



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, December 7, 2020
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, December 7, 2020, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER, and PETERS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of November 2, 2020 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mayor Treece.

The minutes of the regular meeting of November 16, 2020 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

Upon his request, Mayor Treece made a motion to allow Mr. Trapp to abstain from voting on B332-20 and REP77-20. Mr. Trapp noted on the Disclosure of Interest form that his company, AAAAChange LLC, had a contract with the Downtown Community Improvement District (CID) to do outreach for individuals who were homeless or panhandling downtown. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

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

SI20-20

LAGERS Local Government Hero Award.

Robert Wilson explained he was the Executive Director of the Missouri Local Government Employees Retirement System (LAGERS), which was the defined benefit plan that provided retirement, survivor, and disability benefits to over 800 different employers across the State, including general employees of the City of Columbia. They felt the system existed to not only administer those benefits, but to also support Missouri local government employers in attracting and retaining the best individuals possible to best serve the communities. The Missouri Local Government Hero Award had been created to celebrate the outstanding work that all local government employees did within their communities and to especially recognize those that went above and beyond the call of service. Each year, they solicited nominations for the award from their membership of over 35,000 active members and over 800 employers. Carol Rhodes, the Assistant City Manager for the City of Columbia was nominated and selected as one of only three finalists for the award, and had been honored at the LAGERS Annual Meeting in October. He noted Ms. Rhodes had been the only nominee this year that had been nominated by more than one different employee for the award. Comments included "Carol makes a big positive difference in our community and our government. As the Assistant City Manager, she uses her leadership position to bring employees together to work collaboratively on important projects" and "she always strives to make us better and is willing to try new

ways of doing business to make things in our organization and our community better.” The nominating committee had been impressed by Ms. Rhodes’ dedication, commitment, leadership, passion, and helpfulness. He asked the Mayor to join him in thanking Ms. Rhodes for her outstanding service to the City of Columbia.

Mayor Treece thanked Mr. Wilson for recognizing Ms. Rhodes for something they saw every day, and asked everyone to join them in congratulating her.

Ms. Rhodes was presented with the Local Government Hero Award.

SI21-20

COVID-19 Update.

Ms. Browning provided a staff report.

Mayor Treece asked if there had been testing Saturday and Sunday and to what Ms. Browning had attributed the drop. Ms. Browning replied testing was only available for half of the day on Saturday, and there was not any testing done on Sunday except for at urgent care facilities and other similar facilities.

Ms. Browning continued with the staff report.

Mr. Thomas understood the gathering risk percentages were theoretical calculations based on the number of cases in the area, and if a random sample of those people were gathered in a group of 10, 20, or 30, it was the probability that at least one of them would contract COVID-19. Ms. Browning stated that was correct.

Ms. Browning continued with the staff report.

Mr. Pitzer understood cases were reported by County and were not separated by cities within the County, and asked if they had been able to determine differences where the mask mandate existed versus where it did not exist. He wondered if they had any data in that regard. Ms. Browning replied there was some data on the hub as information had been provided by zip code. They also reported case rates to the schools. She noted they had seen an increase in the rural communities, and a faster increase. Even though the City of Columbia had the bulk of the numbers since it had the bulk of the population, the rates elsewhere were increasing fairly rapidly. She stated they would be able to see if it went down with the County-wide mask mandate that had begun on November 24.

Mr. Thomas understood Ms. Browning had previously reported they were changing their practice on contact tracing in that they were giving up on old new cases. Each day they were contact tracing as many new cases for that day as possible because there was not much point in doing those that were days old, and asked how closely they were keeping up with the number of new cases at the moment. He wondered what percentage of new cases each day were getting contact traced right now. Ms. Browning replied it depended on how complicated the cases were. She explained the first person in the process was the disease investigator. It took a minimum of 45 minutes to do the case investigation and the data then needed to be entered. She thought one case investigator could probably do five per day. The names of the close contacts were then given to the contact tracers who then placed people in isolation and quarantine, and that part was working quite well. She commented that they could likely do about 80 cases per day. Mr. Thomas understood about 80 cases could be addressed, but they were having 100-200 new cases per day. He asked if they handled those 80 and forgot about the rest of them. Ms. Browning replied the rest immediately received a packet of information that provided all of the instruction they would have received by them. She noted the contact tracers had enough capacity to reach out to those cases they could not contact in the first 24-hour period to check in on them.

