property where the City had had easements since 1956, and they were now objecting to it. As long as there was a lawsuit, the City could not risk violating federal law or Judge Harris' court order.

Mr. Skala stated he thought that would be the response and noted that had been his response on social media, but had felt obligated to ask nonetheless.

Ms. Peters commented that she thought they had also looked at the issue of the high span bridge versus the low water crossings, and they had problems with steepness, cliffs, or the high sides of the Hinkson Creek. In addition, she believed the idea was to

disturb the creek as little as possible while also making it as ADA compliant as possible. She reiterated she thought those things had been considered.

**XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 9:31 p.m.