



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, February 18, 2019
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, February 18, 2019, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was led by Boy Scout Troop 708, and the roll was taken with the following results: Council Members PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, and PITZER were present. The Interim City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

Mayor Treece explained the minutes from the February 4, 2019 Council Meeting were not yet complete.

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

II. SPECIAL ITEMS

None.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC2-19 Board and Commission Applicants.

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

AIRPORT ADVISORY BOARD

Richards, Thomas, 407 Russell Boulevard, Ward 4, Term to expire December 1, 2020

BUILDING CONSTRUCTION CODES COMMISSION

Kaisher, Ray, 15011 Larry Lane, Boone County, Term to expire August 1, 2021

COLUMBIA VISION COMMISSION

Schmidt, April, 5617 Abercorn Drive, Ward 5, Term to expire December 15, 2021

COMMISSION ON HUMAN RIGHTS

Gore, Megan, 107 Lynn Street, Ward 1, Term to expire March 1, 2022

Sood, Meera, 1904 Katy Lane, Ward 4, Term to expire March 1, 2022

PUBLIC TRANSIT ADVISORY COMMISSION

Beck, Emily, 4015 Kirkwood Court, Ward 3, Term to expire March 1, 2022

Moon, Gregory, 2104 Live Oak Lane, Ward 2, Term to expire March 1, 2022

Zeterberg, Dawn, 608 Hunt Avenue, Ward 1, Term to expire March 1, 2022

Mayor Treece asked that the vacancies for the Tax Increment Financing Commission be

readvertised.

TREE BOARD

Kyd, Michael, 2601 Aster Court, Ward 2, Term to expire August 1, 2022
Lister, Andrew, 1906 Princeton Drive, Ward 4, Term to expire August 1, 2021
McMains, Jacob, 3507 Zinnia Drive, Ward 2, Term to expire August 1, 2020
Penn, Rachel, 313 N. William Street, Ward 3, Term to expire August 1, 2022
Stroh, Esther, 807 Leawood Terrace, Ward 4, Term to expire August 1, 2020
Szydowski, Mike, 3712 Bray Court, Ward 4, Term to expire August 1, 2022
Wright, Samuel, 1631 Kathy Drive, Ward 2, Term to expire August 1, 2021

UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF BOONE COUNTY

Sallee, Thomas, 2006 Americus Drive, Ward 2, Term to expire March 1, 2021

IV. SCHEDULED PUBLIC COMMENT

SPC13-19 Margaret Booker - Oakland Crossing - County resident experience.

Ms. Booker, 6395 N. Oakland Gravel Road, provided a handout and explained her overall takeaway from her interaction with the Oakland Crossing development project was how fundamentally disrespected and shut out concerned neighbors, constituents, and stakeholders were in a system that existed to meet growth goals with too few checks and balances and a generally accepted historical culture of special project request add-ons. She stated the neighbors had worked just as hard as the professional builders and their representatives to share their vision and needs and had believed the City had invited them to participate when sending them concept review meeting post cards and hosting education sessions for all to attend. The invitation to contribute was reinforced when they were later notified of opportunities to contribute at public meetings, such as those conducted by the Planning and Zoning Commission (PZC) and the City Council. She commented that she and other neighbors, constituents, and stakeholders had worked hard to be heard and had proved their commitment to engage in their communities and affect positive outcomes for all, and believed a number of things needed to change before there could be real and trusted engagement. She suggested concept review postcards be mailed to residents and homeowners alike and that the selected radius for the mailing should be expanded as she felt the current mailing area was insufficient to inform all who had interest in and contributions to make toward a development like Oakland Crossing, which would involve the annexation of County property, residential growth that would cause an undeniable effect on lifestyle, and commercial development that would change the area forever. She stated the Community Development Department and its Planning and Development Division clearly worked closely with professional builders and their attorneys and engineers to accomplish City and builder goals for successful and well-regulated growth. Neighbors did not have a presence during this phase of development and had lost out on chances to understand and contribute to what was being created. She noted the PZC meetings had provided them with the most extensive opportunity for discussion, but it had also opened the door for one Commissioner to ask repeatedly and rhetorically why they had not purchased the subject property if they cared so much about it and for another Commissioner to ask if they would want neighbors to tell them what they could or could not do on property they owned and were trying to sell. Those comments were offensive and alienating as their goal was to help shape a new development that would complement and improve upon the existing range of subdivisions. She commented that thankfully they had been able to persuade a majority of the PZC that a full commercial lot proposed for the intersection Prathersville Road and Oakland Gravel Road should be downzoned to a lesser commercial use. It had been one of their primarily neighborhood goals and it had felt like a win. She believed the annexation process currently used by the City, which took the place of City and County public annexation votes, was highly problematic. Enticing

County residents to accept City sewer service for an agreement to annex into the City at an undetermined future date left County property owners uninformed and confused after years, and in some cases decades, of inaction. She explained a further concern was the prospect that the City and the builders were cherry-picking only money-making properties for development and leaving blight untouched. She understood the Oakland Crossing petition had been withdrawn. She also understood Mr. Thomas had admitted to the Missouri Ethics Commission of potentially unlawful behavior in this matter and had apologized for his lack of attention to the Oakland Crossing neighbors' concerns and hard work to create and support a subdivision that would complement the four established neighborhoods. She commented that a number of them had shared messages or had met with Mr. Thomas in the week before the petition had been withdrawn by the builders and their representatives at the request of City Manager Mike Matthes and City Counselor Nancy Thompson. She stated it was shocking to read in the Columbia Missourian that the neighbors' hard won downzoning accommodation had been offered as a bargaining chip in negotiations with the builders and their representatives by a council member. While some of Mr. Thomas' emails on this matter had been released for public view, she requested that any and all of his, Mr. Trapp's, and Randy Cole's correspondence on this proposal with each other, concerned neighbors, constituents, stakeholders, builders, the builders' representative, the property owner, and any property owner representatives be released and reviewed for lawful and appropriate interaction. She thanked Mr. Cole, the Community Development Department Housing Programs Supervisor, for raising a red flag on this issue, Ms. Thompson, the City Counselor, for decisive action to educate and direct Mr. Thomas to halt his unlawful efforts, and Mayor Treece for promoting transparency and public understanding. She noted she had met with Mr. Thomas and had accepted his apology. She understood he had not intended to create this chaos.

SPC14-19 Jim Windsor - Electric loans for home generators.

Mr. Windsor, 200 Manor Drive, commented that some people might say that having 18 line workers during the wind event in July of 2014 but only ten line workers during the snow event in January 2019 while having an additional 3,000 customers was an obvious problem that did not require months of study. In addition, he thought some might say the Council was negligent in ensuring the safety of the understaffed employees that maintained their critical infrastructure and that not publically discussing two reports completed last July that addressed the transmission line requirement and substation overloading in south Columbia was an attempt to cover up a bad decision made by Council to stop the original voter approved project. He believed some people might say that council members that expressed concern for more funding of public safety employees when the electric utility would have paid the general fund an additional \$600,000 per year of property tax equivalent had the original voter approved transmission and substation projects been completed in 2017 were either ignorant of public safety funding or insincere in their concern. He thought some people might say continuing to allow development that connected to already overloaded substations placed existing customers on those substations at risk to lengthy outages and that building any express feeders to address substation overloading without addressing the original plan was a misappropriation of funds that were not voted on by ratepayers. He noted he had not come to Council to talk about those things, but had come to discuss natural gas generators. He commented that people concerned about the failure of City Council to address critical infrastructure issues could purchase a gasoline powered generator, but those presented serious dangers to the homeowner and utility workers. A natural gas generator that was properly installed with equipment that isolated the system was safe for the property owner and utility workers, and depending on how many circuits a homeowner or business wanted to power, the cost would range to several thousand dollars. He understood Chapter 27 of the Code of Ordinances allowed the electric utility to provide loans to homeowners and businesses for energy efficiency, and believed the

electric utility should look at expanding the loan program to include natural gas generators. In addition to providing homeowners and businesses real backup during outages, there was a potential with financial incentives to owners that the electric utility could call on them for load shedding for overloaded circuits. He commented that if Mr. Glascock was truly interested in serving as City Manager, he should show the public he had the backbone necessary to address the real needs of critical infrastructure by addressing the non-competitive pay issue most glaring in the line worker area and scheduling public discussion of the two studies that were completed last July that showed Option E would cost almost \$12 million more than Option A without solving the original problem and that substation overloading was real and growing. He noted Mr. Glascock had served as the Interim Water and Light Department Director over a decade ago and understood decisions about critical infrastructure should be based on facts and not on political whim.

SPC15-19 Jeff Stack (may also be a co-speaker) - Ending involuntary homelessness and meeting human needs of area residents.

Mr. Stack explained he lived on Turtle Creek Lane in southern Columbia and commented that the Council had thankfully stepped up its advocacy work in recent years striving to end involuntary homelessness, especially in the winters by providing cots for Room at the Inn along with some other services for homeless people in the community. He noted City and County officials had also been active leaders and partners in efforts to find a permanent shelter for homeless people and had embraced the concept of "housing first" by recognizing that housing was a fundamental need that first had to be met before they could focus on issues of ending alcohol or another substance abuse, get needed healthcare treatment, and obtain and hold adequate employment. He commented that after March 2, Room at the Inn, which involved the Unitarian Universalist Church, Fairview United Methodist Church, Broadway Christian Church, Missouri United Methodist Church, First Presbyterian Church, and First Baptist Church, would close. He thanked those churches and the hundreds of volunteers, to include Mayor Treece and Mr. Thomas. He explained he had volunteered at First Baptist Church last night and had been proud of the community in terms of all of the combined help by many people to make this possible. Fifty-plus men and women had a place to sleep, but after March 2, there would be no such shelter in the community. He commented that RATI leaders understood those involved were experiencing compassion fatigue, and felt it was time for the City and County to step up in a much bigger way by providing these lifesaving services for at least the month of March. Members of the faith community and others in the area would be willing to help. He stated he was thankful the Armory had been opened to shelter people during the especially brutal cold snap last month. He wondered if the Armory, the ARC, the first floor of City Hall, or the first floor of the Boone County Government Building could be utilized for such a service for one month. He understood the Council had a long agenda, and pointed out about ten items involved requests from businesses and a few others involved social services, but there was almost nothing concerning meeting the human needs of their most vulnerable residents, i.e., those without shelter. He believed those items should be the first order of business of the government before the Council worked to facilitate the profit interests of the uberwealthy. He encouraged the Council and the Boone County Commission to help lead a campaign to try to end involuntary homelessness. He commented that the University wanted to sell Mizzou North, which was the old Ellis Fischel building. He wondered if they might be willing to sell it for a dollar, and noted the building could be used as an emergency all-year shelter along with a daycenter and could include long-term affordable apartments. He reiterated that he felt it would be great for the City and County to take a lead role in this issue. He understood it would be a massive undertaking, but thought they were capable. He stated they needed to move beyond talk and to instead turn that conversation into reality. For the immediate time, he asked that the Council help them in trying to save human beings for

the next month.

V. PUBLIC HEARINGS

PH5-19 Proposed construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park.

Discussion shown with B37-19.