Mr. Thomas asked Ms. Browning if they were able to build a picture of where the 100-200 community transmissions were happening through the disease investigation. He wondered if they were happening in public places, in private homes, etc. Ms. Browning replied it was very much community spread. She pointed out it was hard to pinpoint the exact moment someone was infected, but it had to do with where people were gathering, which included homes, workplaces if they were not maintaining distances and wearing masks, etc. She stated it was widespread.

Mayor Treece asked what role the department might have in the distribution of vaccines.

Ms. Browning replied a planning meeting had been held with their partners today. She understood Phase 1A would involve the State working with CVS and Walgreens to help with administering vaccines at long-term care facilities. Healthcare providers, if they had signed up to be a vaccinator, would vaccinate their own people as the vaccine became available. She stated the Health Department would likely be called upon to assist where there were gaps. She pointed out they did not have a lot of capacity to send nurses out to do vaccines at this time anyway.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

IV. SCHEDULED PUBLIC COMMENT

SPC68-20 Mark Johnston - Update on Mid Missouri Radio Controlled Association club activities.

Mark Johnston explained he was the President of the Mid Missouri Radio Controlled Association (MMRCA) and that they leased a piece of land that was located adjacent to the Wastewater Treatment Facility. He stated he wanted to provide the Council an update as to what they were doing with that land. He commented that this summer they had held two charity events. One was the Show-Me Warbird Invitational to benefit the Honor Flight, which sent veterans to Washington D.C. to view the memorials, and they had been able to raise \$1,830. The other event was for the Central and Northeast Missouri Buddy Pack, and they had been able to raise \$2,408 for it. He explained these types of activities were done to give back to the community for their ability to operate on this land. He noted the pilots took a lot of care and pride in their detailed model aircrafts from different eras of aviation, and they brought in people from out of State who loved to show people their aircrafts. He stated the property they utilized would be a part of the MKT Trail and a wetlands restoration project, and thanked Mike Snyder and Erin Keys for including them in their planning and development so they could all coexist.

Mayor Treece understood the MMRCA had also held an event for students to come out and watch and participate in the flying of aircrafts. Mr. Johnston stated that was correct. He explained they had invited neighbors and families, and had allowed kids the opportunity to fly the aircrafts.

SPC69-20 Kim Dude-Lammy - Winners of the Kindness in Business Awards sponsored by Children's Grove and Missouri Business Alert.

Kim Dude-Lammy, 3109 Appalachian Drive, stated she was the President of the Children's Grove, an all-volunteer, non-profit organization whose purpose was to foster a culture of kindness, inclusion, and respect, which they hoped would in turn support the mental and emotional well-being of their youth. They all knew this had been an incredibly difficult year for everyone. It seemed as though they heard bad news everywhere they turned, but throughout the year, there had been members of the community who had stepped up with incredible acts of kindness. As a result, A Children's Grove had partnered with Missouri Business Alert recognize this kind behavior. They had first dedicated a butterfly bench in Flat Brach Park to all of the businesses in the community that had worked and sacrificed during COVID. She explained they had decided to then go a step further by recognizing specific businesses and non-profits in the community by creating the Kindness in Business Awards. She noted they had received over 120 nominations, which had been narrowed down to twelve honorees in three categories, and she was present tonight to announce the winners. She stated the first category was Kindness to Youth, and the winners within that category were Broadway Diner, Boys and Girls Club, Grade A Plus, and Jabberwocky Studios. Another category was Kindness to Community, and those winners included City of Refuse, Dive Bar, Equipment Share, and Turning Point. The last category was Kindness to Employees, and those winners

included Donut D'Light, Burrell, Columbia Housing Authority, and Influence and Company. She commented that they had celebrated these winners on World Kindness Day, which had been on November 19, and noted Mayor Treece had joined them in their Facebook Live event. She stated she was proud to be a member of this community, and pointed out kindness was all around them. They only needed to turn up the volume and notice. She thanked the winners and all of the nominees as they had shown that there was light even in the darkest of times.

SPC70-20

Rose Metro - Police accountability.

Rose Metro explained her comments were dedicated to Andrew Twaddle, who had died from COVID last week. She asked the Council if they had seen the video of the September traffic stop in which police stopped a black driver and passenger for moving violations and had ordered the driver to exit the car due to claiming to see marijuana crumbs on the floor. She understood nothing conclusive had been found, but the police had threatened to pull the man out of the window when he had asked why he was being asked to exit. She stated Chief Jones had released a community briefing more than three months after the incident and more than a month after he had promised, and it had defended the actions the officers had taken. She commented that internal affairs had determined there was no discourteous or disrespectful treatment of the citizens involved and that there were unspecified training needs. The entire process exemplified the problems they had with police accountability within the City. It provided an example of what happened when black people were disproportionately stopped. The vehicle stops report (VSR) showed the disparity had been increasing, but the Columbia Police Department (CPD) had offered no explanation and no remedy. She understood internal affairs had declined to investigate whether there had been a violation of Section 340, discriminatory treatment of a member of the public, but it had been clear to her and many others that had watched the video that discriminatory treatment and disrespect had occurred. She confessed that she had gone 40 mph in a 30 mph zone and had failed to come to a complete stop at a stop sign at the corner of Stewart Road and Garth Avenue about 600,000 times, and she wondered what would be found if her car floor was examined. She commented that this was never investigated because that kind of traffic stop never occurred in her neighborhood, and if it did, she doubted the officer would threaten to pull her out of the window. She also doubted they would interpret her standing still while asking what the options were as verbally and physically aggressive behavior that necessitated the use of handcuffs. She pointed out research had shown that black and white people used marijuana at similar rates, but stops for odor of marijuana had the greatest racial disparities. She also pointed out that having miniscule amounts of something that might or might not be marijuana on the floor of the car was not a violent crime. She questioned why the Violent Crimes Task Force was wasting its time and taxpayer money investigating that type of thing. The fact was that police spent a tiny, but very important, percentage of time responding to violent crime in progress. She explained her concern, as this traffic stop showed, was that they seemed to spend more of their time construing the routine behavior of black people as violent crime, and in the process undermined trust with black residents. She commented that in order to support her suspicion, they would need raw data on the calls for service, citations, arrests, the officers that were involved, and the race of the people cited and arrested, which the CPD refused to provide citing personnel issues. She noted a group in Dearborn, Michigan, had obtained this data from their police department, and the results were telling. She stated two percent of the calls for service received had involved violence in progress and 62 percent of the citations issued had fallen into the category of criminalizing poverty and fining black people disproportionately for things like broken windshields and taillights. She pointed out data from the daily report at the Boone County Jail showed a similar trend. People were jailed mostly for non-violent offenses, i.e., failure to appear or driving without an insurance card, and while data on race was not kept, it mostly involved people within the zip codes where the black population was the highest. She stated they did not

need more listening sessions. They needed a change in enforcement priorities that the Mayor's Task Force on Community Violence had demanded six years ago and that this Council had endorsed two years ago. She believed they needed to elevate and reward the wonderful officers that were building bridges, behaving professionally, and risking their lives to interrupt cycles of violence. She also felt they should discipline or fire officers that were harassing black, brown, and poor people, destroying trust, and thereby contributing to the cycle of violence. She stated training was not enough. She commented that police press releases that excused the behavior of officers that was in conflict with the mission and values of Columbia violated public trust and should not be tolerated by the Council and City Manager. Until there was true accountability for police harassment of black residents, the CPD would not change. She understood the City would begin negotiations in January for a new contract with the Columbia Police Officers Association (CPOA), and believed certain issues should be addressed, to include the release of raw data on all of the topics she had previously mentioned, a commitment to implement community policing as defined by the community and not the CPOA as she felt they likely thought this stop had been a great example of community policing, the commitment to post only appropriate positive material on social media and to terminate officers that violated City policy on that issue, an agreement to allow for independent investigations of police misconduct or to give the Citizens Police Review Board (CPRB) the power to fire and hire officers, and the cooperation in establishing a co-responder program to help unhoused people and those experiencing mental health crises. She encouraged the Council to add to the list with things they wanted and pointed out they had the right to demand accountability.