B37-19 Authorizing construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park; determining that the work shall be done by City employees.

PH5-19 was read by the Clerk, and B37-19 was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor Treece asked how often the low water crossing drained from above. Mr. Griggs replied it seemed as though it was always wet. It went all of the way to the east side of Highway 63 so it drained the whole area. It was a regional stormwater area.

Mayor Treece opened the public hearing.

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

Mr. Skala commented that it was amazing to see what could be done with a dedicated sales tax.

B37-19 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

VI. OLD BUSINESS

B30-19 Voluntary annexation of property located on the southeast corner of the Highway 163 and Route K intersection; establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 36-2019).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Peters asked how many acres could be annexed into the City with this annexation.

Mr. Teddy replied he did not have the cumulative total. He showed the areas on the diagram that was displayed.

Mayor Treece understood the City had pre-annexation agreements with all of the hashmarked properties on the diagram. Mr. Teddy stated that was correct.

Mr. Pitzer asked if those properties with pre-annexation agreements would be brought to the Council. Mr. Teddy replied staff would bring those forward to Council for action. Mr. Pitzer asked if there was a time period by which that would happen. Mr. Teddy replied he would have to discuss that with Mr. Glascock. Mr. Pitzer asked if there was a time limit within the pre-annexation agreement. Mr. Teddy replied no. He explained they were indefinite and the oldest was from around 2004. There were also a few from 2005 and the most recent was from last year.

Mayor Treece asked who had approached who regarding this annexation. Mr. Teddy replied he thought the School District had contacted the City Manager's Office originally.

Mr. Skala stated he thought pre-annexation agreements were time delimited. Mr. Teddy commented that he was not aware of a sunset date on those.

Tim Crockett, 1000 W. Nifong Boulevard, understood Mr. Teddy had mentioned this site would add a resource officer, and noted he did not believe that was the case. He did not think the Columbia Public School District was looking to add a resource officer. He understood they wanted to be able to call on existing resource officers, who were right

down the street at Rock Bridge High School if and when they were needed at this location. This site, not being in the City, meant they had to call on the Boone County Sheriff's Department if they needed assistance. He referenced the diagram and pointed out all of the properties on the lower right hand side of the page were already contiguous to the City of Columbia and could already be annexed under current agreements. The only parcels this annexation might trigger were those on the left hand side where the cursor could be seen, which he thought would involve another 12-15 acres of property.

Mr. Crockett commented that the requested zoning for this site was R-1 and that the PZC had recommended approval. It was compatible with the surrounding properties and schools were allowed within the R-1 zoning district. Columbia Imaged had designated this parcel as a neighborhood district, and a school fit within that. It was consistent with the comprehensive plan, and the zoning would be in compliance with the UDC. In addition, they were within the urban service area. He noted the property was contiguous to the city limits, and the stem portion of the property had been acquired by the School District in 1979. The purpose had been to provide access from the elementary school to the State Park. It had been in the control of the Columbia Public Schools for quite some time. He pointed out Rock Bridge Elementary School had opened in 1957. He explained compact was an ambiguous term, and in this situation, they were annexing a parcel of County land located within the City on all sides. The annexation would not move the geometric center of Columbia. He provided an example of a flag annexation in Higginsville, Missouri, whereby the purpose had been a tax grab. It had involved a very narrow strip of 3.7 miles to get to the intersection of two highways for tax purposes. He did not believe the proposed request was a flag annexation like the Higginsville example.

Mr. Pitzer understood the School District had discussed expanding or renovating Rock Bridge Elementary School and asked if that was related to this request as well. Mr. Crockett replied it was not directly related as they could expand or complete another building project in the County. It would however add continuity to their building programs in terms of building permits, materials, etc.

Mr. Skala understood Mr. Crockett felt flag annexation was related to behavior and intent, and not whether it looked like a flag. Mr. Crockett commented that all of the cases he had reviewed were similar to the Higginsville example, which they did not have in this instance.

Randy Gooch explained he was the Chief Operations Officer of the Columbia Public Schools and commented that the City had been good at partnering with them in terms of grants that were available for playground improvements. He noted the partnership for playground improvements would be able to be continued if this were to be annexed.

Mr. Trapp stated he was supportive of this. The City had a good relationship with the Columbia Public Schools and having the ability of a resource officer at Rock Bridge High School to respond to Rock Bridge Elementary School would increase response times and allow for a school-centric officer. It would also increase the chance of being able to partner with the playground like they had at other schools within the city limits. He reiterated he was supportive.

B30-19 was given third reading with the vote recorded as follows VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B31-19

Approving the Final Minor Plat of "Missouri Alpha of Phi Kappa Psi Subdivision" located on the west side of Providence Road and north of Burnam Road (809 S. Providence Road); authorizing a performance contract; granting a design adjustment relating to street right-of-way (Case No. 20-2019).

The bill was given second reading by the Clerk.
Mr. Teddy provided a staff report.

Mayor Treece asked how the applicant's request for the design adjustment reconciled with Section 4 of the ordinance which reduced the 53-foot right-of-way to a 35-foot half-width. Mr. Teddy replied the ordinance was written according to the petition and the applicant had not acquiesced to the dedication of the additional right-of-way. The ordinance was written as if the applicant was being granted what he had requested. Mayor Treece asked if a discussion had been had with the applicant. Mr. Teddy replied yes, and explained the applicant had been made aware of the staff's recommendation to Council. Mayor Treece asked for the response of the applicant. Mr. Teddy replied he thought the Council would hear from them tonight, but at that time, they indicated they did not desire to provide the additional right-of-way.

Mayor Treece asked why this had not been acquired as part of the Providence Road improvement project. Mr. Nichols replied it was a desire any time right-of-way could be obtained on a major arterial. Although they might not have a need now, they might at some time in the future for any kind of road improvement. Mayor Treece understood Providence Road was a MoDOT road and asked if the City had acquired the right-of-way for MoDOT or if MoDOT had for the Providence Road improvement project. Mr. Nichols replied it had been acquired by the City. Mayor Treece asked why the City would need more right-of-way if MoDOT had not expressed a need. Mr. Nichols replied he had discussed Providence Road with MoDOT many times in the past, and there had been conversations involving them giving Providence Road to the City. It might not be something that happened in the short-term, but if that were to happen, any need for the right-of-way would have been addressed with this plat. He explained that was the typical process, i.e. to obtain right-of-way with platting. He commented that his staff had not approached him when this had been before them for review, which was why it had not been caught at that time as he would have recommended obtaining that additional right-of-way as it was in the City's best interest. Mayor Treece asked how his interest in that right-of-way compared to existing right-of-way the City had north and south of the property. Mr. Nichols replied he was not sure. He explained if additional turning was required in the future, this would allow them to not have to acquire the right-of-way because it would already belong to the City. Mayor Treece asked if that was where they wanted it or if it would be needed elsewhere. Mr. Nichols replied they wanted it along the frontage.

Mr. Teddy commented that the right-of-way varied as there was a narrower right-of-way proceeding north to Turner Avenue, but it was then wide again. When they were at the recently approved American Campus Communities property, the total right-of-way width was 103 feet, and they had received the three additional feet to make it a 53-foot half-width. It was a narrower right-of-way south of the subject site where the recently rebuilt Greek house was located. He thought it was more in the neighborhood of 70-80 feet of total width. He reiterated that it varied quite a bit on the route. He explained the staff thinking was that there might be a project that addressed a segment of the road and not necessarily the entire corridor.

Mr. Pitzer asked if the recently built Greek house had received a design adjustment. Mr. Teddy replied that project had received a number of zoning variances. He understood it met the description for a legal lot and thought the half-width there was 35 feet.

Ms. Thompson explained the ordinance was written to grant the design adjustment so if Council did not want to grant the design adjustment, it would take an amendment to the ordinance. Mayor Treece understood the ordinance was written to the applicant's request for the design adjustment and staff was objecting to the waiver or exemption of the 53 feet to a 35-foot design adjustment. Ms. Thompson stated that was correct. Mayor Treece asked when staff had objected. Mr. Teddy replied it had been after the PZC had met on the issue.

Tom Jensen stated he was an officer of the corporation that owned the land and was filing the plat. He thought this particular matter was a little different than the perfunctory exercise of the City's desire to have consistency in application. In 2006, the City had

approached the corporation that owned the property to extend Rollins Street all of the way through. It would have taken nearly all of the front yard and side yard. After a lot of back and forth, the involvement of the Historic Preservation Commission (HPC) and rethinking how everything would work, they had ended up with a solution that preserved the greenspace and had relocated the stoplight from Rollins Street to Burnam Road. They had given up a piece of property, but for them, it was a small price to pay to preserve the greenspace. He commented that historically, it was the Grasslands Farmstead, and the members of the corporation felt the need to be stewards of the property. He noted they had one of every tree indigenous to the State of Missouri on the property, and it had a lot of historical significance. He commented that their desire to file this plat related to their desire to tear down the brick portion that had been built in the 1950s and to construct an addition that matched the architecture of the original house. He pointed out the original house would stay intact. He commented that they had gone through the PZC process and the PZC had approved the design adjustment. He noted they were reluctant to have the greenspace be chiseled any further. He explained that if that amount of right-of-way was taken along that entire road, they would be back to wiping out the first row of the Grasslands Subdivision, and felt this was an attempt to keep that option available. He did not believe an extended turn lane would be needed to accommodate an already fully developed area that would not have more development. He asked the Council to consider the historic significance of the property and the fact the PZC had approved it with a vote of 9-0 on the staff recommendation at that time. He also asked them to keep in mind it would re-litigate the issue for preserving the Grasslands Subdivision proper.

Mayor Treece understood they were pursuing the final plat because of the selective removal and rebuilding of the back part of the building, and asked if the lot was not compliant for a building permit. Mr. Jensen replied it was a meets and bounds description, and in order to qualify for the permits, they had to submit themselves to this process.

Mayor Treece commented that he never knew there was a strip of R-2 on the south side of that and asked if it was big enough to develop or a legal lot. Mr. Teddy replied it would be included in this lot and noted it did not have sufficient depth for most construction. He explained the purple line in the diagram delineated the R-2 so it was quite narrow at the front of the property and might be about 100 feet at the back lot line. He thought the zoning had preceded the construction of the street, and that it might be an old zoning classification.

Mr. Jensen thought it was a question of whether they felt there would be fairly dramatic changes to the complexion of the Grasslands Subdivision as he believed that would be the only reason to justify a turn lane the length of their property, which he thought was unlikely.

Mayor Treece noted he lived in this subdivision and had asked Ms. Thompson if he had a conflict, and she did not believe he did. He explained he turned into one of those two streets every day as he came and went, but was not anywhere near adjoining the property.

Mayor Treece understood Mr. Jensen objected to the removal of the design adjustment. Mr. Jensen stated that was correct.