SPC71-20

Tootie Burns - Appointments to boards and commissions.

Tootie Burns, 310 E. Brandon Road, stated she appreciated the opportunity to talk about appointments to City of Columbia volunteer boards and commissions, and noted Columbia was lucky to have so many people choose to volunteer their time and use their experience and knowledge to provide recommendations to the City Council. She explained she wanted to see qualified applicants appointed to boards in a timely manner. Too often, over the past few years, she had seen the Council delay appointing qualified people. She commented that her heart tended to sink when she heard "wait for a more robust slate of candidates" when there were multiple qualified people that were ready, willing, and able to populate the boards and commissions. When appointments were not made, the message was sent that the current applicants were lacking in some way or not desirable for some unstated reason. If people applied on time and met the requirements of the board or commission, they should be appointed. She referred to the November 16, 2020 Council Meeting and noted there had been eight applicants for the seven positions on the Growth Impact Study Working Group. Although all appeared to meet the requested qualifications, none had been appointed. In addition, it had been suggested they look for additional names. She felt a terrible message had been sent to the eight applicants in that they did not seem to be desirable or wanted, and there had not been any explanation as to why no one had been appointed. She asked the Council to either change the application process or make appointments at the stated time. She pointed out another consequence of not populating boards and commissions included quorum issues and noted many boards had representatives from other commissions. She explained she was the Planning and Zoning Commission (PZC) representative to the Downtown Columbia Leadership Council (DCLC). In 2019, the Downtown Community Improvement District (CID) slate of members had not been approved and had been sent back with a request for new names. This resulted in the DCLC having quorum issues at two meetings whereby business could not be conducted because there was not a Downtown CID representative. With timely appointments, quorum and other issues could be avoided. She commented that 27 positions had been advertised in the November 22 Columbia Daily Tribune for twelve boards and commissions. She understood and supported the need and desire for diversity and fair representation on

these boards and was not sure what was being done to cast a wider net for applicants, but with the current process of applications and appointments, she asked that they not politicize or polarize the process. She asked that they have faith in the abilities of the citizens that took the time to apply and appoint them at their earliest convenience.

V. PUBLIC HEARINGS

PH45-20 Proposed installation of traffic calming devices on Holly Avenue between Parker Street and Oakland Gravel Road.

PH45-20 was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Thomas commented that he had always been impressed with the process for identifying the streets and the segments of streets that had the greatest need for traffic calming based on speeds, measurements, volumes, destinations, land use, etc., and asked if there was a similar data driven process for deciding what particular traffic calming devices to use in particular circumstances, i.e., vertical deflection devices or horizontal deflection devices that might be dependent on the slope of street segments or other factors. He asked if there was a document or a set of criteria to make those decisions. Mr. Nichols replied Holly Avenue was 20 feet wide so anything horizontal would be difficult. Mr. Stone explained there were a number of factors. The volumes on this street along with it being 20 feet wide with ditches did not lend itself to any kind of horizontal deflection. He stated those kinds of factors were weighed as part of the process. He noted it was basically engineering determinations based on what they had in place. He referred to William Street and noted it involved relatively lower speeds of about 32 mph with higher volumes and was a wider street. As a result, horizontal deflections made more sense for it. In addition, it had involved emergency vehicles. If they could do vertical deflection on streets that were not heavily utilized by emergency vehicles, they would pursue those a bit more.