Ms. Peters made a motion to amend B31-19 by deleting Section 4, amending Section 1 to read "The City Council hereby approves the Final Minor Plat of 'Missouri Alpha of Phi Kappa Psi Subdivision' as revised to include a 53-foot half-width street right-of-way dedication measured from the centerline of Providence Road, a subdivision located on the west side of Providence Road and north of Burnam Road containing approximately 3.72 acres in the City of Columbia, Boone County, Missouri. Following revision of such plat to comply with the requirements of Section 29-5.1(c)(4) of the City Code, the Mayor and City Clerk are hereby authorized and directed to sign the plat evidencing such approval" and amending the bill heading to delete "granting a design adjustment relating to street

right-of-way. The motion died for the lack of a second.

Mr. Skala understood staff was trying to preserve the half-width of right-of-way in an attempt to keep the options open for the future should MoDOT and the City decide the City should accept Providence Road for maintenance purposes. Mr. Nichols stated that was correct. He explained the City had acquired the additional easements for the improvement project as MoDOT did not want to take any further responsibility for right-of-way than was necessary. Mr. Skala understood it was fair to say they had fewer options both north and south of this site to make any corrections, but this would preserve the option of a right turn lane or something similar. Mr. Nichols agreed. He explained they tried to obtain right-of-way when they had the option through the platting process so they did not have to pay money at a later date. At the time, his staff had reached out to MoDOT, but those involved had not been in the conversations with regard to the potential of Providence Road being turned over to the City in the future. He noted it was not anything that would happen in the short-term, but could happen in the long-term. He stated he was only trying to preserve a future need. Mr. Skala understood it was entirely possible nothing would happen. Mr. Nichols agreed.

Ms. Thompson pointed out this applicant had not given up a piece of property previously. It had been taken via condemnation and the City was still in litigation as to the valuation even though the project had been constructed. She reiterated they were still in litigation as they negotiated the price of that particular taking.

B31-19 was given third reading with the vote recorded as follows: VOTING YES: TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: PETERS. Bill declared enacted, reading as follows:

B40-19

Amending Chapter 11 of the City Code as it relates to the sale of tobacco, alternative nicotine products and vapor products and establishing a tobacco retailer license.

The bill was given second reading by the Clerk.

Ms. Browning provided a staff report.

Mr. Trapp stated he had requested amendments and an amendment sheet had been drafted by the Law Department. The word "minor" was dropped and "person under the age of 21 years" was used instead to match the Tobacco 21 law. The word "ingesting" was added under Section 11-310(a)(5) to better capture the way people used nicotine products, and "or aerosol" and an exclusion for nicotine replacement therapies were added under Section 11-310(a)(10). He pointed out a section on compliance checks had also been added and was the most substantive part of the amendment sheet. He did not believe tobacco licensing would be effective and felt there were some clear best practices. He noted there was a delay in it to allow time to address funding. He commented that once they had a regulatory regime in place it was something they could consider as a ballot item since there was a Hancock Amendment issue with having a fee for service. He felt they could base it on the cost of one annual compliance check. If they just had a tobacco retail license regime without compliance checks, they would not have really advanced. He noted the amendment sheet would also raise the fines for violations and allow for the license of a tobacco retailer to be suspended for a minimum of 30 days for a third violation and revoked for a fourth violation within a 36-month period. It allowed 180 days from the date of adoption of the legislation to get a ballot issue together, obtain a grant, or find other means to pay for the enforcement process.

Ms. Peters asked who enforced alcohol or regulated the bars now. Ms. Browning replied the Columbia Police Department (CPD), and pointed out she thought it was done with funding that came from the State of Missouri. She noted she could be wrong though and felt that was a question for CPD.

Mr. Thomas asked for staff to respond to the proposed amendments. Ms. Browning replied she thought compliance checks were necessary for this to be effective, but was concerned about putting it into ordinance without resources being identified. She

wondered what would happen if it was not placed on the ballot or if there was not a grant. They would be holding themselves to a standard they could not attain, and would thus be violating the ordinance. She stated she did not have an issue with the compliance checks. Her concern was the very specific language in the ordinance indicating what they would do without identified resources. Ms. Thompson explained she had other concerns as well. The codification of administrative duties took away the administrative flexibility on how to administer or run the programs. She understood there was a feeling that it would not be enough if it was left up to management to decide how and where to allocate resources, but ultimately it was the job of the City Manager and staff to determine who was responsible for the compliance checks, how to fund it, how often to have compliance checks, where and how to dedicate resources. The City would lose its administrative discretion on how they would conduct those checks in the long term. She noted the same was applicable to the fine structure and revocation processes and procedures. The Tobacco 21 supporters were strong advocates for a set fine structure, but it would be better for staff to have administrative discretion and the flexibility to either be harsher or less harsh as the circumstance warranted in a particular enforcement action. She provided the example of a retailer selling to a 13 year old, and felt they might want a harsher penalty in that situation than someone selling to a 22 year old without a compliance check on the ID because the person was under the age of 30. She pointed out both were technical violations of the Code, but one involved a lawful sale with only a failure to check an ID while the other was clearly notorious, which might warrant a greater penalty. She explained they would lose the administrative discretion on both ends. Mayor Treece asked for the parity of selling alcohol to a minor in terms of the penalty or judicial discretion. Ms. Thompson replied there was discretion with alcohol violations. Mayor Treece asked Ms. Thompson if she knew what it was. Ms. Thompson replied she could not recall.

Mr. Skala understood this could help form a list of vendors and with compliance to some degree, but felt they could potentially invite some pre-emption from the State by going down this path at the local level. He wondered if they might get further by making these recommendations known to the State and acting on any recommendations that came from the State. Ms. Browning pointed out the State would only require measures at the age of 18 and Columbia was a Tobacco 21 community. Mr. Clardy noted it was actually federal law that was enacted through State inspectors. Mr. Skala asked about the reference to the Hancock Amendment. Ms. Browning replied that came into play if they wanted to establish some sort fee structure as it would have to go to the vote of Columbia residents. Ms. Thompson clarified there was not any fee proposed at this time in either the ordinance or the amendment sheet. Mr. Skala asked if that was anticipated for the future if they really wanted strict compliance. Ms. Browning replied if the Council wanted staff to develop a program and for there to be resources to fund the program, a fee would be one way to do so.

Tanya Heath stated she had grown up in Columbia and had been involved in Boone County 4-H. She noted she had a vested interest in continuing to look after the youth in Columbia and Boone County. She commented that she had first heard of juuling, vaping, and e-cigarettes when a nurse had come to Hickman High School to explain the effects of all of the bad ingestion of different chemicals into the body. She understood it impacted brain development of youth and created an addictive situation since one pod was equal to an entire pack of cigarettes. She explained it could also lead to popcorn-lung whereby someone suffocated to death. She felt young people did not understand the dangers, and pointed out kids were purchasing it and selling it to other kids at school. She noted many people were not aware because the devices were very small and could be plugged into computers. She understood there were some business concerns, and believed the longevity of young people purchasing other products, such as soda, water, and gas, should be considered instead of only the short-term benefit of selling tobacco products in an unchecked environment. She stated enforcement was

needed for retailers that sold to kids, either knowingly and unknowingly, and the retailers needed to hold their employees accountable before the youth were dead.

Jenna Wintemberg explained she was a resident of the Fourth Ward that appreciated living in a community with strong public health measures that protected everyone, especially young people, from the harms of tobacco. She stated her support for B40-19, which would enact a tobacco retailer license, and encouraged the Council to adopt all of the changes listed in the amendment sheet put forth by Mr. Trapp. She understood the amendments incorporated changes resulting from many Board of Health (BOH) discussions, public comments, and research. She noted tobacco retailer licenses had been proven effective at increasing retailer compliance with Tobacco 21 ordinances and reducing tobacco sales to underage youth, and it was best accomplished by requiring minimum compliance checks of at least one per retailer per year and for the compliance checks to be handled by the Department of Public Health and Human Services. A strong tobacco retailer license with a minimum number of compliance checks would increase the Tobacco 21 ordinance compliance and ensure tobacco products were not sold to minors in the community. She asked the Council to support B40-19 with the proposed amendments.

Kevin Everett, 4107 Joslyn Court, urged the Council to support the amendments proposed along with a local tobacco retailer license. He noted there was not currently a State license. In addition, they did not know how many vendors they had in the community, and this would be a good first step to obtain an understanding of that. He stated the amendment was following best practices. He explained, as a faculty member at the University of Missouri, he worked on problems caused by tobacco. He was proud that the City of Columbia considered health, well-being, and safety as a priority. Eleven years ago, Columbia had enacted one of the first comprehensive smoke-free ordinances in the State, and Boone County now had one of the lowest smoking rates. He commented that he did not have a great idea of the exact smoking rates, but believed the City was driving it. He noted some in opposition to the proposal would say they felt this was something that should be done at the state-level. He pointed out there had not been a vote on any state-level smoke-free law since 2007, nor any vote on Tobacco 21 since Columbia passed it in 2015. He believed it was responsible for Columbia to continue to work to reduce and eliminate the harms caused by tobacco. The Tobacco 21 law was particularly important in Columbia because it was a growing community with lots of families and young children, and with three colleges and universities, they had a high level of 18-20 year olds compared to other communities. He thought this type of Tobacco 21 law would be particularly important to enforce for compliance.

Ron Rowe, 2201 UMC Drive, explained he was the Director of the Youth Community Coalition and stated he was supportive of the proposed ordinance along with the changes recommended by Mr. Trapp for many of the reasons Ms. Wintemberg had mentioned. In response to Ms. Peters' question regarding enforcement of the alcohol policy, he pointed out the Youth Community Coalition had partnered with the CPD in the past with grant funding, but over the last couple of years they had not been able to do compliance checks for alcohol due to staffing issues at the CPD. He noted that funding had been federal funding through the Youth Community Coalition, which they did not have now, but were looking to add again soon, but understood that federal funding could not be used for compliance checks for up to age 21 so they could not assist in that manner. He commented that 95 percent of substance use disorders started with use by people prior to turning 21, and thought it was important to consider that when thinking about these types of policies.

Mayor Treece asked Mr. Rowe if he had any data on medical marijuana use by teens. Mr. Rowe replied he did not have that at this time. Mayor Treece commented that the ordinance was written for tobacco-related products, but they were on the cusp of having edibles, cannabis oil, etc. He wondered if the same framework was needed for dispensaries as well. Mr. Rowe noted access and community norms were drivers in

terms of usage with youth.