Mayor Treece opened the public hearing.

Eugene Elkin, 3406 Range Line Street, commented that he drove this street once or twice a week as it was his means to get to Paris Road/Route B. He suggested cutting the project cost in half by phasing in the project and obtaining statistics prior to completing other phases. He understood speed humps would reduce speeds, but pointed out they tended to harm vehicles and made it difficult for emergency vehicles.

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

Mr. Trapp stated he thought this was a great project. He explained he had walked Holly Avenue as a candidate and it had scared him. They would never design a road like Holly Avenue now. It was a speed track as it was a long and narrow unimproved road with deep ditches. He understood some, like Mr. Elkin, used it as a cut-through street. He noted there were some trailer parks in the area and he had not been the only pedestrian when he had walked the area, and there was not a place to get off of the road. Every campaign season he had risked his life walking down Holly Avenue to talk to those that resided there. He commented that it was not an active neighborhood as it had a country feel to it, but there were some that risked their lives walking it. He thought the data clearly showed the need for traffic calming with speeds of 45 mph. In addition, more subdivisions were developing in the area, which meant they would likely see more pedestrians out there. He believed it was important to move forward with the project and felt three speed humps seemed minimal and not excessive. He pointed out the nice thing about this program was the data collection before and after so they would see if what had been done was effective or not. He reiterated he did not feel it was too much and thought it was an appropriate response.

Mr. Trapp made a motion directing staff to move forward with construction plans and specifications for the installation of traffic calming devices on Holly Avenue between Parker Street and Oakland Gravel Road. The motion was seconded by

PH46-20

Mayor Treece and approved unanimously by voice vote.

Voluntary annexation of property located on the south side of Old Plank Road and west of Bethel Church Road (200 W. Old Plank Road) (Case No. 206-2020).

PH46-20 was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Pitzer asked if a plat associated with this was in process. Mr. Teddy replied there was not at this time, but one would be needed, and that had been acknowledged at the PZC meeting. He noted there would be a right-of-way dedication requirement for Old Plank Road.

Mr. Pitzer stated Old Plank Road traveled through both the County and the City in this area, and it was an unimproved road that seemed to switch back and forth in terms of City and County jurisdiction. He asked if any road improvements would be required at the time of development. Mr. Teddy replied he believed they would be above the threshold for a traffic study, which was the mechanism used. If additional parcels or a large enough multi-family development came into play, it might create the trip generation that required a traffic study, and those sometimes resulted in improvements, such as turn pockets. He explained Brookside to the west had an internal private street system that connected to a public street system to the south, so there was an outlet to Bethel Church Road from that development as well as Old Plank Road, and that helped to distribute traffic from that particular development. He thought there was a general awareness at the PZC meeting that the road was not at the standard they wanted, and that it would need to be improved at some point. He stated it would be an interactive process between development and having the right-of-way in place to get it done. Right now, there was a break between the multi-family to the south and the lower density single-family to the north of Old Plank Road.

Mr. Pitzer understood the requirement would be to dedicate the right-of-way, but there would not be any requirement to build shoulders, curbs, etc. Mr. Teddy stated they would have to see what kind of development was proposed, but based on the numbers cited, he was not sure it would be required. Mr. Pitzer understood it would be dependent on a traffic study and a larger development that might generate more trips. Mr. Teddy commented that it was dependent upon the opinion of the traffic engineer with regard to a need for a turn lane. He stated his comments were envisioning this as a standalone development, but other things could happen to create a larger scale development. He pointed out the jurisdiction of the road was the City's west of the intersection and the County's from the intersection on east to Providence Road.

Ms. Peters understood all of these developments came in without road improvements and later the City would be responsible for the road improvements, and asked for clarification. Mr. Teddy replied that was how it had played out this area. The roads were country roads in this area, and it was a mix in terms of land use. There was multi-family development that was gradually taking up those parcels that had been zoned multi-family for a long time so that decision had been made some time ago without any kind of master plan for the area. It had put them in this spot. He agreed it was not the way they preferred to do it as they would much prefer to coordinate infrastructure development with land use.