Michael Szewczyk, 1404 Highlands Court, stated he was a member of the BOH and they appreciated the Council moving forward on this issue. He thought this might have been the sixth time they had come to the Council with something related to smoking or tobacco use going back to the early 1990s. He believed it was an important next step and the timing was terrific because two months ago the Surgeon General had declared a vaping epidemic. The reason it had been declared an epidemic was because the use by high schoolers had doubled from 2017 to 2018. If that were to continue, over 50 percent of high schoolers would be using vaping products within the next two years. He understood this was happening because high schoolers did not consider vaping as the same as smoking and they did not think they were putting anything bad in their lungs. He felt they were at a really critical point of deciding whether they would allow these vaping products with nicotine to go forward and if they would allow youth to have access. He believed they would regret it in 20, 30, or 40 years if they did as they would have an entire new generation addicted to nicotine. He commented that the BOH recognized that compliance checks were needed. Inspections were good, but compliance checks would make the difference. He noted the BOH also understood money was not available for compliance checks, which was why they had suggested a first step of no fees and to later take the issue to the voters to implement a fee that would cover compliance checks allowing them to then do the compliance checks. He explained the BOH had suggested making the fine \$1,000, and the reason was because they did not think anyone would be compliant with a low level of compliance checks along with a low fine. If the fine was something significant, those selling these products would notice and be very careful with compliance. He also noted a violation of a compliance check would generate another compliance check, and they would continue to have to do compliance checks with lower fines of about \$200 per violation. He believed the \$1,000 fine would provide the money for the additional compliance checks that would be needed. He pointed out the top fine with the Food and Drug Administration (FDA) was \$11,000, and the City would not have anything near that amount. He commented that the BOH had not seen the amendments proposed by Mr. Trapp, but loved the best practice of escalating fines and preferred that over the \$1,000 fine. He suggested they consider a minimum fine, such as a \$300, \$600, or \$1,000 minimum per violation, as it would still give the prosecutor discretion. In response to the question about alcohol, he understood the fine on selling alcohol to a minor was \$75 to \$1,000, and that fine amount had not been changed since at least 2000. They were old numbers. He commented that since cigarettes were a lot more expensive, the associated fines should be a lot more expensive as well, and suggested they not use the \$75 amount.

Joy Sweeney explained she was the Executive Director of the Council for Drug Free Youth, which served all of Central Missouri, and noted she was present to advocate in favor of this ordinance and Mr. Trapp's proposed amendments. She did not feel they should wait for state government in terms of doing things that were in the best interest of public health, and pointed out Missouri was the only state in the nation that had not adopted a prescription drug monitoring program (PDMP) law. They were not leaders in public health. Columbia, on the other hand, had been a leader in public health policy as they adopted Tobacco 21 years ago. Mayor Treece pointed out Columbia had adopted its own PDMP. Ms. Sweeney agreed and was thankful for that as well. She stated youth use increased with access, and appreciated Mayor Treece mentioning marijuana because she felt this was a segue into that. She noted most youth were not cognizant of the fact nicotine was in vaping products. In addition, most college students that were juuling did not recognize they were juuling nicotine. Education was needed as they were well behind. She believed this ordinance would help, especially in terms of compliance. She explained she had talked to several retailers in Boone County and they had invested in point of sale technology to ensure they were in compliance. As a result, she did not feel the fines would be too substantial. In addition, she understood they were in

agreement this was needed to ensure all retailers were held accountable for keeping this product away from the youth.

Heather Harlan, 302 Loch Lane, stated she was a resident of Ward 4 and commented that in 1964 a report from the Surgeon General finally linked tobacco use with death and disease. They had known for 55 years that tobacco caused addiction, death, and disease. The hope was that those that sold tobacco would do the right thing, but for-profit industries had no obligation to anyone except their shareholders. They were not obligated to clean air, clean water, or a safe community. They were only obligated to their shareholders to produce a profit. The general population could only make them accountable for their action by enforcing policies. She understood the limits of budgets in government, but pointed out that after 55 years tobacco was still the number one preventable cause of death in the country. She wondered what it would take to find the funding to prevent the addiction, 95 percent of which began before the age of 21. She stated access was the mother of use. She commented that one of the challenges of this way of death and disease was that it was slow and expensive. She encouraged the Council to help end this problem.

James Greer, 5502 Dalcross Drive, noted he worked for MFA Oil Company and believed they were taking an ordinance that was currently black and white and making it gray. At the last meeting, he had provided the Council a copy of the current ordinance, which included a black and white fine structure. He commented that the ordinance had only been used six times to his knowledge in its almost four years since inception, and wondered how that proved the current ordinance was not effective. In 2016, the BOH was directed by the Council to develop a process for a fee structure for a license, but that had changed to a non-fee license system when the BOH learned it could not impose a fee without going to the vote of the people. This proposed change in ordinance left one person, the business services administrator, in control of who received a license and who had to appeal to the tobacco retailer license review board. The tobacco license review board under this proposed ordinance change would consist of the business services administrator, the finance director, and a member of the public. It would only take two of these three people who might have a public opinion about a certain retailer to not be fair to that retailer. At his company and with many other tobacco retailers, the employee that violated the ordinance would be terminated. Under the proposed ordinance, the retailer would pay a moving fine of \$200 to \$1,000 or face suspension. In addition, they had to hire and train a new employee. He wondered what would stop the employee that was terminated from finding another job and doing it again. She commented that the BOH had not written the proposed ordinance change as the changes had been brought to the Council by the BOH through Tobacco Free Boone County with the assistance of City Counselor Nancy Thompson. At the June 14, 2008 BOH meeting, Ms. Thompson had stated "I love Ginny. We have been partners in this." During that same meeting Ginny Chadwick had used the phrase "when we met" several times throughout her comments. If the City wanted to make the Tobacco 21 ordinance tougher, he recommended the Council vote no on this proposal and to direct the BOH or City staff to work with all parties involved to come to common ground. He asked that they not forget that retailers generated tax receipts for the City and donated thousands of dollars to worthy causes in Columbia. He stated he had not seen Tobacco Free Boone County on a list of sponsors at any charitable organization's fundraiser.

Mayor Treece asked Mr. Greer if he objected to a fee-less license system. Mr. Greer replied he did not. He noted he did not object to a fine system. He commented that he objected to the fact that one to three people could suspend someone's license for no reason other than the fact they did not like the retailer.

David Sohl, 4800 New Castle Drive, explained he was a member of the BOH and wanted to echo the comments of Mr. Szewczyk in terms of nicotine and its evolution. The vaping nicotine liquid had evolved. It had been formulated for a certain nicotine salt that allowed greater nicotine in it and better palatability. There was obviously an intent to increase a

higher nicotine rate, and thus its addictiveness. He felt it behooved them to look at the population being targeted. He explained he had been on the BOH for 16 of the last 19 years, and during that time, the BOH had proposed restaurants and bars going smoke-free, adding e-cigarettes to that smoke-free ordinance, Tobacco 21, and now this proposal. He commented that he believed the addition of e-cigarettes and Tobacco 21 were not as effective as they could be and felt something like the proposed ordinance would be critical in solving that issue. He noted they had a goal of Tobacco 21, an improved health environment in terms of smoke-free environments, and targeting the youth in terms of preventing situations where they could be exposed to addiction. He understood Hawaii was looking at eliminating tobacco altogether and the FDA was looking at a regulation approval process for vaping products, which would slow down its ability to get to the market. Columbia was not going in those two directions. They were in the middle and had already come a fair amount of the way, and some more things could be done to address the holes. He explained Mr. Greer had come before the BOH, and they had listened to many of his concerns. They felt this was still a great and necessary action to take for the youth and the health environment they wanted to see 50 years down the road.

Stan Cowan stated he was a research aid with the School of Medicine at the University of Missouri and explained one the duties he had was to track FDA compliance data across the country. He provided a handout of a line graph of the FDA compliance checks for Missouri minus Columbia and for Columbia by itself, and over the years it had been flat in Missouri at a range of 16-18 in terms of violation rates. Before Tobacco 21 had passed, Columbia had been at a 10.9 violation rate, which was much better than the rest of the State, but it was still greater than one out every ten purchase attempts resulting in an illegal sale. Compliance was better the next two years with little enforcement activity with a low of 7.1. Something, however, had happened during the next couple of years as the violation rates had increased again. He noted young people interviewed as part of news reports on the anniversaries of Tobacco 21 had indicated they knew where to get the products. He believed it being publicized that products could be purchased at locations throughout the City and that active enforcement was not occurring had encouraged other retailers that were missing out on the profits. Columbia's violation rate had gone from 7.1 in 2016 to 11.8 in 2017 and 16.9 in 2018, and had surpassed the State's violation rate by a full percentage point. He stated they had a problem, and the proposed ordinance provided a solution. He encouraged the Council to pass a licensing ordinance. He understood Mr. Greer did not object to a no fee license or a fine, and that his objection was to 2-3 people deciding who would be inspected. He commented that one could go to the FDA compliance data online to find out easily which companies had the violations and place a priority on them in this regard.

Ginny Chadwick stated Columbia had become the 31st city in the country to enact Tobacco 21 in December of 2014. It had been done before the Juul had come out. She showed the Council a Juul device, and noted each Juul pod contained as much nicotine as an entire pack of cigarettes. She explained that about 200 hits could be taken on the Juul. She commented that she had visited the Breaktime on Nifong Boulevard, which was one of the few retailers in the nation that had received a no sale order because of seven violations of selling to youth under the age of 18. She noted she could buy a pack of four pods for \$15.99 so she was basically getting four packs of cigarettes for that amount. There were now over 425 local policies across the nation and in six states. They had learned a lot, to include compliance checks were necessary for retailers to comply with Tobacco 21. She understood it would take resources, and based on the Hancock Amendment, a fee could not be placed on the license without sending it to the ballot. She encouraged the Council to put the no-fee license in place and to send the fee to the ballot. She noted it would cost about \$150-\$400 per retailer to do the 1-2 compliance checks, and best practice indicated they needed to do a minimum of one compliance check per retailer. If that was not done, the policy would not work as

intended and they would continue to see violations. She understood Ms. Thompson had indicated they needed discretion with the fines, and many national organizations recommended a minimum of \$300 for a fine. It was only a minimum and could be higher. He urged the Council to consider what the minimum might be as \$200 might be too low. She noted the BOH had felt \$1,000 was the right amount, and at the time, she had thought that might be egregious, but had since learned the State of Maryland had fines of \$300, \$1,000, and \$3,000. It was not uncommon to see steep fine schedules. She stated the State of Missouri did not require a license. Missouri was one of twelve states that did not have a state-level tobacco retail license. She understood St. Louis County mandated compliance checks at a local level and had been successful. They had sent their fee to the ballot in 2000 after the tobacco industry had challenged them in 1998, and they charged \$150. Communities throughout the nation that were passing fees for licenses now were in the range of about \$200-\$300 and were incorporating administrative costs, compliance check costs, and education costs. She explained it would be about \$27,000 per year to ensure youth were not able to access the product. She understood the City had to think about where to put money, but pointed out this impacted the actual lives of kids in the community. She noted one out of every four high school students in Columbia were daily users and were using 2-14 pods per week.

Lynelle Phillips explained she was a member of the BOH and had voted for the \$1,000 minimum fine after a lively discussion. She noted one of the discussion points was that they had one of the most notorious offenders in the country selling to kids younger than 18 years old, and its convenience store was located next to Rock Bridge High School. One of the other members of the BOH had been a parent volunteer at prom at Rock Bridge High School and had indicated it had been a big vape-fest. She understood there was a cohort of 21 year olds at Mizzou battling nicotine addiction due to being able to access it when they were younger. Even though there was evidence indicating the fine could be as low as \$300, they had advocated for something stronger because of this specific circumstance in Columbia. She urged the Council to consider a strong fine structure to really enforce Tobacco 21.

Curtis Chaney, 4700 Marble Cedars Drive, stated he was with Breaktime. He explained he had come on board about 4.5 years ago and had caught the tail end of the failures that had occurred at the Nifong Boulevard location. They had gone through two suspensions, which had not been pleasant as they had to pay hefty fines and had lost sales. He pointed out they had changed their policy since then as they now asked everyone for an ID, and stated he would love to say they were at 100 percent compliance, but understood they were likely not. He commented that he agreed with Mr. Greer in that a license was needed. He noted he was not opposed to a license or even sting operations. He explained his father had died from chronic obstructive pulmonary disease (COPD) as he had smoked three packs of non-filtered Camels per day and had then switched to filtered Camels thinking he was being healthier. He stated retailers did not want to make the sale, and to solve the problem, they needed to be a part of the solution in terms of resources for compliance checks and the fines. He reiterated retailers wanted to solve the problem as well.

Michael Kelly, 3107 Green Meadows Way, commented that he was a Masters of Public Health student at the University of Missouri and did a lot of tobacco policy work through the University and had interned with the Preventing Tobacco Addiction Foundation. He stated vaping was extremely prevalent throughout the University, and there was so much potential to affect this through the retailers. He explained he had reviewed over 440 policies and tobacco retailer licenses were extremely important.

Mr. Trapp made a motion to amend B40-19 per the amendment sheet. The motion was seconded by Mr. Thomas.

Mr. Pitzer commented that outside of the compliance checks some other modifications had been proposed and asked staff if they had any response to those. Ms. Thompson replied she thought some of the changes would make it a better bill. She explained

deleting the definition of minor and including minor as a person under the age of 21 elsewhere in the ordinance did not matter so they did not object to it. The change to Section 11-310(a)(10) would cover the Juul technology that had emerged since Council had enacted Tobacco 21 and had included vaping. She thought that would be a good amendment if the Council wanted to cover the Juul device. She commented that she also thought the addition of the word "ingesting" in Section 11-310(a)(5) was reasonable as it related to Juul device. She noted there was a change to the positive identification requirement that would change the age to ID anyone from age 27 to age 30, and staff did not object to that either. She believed all of the remaining revisions either dealt with compliance checks or fine structures, except for the change to Section 3 of the ordinance, which required compliance checks to be implemented and take effect within 180 days. She explained that could be problematic for staff.

Mr. Skala thought it was covered without adding "ingesting" because it was otherwise introducing tobacco products into the human body. He felt that covered just about everything. Ms. Thompson agreed she thought that could cover that as well.

Mr. Skala stated he liked the suggestion to include the Juul product in the amendment, but was not quite as convinced with regard to some of the compliance mechanisms at this time.

Mr. Pitzer understood Section 11-310(a)(10) included an exclusion for smoking cessation devices and asked if staff felt that was a worthwhile exclusion. Ms. Browning replied she thought it was perfectly fine. She explained those would be products approved by the FDA for smoking cessation purposes, and they would not want the ordinance to cover those in any way.

Mr. Ruffin asked if the language of "shall not be less than" in the penalty section was comparable to saying a minimal fee. Ms. Thompson replied yes. Mr. Ruffin understood that still allowed staff to have some flexibility in assessing a penalty. Ms. Thompson stated that was correct. Mayor Treece understood the penalty for the first violation should not be less than \$300, the penalty for the second violation should not be less than \$600, and the penalty for the third violation should not be less than \$1,000. Ms. Thompson commented that in comparison to the alcohol requirements, it was a minimum of \$75 and a maximum of \$1,000. What they had heard from the testimony was that a \$1,000 maximum was no longer adequate in this type of fine structure, and that the number would have to be greater. From a staff perspective, they would prefer not to have a tiered structure. They would prefer the setting of a minimum for any violation along with a maximum, such as a minimum of \$300 and a maximum of \$5,000 or some other amount. It would allow a range to work within. In addition, they would also have the suspension or revocation on top of that. She thought they had heard some testimony from the business owners that there were not standards for revocation and that it could be done at the whim of the business license administrator. She pointed out the ordinance itself actually set forth standards. There had to be a violation of the requirements, conditions, or prohibitions of the article in order to have the license revoked or suspended. There was also an appeal process. She noted it was written similarly to the alcohol suspension and revocation process. For the most egregious situations, they would rely upon on suspension or revocation of the license as opposed to the fine structure or would do a combination of the two.

Mr. Skala understood the proposed ordinance without the amendment had a range of \$200 to \$1,000, which implied minimums. He wondered if there would be a \$1,000 minimum for a more egregious violation. Ms. Thompson explained it was written so it was a \$200 minimum and a \$1,000 maximum. If the Council believed multiple violations should have more than a \$1,000 fine, they might want increase it to \$3,000 or \$5,000.

Mayor Treece asked if the fine could be stacked. He wondered if it was per violation, per product, etc. If an individual was able to illegally purchase four products, he asked if the fine could be a \$4,000 fine or if it was per incident. Ms. Thompson replied it would be dependent upon the facts, but if it was all in one transaction, it would likely just be one

offense. Mayor Treece commented that he thought the concern might be that they were buying them for resale. Ms. Thompson reiterated it would really be dependent on the facts.

Mr. Trapp commented that he thought the original bill moved them forward, but the amendment sheet would allow them to adhere more closely to best practices. It made some commitments, such as coming up with the money for an inspection regime of \$20,000-\$30,000. He felt that would be an appropriate use of council reserve funding until they could bring it forward at a ballot. If it failed at a ballot, they could look at changing it. He noted they had seen what an ineffective bill would do, and a tobacco retail licensing regime without compliance checks would not change the facts on the ground. They had a situation where it was widely known that they did not have an enforcement piece and the law was being disregarded so it was not having any beneficial effects. It might have even had some erosive effects. He stated he thought the amendment sheet made it better and hoped they would agree.

Mr. Glascock commented that the 180 days in the last section of the amendment sheet would be tough for them to accomplish.

Mr. Trapp made a motion to amend the amendment sheet by changing the 180 days in Section 3 to one year. The motion was seconded by Mr. Thomas.

Mr. Ruffin asked about the penalty structure.

Mr. Trapp asked if they should add a not to exceed of \$5,000. It would maintain the steps, but allow for a higher maximum.

Mayor Treece suggested voting on the first amendment to the amendment sheet and to then bring up other amendments.

The motion made by Mr. Trapp and seconded by Mr. Thomas to amend the amendment sheet by changing 180 days in Section 3 to one year was approved unanimously by voice vote.

Mr. Trapp made a motion to amend the amendment sheet by adding wording to Section 11-320 so it read "...violations shall be not less than \$1,000 to a maximum of \$5,000."

Mayor Treece understood Mr. Trapp wanted to keep the \$300 for the first penalty, \$600 for the second penalty, etc. Mr. Trapp stated it would maintain the stepped penalty, which he thought was in keeping with best practices, but it would add a maximum. Without this change, there would not be a maximum on the amendment sheet.

Mayor Treece commented that he was a little reluctant to the proposed amendment given the response of staff that they could not physically conduct the inspection. In addition, he had a philosophical concern with removing judicial discretion and believed they should preserve discretion to work with the retailer on assessing the appropriate penalty. He wondered if staff wanted to respond. Ms. Browning stated the retailers had attended the BOH meetings as someone from MFA Oil had been present at each one, and they had provided comments and feedback and had asked questions. She noted that was the extent of their involvement.

Mr. Skala stated he agreed with Mayor Treece in that they should maintain the ability of staff to have discretion. He commented that he might be inclined to support a higher limit, but thought they should maintain the ability of staff in terms of discretion. He felt the proposed language was a bit too restrictive.

Mr. Thomas commented that he was in support of the stepped structure and felt there was administrative discretion. It was just that it was not wide open discretion. It was limited in that the first offense could be \$300 or more, the second offense could be \$600 or more, and the third offense could be \$1,000 or more, with \$5,000 being the maximum if Mr. Trapp's amendment was approved. He reiterated he thought there was discretion to respond to different situations.

The motion made by Mr. Trapp to amend the amendment sheet by adding

wording to Section 11-320 so it read "...violations shall be not less than \$1,000 to a maximum of \$5,000" was seconded by Mr. Thomas and approved by voice vote with only Mayor Treece and Mr. Skala voting no.

Mr. Trapp commented that he thought the case had been made by the testimony, and his amendments corresponded closer to what the BOH had suggested along with some other positive changes.

Mr. Skala stated he was not sure the compliance issue was consistent with what the BOH had recommended. He thought it might be a bit premature since they did not have a way to fund it. He did not believe they should be using the council reserve fund for this kind of thing. He noted he felt the original bill was a step in the right direction, but thought the mandatory compliance issue put the City in the position of having to fund something in the midst of stressful budget situations and that they did not want to be in that position at this time.

Mr. Pitzer commented that there had been a number of subjects recently where they had discussed the struggle of how to enforce the regulation, and provided drink specials as an example. He thought there was enough there to look at more of a philosophical approach to trying to enforce some of these regulations. He stated he would likely vote against the amendment, but thought it was something they could revisit during the next budget or another appropriate time so they could find a way to more comprehensively address some of these issues. He noted he often heard that there was a regulation or ordinance with no way to enforce it. He thought they should look at these 8-10 different things to determine a way to address them all in some non-law enforcement manner.

Mayor Treece stated he felt having a license, even a non-fee license, was appropriate. He believed they needed to measure the situation before they could change it, and that the best way to have a measure was to determine who was selling these products. He noted he was sensitive to the comments of staff in that they did not have the resources to comply with this and that they wanted to maintain discretion with respect to the penalties.

Mr. Ruffin asked if additional staff would be needed to enforce compliance. Ms. Browning replied yes. Mr. Ruffin understood someone would have to be hired to oversee this compliance. Ms. Browning stated they would need to determine the amount of staff needed, but pointed out they were at a point where they needed more staff to do their current duties so they would definitely need more staff to add a new duty. Mr. Ruffin understood additional staff would cost more than \$27,000-\$30,000 per year. Ms. Browning commented that there were calculators that could be used. She pointed out it was not just staff in the Public Health and Human Services Department. This would add a burden to the Business License Office, require funding for mileage for compliance checks, etc. They would need to know how many retailers were involved and how other communities administered this to determine a cost. She thought it would be a part of a person and that they would also need money to hire an underage person to buy. Mr. Ruffin understood it would be a lot more than \$27,000. Ms. Browning stated she thought it would be, but understood Ms. Chadwick felt differently and she had experience with it in other communities.

The motion made by Mr. Trapp and seconded by Mr. Thomas to amend B40-19 per the amendment sheet as it had been amended was defeated by roll call vote with Ms. Peters, Mayor Treece, Mr. Ruffin, Mr. Skala, and Mr. Pitzer voting no, and only Mr. Trapp and Mr. Thomas voting yes.

Mr. Trapp suggested amending the ordinance per the amendment sheet minus the compliance checks as he had heard consensus with regard to the other changes.

Mayor Treece understood Mr. Trapp wanted to include pages 1 and 2 of the amendment sheet and asked where he wanted to stop. Mr. Trapp replied at Section 11-318 as they

would drop the words "compliance checks" and they would not have to call it subsection (a) as they were dropping subsection (b). Mayor Treece suggested they only include items up to Section 11-318. Mr. Trapp was agreeable.

Mr. Trapp made a motion to amend B40-19 with all changes on the amendment sheet prior to Section 11-318.

Ms. Peters asked for clarification. Mayor Treece replied the amendment included page 1, page 2, and page 3 through Section 11-317, which changed the age from 27 to 30 for the positive identification required.

The motion made by Mr. Trapp to amend B40-19 with all changes on the amendment sheet prior to Section 11-318 was seconded by Mr. Thomas.

Ms. Peters noted they had voted on amendments to the amendment sheet previously, but those all involved the sections that would not be included in this amendment. Mr. Trapp stated that was correct.

The motion made by Mr. Trapp and seconded by Mr. Thomas to amend B40-19 with all changes on the amendment sheet prior to Section 11-318 was approved unanimously by voice vote.

Mr. Skala commented that he had stopped smoking three packs of unfiltered Camel cigarettes a day about five years after the report by the Surgeon General in 1964, which was about 50 years ago. He stated nicotine was poison any way it was ingested, and they were now facing an epidemic of vaping, which was obvious with some of the information that had been presented. He noted he had always supported nicotine cessation legislation and did not have any intention of not supporting it now. He commented that he enthusiastically supported it.

Ms. Amin asked if she should advertise the at-large position to the newly created tobacco retailer license review board with the next round of vacancies like they did with the liquor license review board if this were to pass. Mayor Treece replied yes, assuming it passed. He thought they would have to be careful with the type of person they put on it and suggested it be a regulator advocate.

B40-19, as amended, was given third reading with the vote recorded as follows:

VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B41-19

Amending Chapter 24 of the City Code to add a new article pertaining to the construction and deployment of small wireless facilities.

The bill was given second reading by the Clerk.

Mr. Johnsen and Ms. Thompson provided a staff report.

Mr. Pitzer understood a state law was requiring the City to pass an ordinance within 60 days of January 2, 2019. Ms. Thompson stated that was correct. Mr. Pitzer understood if they did not pass this, they would have to pass something else tonight. Ms. Thompson stated the City needed to have something on the books. She explained state law actually mandated the terms with regard to what they could review in an application. It really limited the City's authority with regard to the placement of small wireless facilities in the right-of-way and the fees that could be charged.

Mr. Pitzer asked if there were any meaningful changes from the model law from the Missouri Municipal League (MML) that had been referenced. Ms. Thompson replied no.

Mr. Pitzer asked if there had been a regulatory ruling by the Federal Communications Commission (FCC) on this matter and how that played into all of this. Ms. Thompson replied yes. She explained the FCC rules were in conflict and a state of flux, which was one of the reasons they wanted to maintain some administrative authority. There were caps the FCC was putting on fees, charges, placement, and regulation. She noted an

open question was whether or not the FCC rules and regulations would apply to municipal electric utilities. State law had exempted out municipal electric utilities, and that had been reflected in the bill before them. The bill before the Council only addressed what Mr. Johnsen had referred to as HB 1991. It did not address the federal regulations or rulings.

Mr. Thomas commented that Mr. Johnsen had indicated the municipal broadband working group would be a part of this ordinance when he had asked about it and noted he did not see any reference to it. Mr. Glascock explained staff needed direction. With this ordinance going into effect, it would be hard to know where to place fiber. He needed direction on the type of fiber Council wanted. It was not addressed in here, but it did cover some of things they were trying to do with broadband.

Mr. Thomas stated the Council had given staff direction on June 4, 2018 to create a working group and asked about its status. Mr. Glascock replied they had met and discussed this ordinance and wanted to know how it would proceed prior to moving forward.

Mr. Skala noted the broadband issue had a long history and asked if this needed to be in place first. Mr. Glascock replied it did not have to be in place first. He explained Mr. Matthes had wanted to take fiber to the home, and he needed to know what Council wanted to do with fiber and how far they wanted to go. The City served twelve entities right now. He asked if they wanted to do dark fiber or something different. Mr. Skala thought the purpose of the working group was to provide feedback with regard to those very questions as he was not sure they were in the position to make those decisions at this moment. He felt the working group would need to make some sort an assessment with regard to what the City had and where it might want to go. Mr. Glascock explained this changed what they would be doing since there would be better coverage in the future. Mr. Skala commented that he wanted to get there because this had been in the works for a period of time. Mr. Glascock reiterated staff needed direction.

Ms. Thompson pointed out AT&T had announced in its January 2 letter that they planned to deploy small cell facilities to improve cell density and capacity within the City, which would be a 5G service, and this would impact whether the Council wanted to move forward.

Mayor Treece asked how it would create an impact. Ms. Thompson replied it would impact whether or not fiber was needed or not. Mayor Treece noted the two were completely different.

Mr. Glascock asked if speed or coverage was what the Council wanted. He commented that his understanding from prior conversations with Mr. Matthes was that the Council wanted to provide coverage to locations without high speed internet.

Mayor Treece noted this was for 5G wireless service, and not broadband. He asked why staff thought the two were connected. Mr. Johnsen replied staff needed guidance from Council as to the direction the broadband working group needed to move. He wondered if they still wanted it to be formed and whether now was a good time for it to be formed. He also needed to know the focus of the group. They wanted a sense of what the Council wanted prior to moving forward.

Mayor Treece thought the group had already been formed. Mr. Thomas commented that they had directed staff to form it eight months ago, and he did not believe anything had happened since then.

Mr. Glascock asked what the Council wanted this group to bring back to them. He wondered if they were concerned with speed or coverage. Mayor Treece replied they were concerned with access to the pipeline. Companies placing suitcases on the pole had nothing to do with access to the City's broadband.

Mr. Skala understood the City already had a lot of fiber assets, but had not determined what to do with the ends of the fiber they had or whether to lease any of it. He commented that fiber had more to do with bandwidth than anything else, but noted it also had speed components to it. He viewed this as a separate issue.

Mr. Glascock stated this was the direction they needed, and noted they would move

forward.

Mayor Treece commented that the Council had approved at least one and maybe two agreements with other providers that were wholesalers and resellers, which meant they owned the suitcase and sold portions of the spectrum to various companies, and the agreements reached with them had involved about \$450 per pole and an annual fee. He asked if that went away with this ordinance, whether the agreements had to be amended, or if they were grandfathered. Ms. Thompson replied they would be subject to the maximum established by state law, which was \$150 annually. Mayor Treece understood those agreements would revert back to the maximum established by state law, which would be adopted via this ordinance. Ms. Thompson explained the municipal electric utility distribution facilities were exempt from this particular ordinance so they would be subject to the terms and conditions of an agreement. As a result, the Council would see agreements for the use of municipal electric distribution with that new cap. Mayor Treece understood the City had maintained some type of discretion to reject facilities based on aesthetics in those agreements, and asked if state law had preserved that ability. Ms. Thompson replied there were some guidelines, but they really had to do with maximum size and not with specific aesthetics. Mayor Treece asked about a situation whereby they knew they would need the pole for something else and did not want a private carrier's asset on the pole. He wondered if they could reject it. Ms. Thompson replied the City could reject it when it came to the municipal electric utility distribution facilities, but they did not have that same discretion with regard to other facilities. Mayor Treece understood if they were City poles within the City right-of-way, they could reject it. Ms. Thompson stated yes if it was a part of the electric utility. Mayor Treece asked if a plan was needed to energize those poles or to do something else in order to reject it, or if it could be done based on them wanting to place something there some day in the future. Ms. Thompson replied those were subject to a separate agreement and separate review process, and the City could deny the use of those. She commented that she thought the idea was to keep fewer additional poles from being placed in the right-of-way. By state law, the providers of small wireless facilities had been granted the right to erect new utility poles. As a result, it was advantageous to a municipality to try to co-locate facilities to the extent possible otherwise they would see a proliferation of more poles. Mayor Treece thought a corollary was why a private carrier should build its own pole when they could just put it on the City's pole and pay \$100. Ms. Thompson agreed and explained it would be \$150 with a \$100 application fee. Mayor Treece asked if the definition of structures was limited to poles or if it could be a building, water tower, etc. Ms. Thompson replied that at this time it had to do with the right-of-way. Mayor Treece asked whether this type of facility could be affixed to a building with a zero lot line in the right-of-way. Ms. Thompson replied there were not any buildings in the right-of-way. Mayor Treece asked about a bridge. Ms. Thompson replied she thought it would require the use of a pole of some sort in order to elevate it.

Matt Pritchard stated he was with AT&T and appreciated the fact the Council had considered the four amendments they had requested. He understood amendments had been drafted for the first two items requested. He commented that there appeared to be a catch-all with the fourth item and thought state law did not permit a catch-all in the actual provision. He noted he was available to answer any questions.

Mayor Treece made a motion to amend B41-19 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

**B41-19, as amended, was given third reading with the vote recorded as follows:
VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

VII. CONSENT AGENDA

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

- B29-19 Voluntary annexation of the City-owned water treatment plant property located on the north side of Route K (6851 S. Route K); establishing permanent District A (Agricultural District) zoning (Case No. 29-2019).
- B32-19 Approving the Final Plat of "Waterbrook Place, Plat No. 2" located on the west side of Garth Avenue, between Worley Street and Oak Street (Case No. 18-169).
- B33-19 Changing the name of "Kiawah Court" to "Shadow Hawk Court" (Case No. 43-2019).
- B34-19 Authorizing construction of the Spring Valley Road PCCE #18 Sanitary Sewer Improvement Project; calling for bids through the Purchasing Division.
- B35-19 Authorizing construction of the Country Club sanitary sewer relocation project located generally east of Old 63 and north of Walnut Street; calling for bids through the Purchasing Division.
- B36-19 Authorizing the acquisition of property for the replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street.
- B38-19 Amending the FY 2019 Annual Budget by adding a position in the Public Health and Human Services Department - Community Health Promotion Division.
- B39-19 Accepting a donation from Columbia Board of Realtors for the 2019 Fair Housing and Lending Seminar; appropriating funds.
- R22-19 Setting a public hearing: proposed phase one construction of a tennis complex at A. Perry Philips Park to include the construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting.
- R23-19 Setting a public hearing: consider the FY 2018 Consolidated Annual Performance and Evaluation Report (CAPER).

- R24-19 Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program for the Speedo Sectionals Central Section Region VIII swim meet.
- R25-19 Authorizing an agreement with Job Point for vocational skills training for low to moderate income residents referred to the Alternative Sentencing Courts from the Boone County Circuit Court.
- R26-19 Expressing support for state legislation to prohibit the use of handheld wireless communications devices while operating a motor vehicle.
- The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:**

VIII. NEW BUSINESS

- R27-19 Authorizing a mutual rescission and release of agreement with Central Missouri Community Action for administration of a microloan program.

The resolution was read by the Clerk.

Mr. Cole provided a staff report.

Mayor Treece asked Mr. Cole if he thought this was a failure of the microloan concept or if he thought there was still a desire or need for it. Mr. Cole replied he thought they should look at the program and potentially consider a different type of business or entity or having it involve smaller loans. It was challenging to work with lower income families that were struggling to also start a business. The entity funded before had struggled as well. He pointed out the organizations had completed some successful projects, but felt larger scale projects with larger sized loans were more difficult.

Mayor Treece commented that this had come up during the Neighborhood Congress event and he thought Mr. Cole was correct in that the better situation might be for a smaller loan for a sewing machine or something that could provide a next step for a start-up business or home-based business. He understood the recommendation was to roll these funds into the Business Loop Makers idea or the next round of CDBG recommendations. Mr. Cole stated these were general revenue dollars, but they could include it as part of their next formalized process so there could be a vetting of any projects and it could be something associated with the Business Loop if that was the desire of Council.

Mr. Skala asked if the funds would be sequestered for future purposes. He wondered where the funds would end up. Mr. Cole replied they were allocated to an account for this specific activity so he assumed they would be reappropriated under a new agreement at a later date.

Mr. Trapp commented that they would sometimes try things that would not work out. The money had only sat for a while, and they could now look for another type of economic development activity that would be successful. He thought they had to keep trying new things, and small, one-time investments were a safe way to try and experiment. If they saw something that worked, they could do more of it. If it did not work, they could go back to the drawing board.

The vote on R27-19 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R28-19 Expressing support for HB 516 to prohibit mental health professionals from engaging in conversion therapy with a person under the age of 18.

The resolution was read by the Clerk.

Mayor Treece explained he had asked for this based on comments at the prior council meeting. He noted Columbia had always been a leader when it had come to non-discrimination and pro-equality ordinances, and they had heard some strong testimony during the public comment section two weeks ago. One of the promptest things he thought they could do was to voice support of HB 516 as they had done with other legislation.

Dayan Reynolds stated he was a sophomore at Mizzou and was originally from the Joplin, Missouri area. He commented that this was legislation that had been brought up in prior years by the State Legislature, but had always not been placed on any calendar. This year it had been introduced, but had not yet been referred to a committee or placed on any calendar. He believed support from the City would pressure the State to take some form of action. He noted many government meetings, like council meetings, were often analytical and distant or disconnected from the issue. As a result, he wanted to put a face to this so they understood it. He reiterated he was from Southwest Missouri, which was one of the most conservative parts of the State, and conversion therapy was a fairly accepted practice. He stated he was a gay teenager that had grown up with a conversion therapist for a father, and his father had worked with the church on many occasions. Dozens of children had parents that had consented to send them away for sexual tendencies that did not align with heterosexual beliefs and with Christian thoughts. He explained his father had practiced on dozens of kids, and he could not imagine what they had gone through. He noted he had lived with his father for two years while being out, and had ended up developing a mental disorder after he left and had not been able to go back. He commented that conversion therapy affected millions of people across the nation and multiple states had already taken action, but at the moment the vast majority of states still supported conversion therapy or had at least not taken any action against it. He pointed out many thousands of kids would go through this, and in some of the more serious cases of conversion therapy, the suicide rates were around 50 percent due to the nature of the action and the processes involved. He commented that roughly 1.5 hours had been spent on smoking legislation due to concerns for children and minors and this was not any different. People were being harmed with conversion therapy. He stated this did not have to be just a statewide issue as cities could pass legislation, and asked the Council to consider this for the City of Columbia if the State failed to take action.

Mayor Treece noted there was a report later on the agenda from the Commission on Human Rights where they had recommended the Denver municipal ban be considered.

The vote on R28-19 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R29-19 Expressing support for the Missouri Department of Transportation's application for federal grant funds for the replacement of the I-70 Missouri River Bridge at Rocheport; supporting a financial commitment of participation.

The resolution was read by the Clerk.

Mayor Treece explained he and the City Manager had participated in two meetings with MoDOT and he had participated in another conversation with the Director of MoDOT about the bridge, and noted he had also shared concerns in this regard with REDI on Wednesday. He commented that the I-70 bridge at the Rocheport intersection needed to be replaced, and there were two methods by which that could be done. One option was a rehabilitation that would cost \$18-\$22 million and back traffic up to potentially Kingdom City and a concomitant distant from the west. The other option was to replace it at a

cost of about \$238 million by pursuing a federal grant that was due on March 1 that would yield about \$190-\$200 million. MoDOT could then use the \$18-\$22 million in bonding capacity they would have applied to the rehabilitation project, and that left a funding gap. They had asked the City of Columbia to consider a \$2 million contribution. He understood they had asked the same of Boone County and per capita request from the City of Boonville and Cooper County. This resolution provided symbolic support for pursuing the grant along with the promise that if the grant was funded that they would invest \$2 million. He commented that he was not one to spend City resources outside of City limits, but when he started to look at the potential economic impact of that type of traffic backup, the inbound and outbound freight that would not get in and out of Columbia, the carbon dioxide emissions that would be counted toward the City's emissions inventory, and the healthcare issues, he felt this was a good investment. He noted the project would involve construction workers, product, and aggregate that could potentially come out of Columbia along with the fact that some of those workers could stay in City hotels and eat at City restaurants. He thought the benefits outweighed the investment, and was better than the alternative of the rehabilitation project. He stated he would let Mr. Glascock speak on how it could be funded, but it was not a discussion they needed to have until later this year because it would likely not be until a time in the fall that they would hear from the Secretary of Transportation about the grant.

Mr. Glascock commented that the funds could come from a number of places. The City could borrow the money as MoDOT had offered the City a loan. They could also use the interest collected from capital funds collected for projects as there was about \$4 million in that fund today, or they could push back a CIP project if they wanted. He thought this would be brought forward in November once they knew the status of the grant.

Matt McCormick, 300 S. Providence Road, stated he was with the Columbia Chamber of Commerce and noted he was present to speak in support of the I-70 Rocheport Bridge replacement project. The bridge would soon reach its lifespan and something needed to be done. Ideally, Proposition D would have passed and the replacement of the bridge would already be well on its way, but unfortunately, it had not passed. He noted the Columbia and Boone County community vote on Proposition D had shown support for investment in infrastructure. He did not believe they could push this off and it would be a waste of tax dollars to repair it instead of replacing it. It would also be detrimental to Columbia as had been indicated by Mayor Treece. The reports they were hearing was that on a good day traffic would be backed up to Columbia, but more likely it would be closer to Kingdom City. He commented that I-70 was a vital part of the lifeblood keeping the community vibrant and strong, but nothing could withstand this large of a traffic delay on an already insufficient interstate system. He stated the Columbia Chamber of Commerce Board of Directors had unanimously endorsed the efforts of the State of Missouri and the Missouri Department of Transportation to seek federal funding for the replacement of the I-70 bridge at Rocheport due to the significant and severe economic impact an alternative repair project would have on the region. They hoped the City of Columbia would follow its citizens in support of the replacement of the Rocheport Bridge. He reiterated the economic impact would be detrimental. He did not believe the Columbia community's infrastructure could handle that type of backup.

Mr. Skala asked if they had received any feedback from Boone County or the City of Boonville. Mr. McCormick replied they had with Boone County, but not with the City of Boonville. He commented that Presiding Commissioner Dan Atwill had been at their meeting on Friday and had spoken in favor of the replacement project. He thought they would take action on Thursday similar to what Columbia was doing tonight.

Mr. Skala asked if there would be any follow up with Boonville and the other communities. Mayor Treece replied MoDOT was in communication with them. Mr. Glascock agreed.

Mayor Treece asked if the Chamber of Commerce would be writing a letter in support of the application. Mr. McCormick replied a letter would be written and sent to MoDOT on behalf of the Chamber of Commerce and its members.

Eugene Elkin, 3406 Range Line Street, commented that Mike Schupp at MoDOT always had the philosophy of needing to keep cars moving. He noted that traffic being backed up on I-70 meant they would likely have issues within Columbia getting from one side of the community to the other.

Mr. Thomas stated he planned to make a motion to table R29-19 to provide time to obtain additional input. He commented that a crisis could often be an opportunity, and as he looked at the City's climate action goals and the changes they would have to implement in their transportation approach over the next 10-30 years, he believed there would need to be a new paradigm in how they moved around the State. As a result, he wanted to obtain input from the Mayor's Task Force on Climate Action and Adaptation Planning and the Environment and Energy Commission as to whether there might be some stipulations or recommendations they could include in the resolution to ensure that if there was to be a new bridge, it was designed for high-speed rail, a hyperloop, or some other form of transportation that would reduce carbon emissions.

Mr. Thomas made a motion to table R29-19.

Mayor Treece noted he would speak against the tabling motion because the application was due on March 1 and the Council would not meet again until March 4, which would not be timely for them to submit their letter and pledge of support. He stated he agreed with many of the comments of Mr. Thomas and pointed out those issues had informed his opinion. He understood 10-20 percent of the traffic that went across the bridge involved heavy trucks with larger carbon dioxide emissions, and all of that was counted within Columbia's emission inventory. MoDOT was pursuing a two-track approach as they were simultaneously funding a design-build on the rehabilitation project, and if the grant was awarded, they would have a year's worth of engineering before beginning the work. He thought there was plenty of opportunity for input and it was better to show support with MoDOT while continuing the discussion.

Mr. Skala agreed that with every crisis there was an opportunity, and believed this provided a good opportunity for a win-win situation. Given the time constraints, he would support moving ahead with this resolution with the provision that they consider input from the Environment and Energy Commission and others.

The motion made by Mr. Thomas to table R29-19 died for the lack of a second.

Mr. Trapp stated he had mixed feelings about this. The bridge was a colossal capital investment. He thought repair could make sense, but the replacement would provide the opportunity to bring in significant federal funds and be a good partner to MoDOT. It would be about \$3-\$4 million per year for the repair and about \$6 million per year for the replacement. Mayor Treece noted it was a 100-year bridge. Mr. Trapp stated that would make the number a bit better. He reiterated he thought this provided a chance to build relationships with MoDOT that might not otherwise happen. They could then see if the worst case scenarios in terms of traffic backups were accurate.

Mr. Pitzer asked if this was contingent upon the Governor's bonding plan being passed. Mayor Treece replied that would help, but it was mostly contingent upon a discretionary grant from the U.S. Department of Transportation along with gap funding. He noted the rehabilitation project could continue with existing money, but if the Governor's bonding plan passed it would help significantly. Mr. Pitzer asked what would happen if the bonding plan did not pass and the grant was awarded. He wondered if MoDOT would be able to fill the gap. Mayor Treece replied he thought they would. He explained there were other projects ahead of this one in Kansas City and St. Louis, and the cost participation by the local communities would make it easier for the bridge project to move ahead of those.

The vote on R29-19 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R30-19 Authorizing the public sale of Special Obligation Refunding Bonds, Series 2019.

The resolution was read by the Clerk.

Ms. Cannon provided a staff report.

Mayor Treece asked how much money would be saved by refinancing. Ms. Cannon replied just over \$2 million. Mayor Treece asked if the cost savings was refunded to the consumer or if they lowered rates. Ms. Cannon replied the Parking Facilities Division would have to look at its overall operations and the debt component was a part of their operating costs so that overall savings would be seen by them.

The vote on R30-19 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. 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.

B42-19 Approving a major amendment to the PD Plan for "River Region Credit Union - West Broadway" located on the southwest corner of the Broadway and Fairview Road intersection (11 S. Fairview Road); approving a statement of intent (Case No. 40-2019).

B43-19 Authorizing a Transportation Alternatives Funds and STP-Urban Funds program agreement with the Missouri Highways and Transportation Commission for the Leslie Lane sidewalk project; appropriating funds.

B44-19 Authorizing a contract for sale of real estate with Beacon Street Properties, LLC for the acquisition of property located in the River Hills Estates Subdivision to be used for the future Municipal Service Center South facility.

B45-19 Appropriating funds for the purchase of a replacement vehicle for the Public Works Department - Parking Division.

B46-19 Authorizing the acquisition of easements relating to the extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive.

B47-19 Appropriating funds associated with the construction of the Upper Merideth Branch streambank stabilization sewer improvement project.

B48-19 Approving a revised A. Perry Philips Park Master Plan; authorizing phase one construction of a tennis complex at A. Perry Philips Park to include the

construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting; calling for bids through the Purchasing Division.

B49-19 Appropriating funds for the renovation of four (4) tennis courts at Columbia Cosmopolitan Recreation Area.

B50-19 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department's Adapted Community Recreation Program.

B51-19 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department's Career Awareness Related Experience (CARE) Program for youth employment placement and mentoring services.

B52-19 Appropriating funds received as reimbursement for the Fire Department's response to a hazardous materials spill.

B53-19 Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to purchase certain EnerGov community health software modules to be used by the Department of Public Health and Human Services.

B54-19 Authorizing the acquisition of a certain leasehold interest in property, identified as Hangar 350 at the Columbia Regional Airport.

X. REPORTS

REP9-19 Administrative Public Improvement Project: Cosmo Tennis Court Improvement Project.

Mr. Pitzer asked if B49-19, which had been introduced tonight was different than this. Mr. Griggs replied that appropriated the funds to do the project, but since the cost was less than \$50,000, they could handle it through the administrative public improvement project. He noted he considered it a major maintenance item. Mr. Pitzer understood this was in lieu of a public hearing. Mr. Griggs stated that was correct.

Mr. Skala thought this was great, and noted the agenda had included two tennis projects. This one at Cosmo Park and the other in the south part of Columbia.

Mayor Treece asked if there was any objection to proceeding, and no one objected.

REP10-19 Correspondence from the Human Rights Commission - Proposed City Code Amendment as it Relates to a Ban on Conversion Therapy.

Mr. Trapp asked if they were working on ordinance language. Ms. Thompson replied if

Council directed them to work on ordinance language, they would. She explained the practice was for staff to not draft anything until Council provided direction, and asked them to make a motion if they wanted to move forward in that direction.

Mayor Treece asked what the Council thought about the comment of Mr. Reynolds in that Columbia should pursue this if the State Legislature did not pass it at that level. Mr. Trapp replied that unless Mayor Treece was optimistic that something would happen in the State Legislature, he did not see any reason to wait.

Mr. Pitzer asked Mayor Treece if he was afraid that if Columbia moved forward it might prompt pre-emption. Mr. Skala replied that always worried him. He thought they might want to proceed in getting it ready, but might also want to wait to act on it. Mayor Treece agreed, and suggested they direct staff to come back with an ordinance.

Mayor Treece made a motion directing staff to come back with an ordinance. The motion was seconded by Mr. Trapp.

Mr. Skala commented that as a psychologist he believed conversion therapy was insidious. It had always been described as a mental or behavioral problem, and it was not. He suggested they proceed in the background at any rate.

The motion made by Mayor Treece and seconded by Mr. Trapp directing staff to come back with an ordinance was approved unanimously by voice vote.

REP11-19

Correspondence from the Columbia Community Land Trust Board of Directors.

Mr. Thomas commented that he had written a letter to the Land Trust last week after the Columbia Missourian had published an article and there had been other news coverage with regard to an agreement he had reached with the developers of Oakland Crossings in November, which initially involved a request to include affordable housing in the development and then resulted in a counteroffer to provide funding to the Community Land Trust so affordable housing could be built elsewhere. They later realized they were likely running afoul of state law as had been pointed out by the City Counselor and the proposal had then been dropped. He stated he had apologized to the Land Trust for putting them in a difficult position without really consulting them. He explained he had also sent out a newsletter yesterday giving a more general apology as he had realized he had overlooked the interests of a number of stakeholders in the process, including nearby residents, and had forgotten about the importance of the public hearing process and not making a final decision on any vote until they had received all of the information. He commented that he wanted to expand on that apology now because he understood these actions had undermined trust in government and had brought the City Council into disrepute. He stated he realized he had some studying to do as he needed to understand the planning and zoning process better and where negotiations were appropriate and where they were not. He noted he also needed to understand what was a conflict of interest. Although none of the discussions held were in any way secretive, he could see now he had exerted some influence from an unfair position of power and that he was simultaneously acting as one of the judges in a question whilst also having his influence on the final project that would have been brought forward. He commented that he had seen an opportunity to create a demonstration project for inclusionary zoning, which he believed would be very good for the community, and had thought he could broker a win-win for all parties. In his overenthusiasm of those goals, he had lost sight of the bigger picture.

Mayor Treece commended City staff for having the courage, confidence, and culture to express concern. Too often they only talked about ethics when there had been a breach and not when they could look at best practices and frameworks to prevent these types of ethical lapses. He thought they would all benefit from mandatory ethics training after the election every year, and felt that would benefit the public and the perception of Council as well.

Mr. Skala agreed an ongoing attempt in ensuring ethics were well understood and

REP12-19

presented to everyone was needed.

2019 Pavement Management Report.

Mr. Nichols provided a staff report.

Mr. Skala commented that the map was very useful and often the needs corresponded with some of the complaints received.

Mr. Trapp stated he thought this should inform their conversations about transit. It pointed to a rather frightening picture of the future with current funding levels. They had been able to find more money for the problem, but had then reprogrammed some of that money for unmet needs and Police Department staffing when it had been insufficient to begin with. He noted they had a mathematical problem that was expressing itself in a deteriorating process with regard to the roads. He explained it had been somewhat ameliorated by the improved work of the Public Works Department and felt this systematic, science-based preservation approach was the best in terms of the use of resources, but things like concrete and asphalt were not amenable to a good idea as they tended to cost more and more money, which they did not have. He did not believe they were in a position where they could reallocate money from the transportation sales tax away from roads toward transit, and thought they needed to look for a new revenue source for road maintenance and road repair.

Mr. Skala commented that his suggestion would be to revisit the development fee idea to generate more funding for roads. He understood one of the reasons the development fee ballot issue had not passed in 2015 was due to its complexity. He thought they should revisit it on a more modest basis.

Mr. Pitzer thanked staff for the report and maps and noted he agreed with a lot of Mr. Trapp had stated. He assumed the maps had been developed before pothole season, and that they might look a bit different now. He also thanked staff for their work in clearing streets as it had been a long winter for them and their employees. Mr. Stone stated they were a dedicated group of men and women.

REP13-19

Vision Zero Crash Analysis Team Report.

Ms. Cole provided a staff report.

Mayor Treece asked if there were any key takeaways. Mr. Stone replied the report kind of summarized it, and explained they found a concerning level of motorcycle crashes and the way they had occurred. They would focus on those to determine if there was a way they could help with that issue. For the volume of motorcycles likely used on Columbia streets, they were way overrepresented in the fatality area. There was also some question with unrestrained occupants of vehicles and they had confirmed vulnerable road users, such as pedestrians and cyclists, were also overrepresented based on volume. Over time they would concentrate on ways to solve those concerns. He commented that it was good to have the leverage of Vision Zero in getting more people involved on a methodical basis to answer those types of questions. The groups involved benefited them because they were an extension of staff and were really dedicated.

Mr. Skala understood 40 percent involved alcohol. Mr. Stone replied that percentage involved some sort of impairments, especially with regard to fatalities. They did not have as much information with the major injuries. He noted there were multiple violations and some of that could potentially be overcome with a traffic unit.

Mayor Treece asked if the multidisciplinary approach had changed their attitude toward engineering retrospectively. Mr. Stone replied no, and explained he thought they had always done that. They were constantly focused on it as they were multi-model for a number of years. He pointed out it helped to have the discussions continually. It reinforced the benefit of having so many people involved.

Mayor Treece asked if direction was needed on the recommendation to look at Route B and Paris Road or if it was something the education and investigative teams would pursue. Mr. Stone replied there was a funding source, but they would need a third-party consultant to manage the road safety audit. He explained the way those audits were

done at a federal level, which they felt was the right way to do it at the local level, was for an outside look with outside experts so there was no bias. As a result a consultant would need to be hired and the contract would come to Council at some point.

Mr. Thomas asked Mr. Stone to summarize the impact of speed. Mr. Stone replied he did not have definitive response. He noted speed was energy so it would be a factor in any collision. Any collision that happened at a lower speed involved less energy, but there was not a definitive correlation with regard to the speed limit or the speed of the car and how it related to everything else. If everything was 17.5 mph, they would likely have fewer fatalities, but it was not reality. As a result, they needed to determine how to address travel speeds in appropriate ways.

Mr. Thomas asked Mr. Stone if he had estimated speed data from forensic studies. Mr. Stone replied yes. He noted they would have a lot of information for events involving fatality collisions, but would not have as much for major injury collisions.

Mr. Thomas asked if it was safe to say fatalities tended to occur at higher speeds. Mr. Stone replied some did, but pointed out some also occurred at low speeds. He provided an example of a motorcycle accident on a residential street whereby the rider hit the sidewalk with a helmet on and died. He stated it could happen in many different ways. Many of the fatalities had occurred at or below the speed limit of the road while others had occurred at way above the speed limit of the road. Mr. Thomas asked for the plot of the crashes studied and the best data available involving the speeds of vehicles in the collisions. Mr. Stone replied there was a diagram in the report, and noted he could also send that information to him. Mr. Thomas explained he wanted to see a histogram of how many collisions occurred at certain ranges of speeds for fatalities and serious injuries.

Mr. Pitzer asked if any dedicated traffic enforcement was being done currently. Sergeant Perkins replied not currently.

REP14-19 Intra-Departmental Transfer of Funds Request.

Mayor Treece understood they were getting rid of a flip phone. Mr. Glascock clarified it would be two flip phones. Mayor Treece also understood the City Manager's Office travel and training budget would be cut to pay for the search and recruitment firm and stated he appreciated him leading by example.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, commented that he knew a gentleman that had hit a pothole causing \$3,000 worth of damage, and had suggested employing the homeless to keep the potholes filled.

Mr. Elkin thanked Mr. Thomas for his assistance with the homeless. He believed four specific shelters were needed.

Mr. Elkin noted there would be a meeting tomorrow at 6:00 p.m. at the Wilkes United Methodist Church on the subject of homelessness.

Mr. Elkin commented that they needed to keep traffic moving otherwise they would have emissions problems.

Andrea Warner, 2102 Sunflower Street, explained she was the Chair of the Commission on Human Rights and thanked the Council for taking HB 516 seriously as well as the report from the Human Rights Commission with regard to the conversion therapy ban. It was an opportunity to exhibit leadership and moral clarity in the community and the State.

Mr. Skala commented that he had received complaints from a constituent with regard to Southridge Drive, and asked staff to look into the issue.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 10:43 p.m.