Ms. Peters understood the City had no option to say it could not be built to a certain density without improving the roads because it was already zoned, and asked if that was correct. Mr. Teddy replied they could take a position of not annexing the property until such time there was a better condition with regard to infrastructure. He noted improving the road was something that would affect more than just this parcel. Really the only thing they talked about in terms of roadway improvements applicable to a 2.4 acre parcel was ensure the entrance was safe and that pedestrians were accommodated through sidewalks. There might be some coordination of grading if there had been any studies

the City had done with regard to Old Plank Road. He noted it had been in the out years of the Capital Improvement Program (CIP) as a recognized need.

Mr. Thomas explained the City charged new development \$0.50 per square foot of interior space to go toward road improvements, but felt it should be about \$5.00 per square foot in order to actually cover those costs. The remaining \$4.50 was being paid from the transportation sales tax, the capital improvement sales tax, and other similar sources instead of the new development that was driving the cost of infrastructure. He hoped the growth impact study would provide more verifiable data in that regard.

Mr. Skala commented that they were in this situation because zoning was forever. They also now had a Unified Development Code (UDC), which leaned toward straight zoning versus negotiated zoning so they did not have the luxury to deal with some of the issues that Ms. Peters had mentioned. He stated he was not sure the \$5.00 figure was accurate, but agreed they were subsidizing development and that they needed to take another look at the development fees. He reiterated he felt they were in this predicament because the zoning had existed for a long time.

Ms. Fowler commented that the statement reading "the subject property is surrounded by annexed properties in all directions" on the second page of the staff report did not seem to be accurate. She asked if they could be more precise in how they represented that information because subsequent people would go to the minutes and the staff report to try to determine the proper path forward and she did not feel that was an accurate representation. Mr. Teddy replied he appreciated the comment and stated they would try to sharpen their characterizations.

Mayor Treece opened the public hearing.

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

Mayor Treece understood there would be an accompanying bill at either the next meeting or the first one in January. Ms. Amin replied it was being introduced tonight and noted she believed it was scheduled for the consent agenda at the next meeting.

VI. OLD BUSINESS

B348-19 Amending Chapter 29 of the City Code to establish use-specific standards governing the operation of short-term rentals (Case No. 31-2019).

Discussion shown with B23-20.

B22-20 Amending Chapter 13 and Chapter 26 of the City Code relating to bed and breakfast establishments and short-term rentals of residential dwelling units.

Discussion shown with B23-20.

B23-20 Amending Chapter 22 of the City Code to add short-term rental provisions to the City's Rental Unit Conservation Law.

B348-19A was given seventh reading by the Clerk and B22-20A and B23-20A were given fifth reading by the Clerk.

Mayor Treece explained they had discussed this at a work session and at the previous council meeting. He thought the intent was to withdraw all three items and bring them back as new items for introduction and first reading sometime in May, and asked if that was correct. Ms. Fowler replied yes.

Mayor Treece made a motion to withdraw B348-19A, B22-20A, and B23-20A. The motion was seconded by Mr. Skala.

Mr. Pitzer commented that his concern was that they were two years into this and they did not seem to be any closer to a resolution. He understood there were other pressing issues and they were not sure what the landscape would look like in six months. He felt they were likely going to be in the same pickle when this came back in six months in terms of a consensus. He also did not believe they had given staff or PZC any direction

in terms of what to do next. He thought they would likely hold a six-hour meeting six months from now that yielded nebulous results. He wondered if there was something they could do between now and then to determine if there was consensus amongst four of them to refer it to the PZC in advance so they were actually moving toward a resolution.

Mayor Treece stated the pressure to regulate these was off, and the desire to have a packed room with a lot of passion on both sides of the issue was contraindicated given the current public health environment. As a result, he was comfortable with postponing it and was intrigued with what to do in May when they picked the issue back up. He commented that he was not sure where his vote was on the issue. He understood PZC was not happy with it or the Council. He stated he thought it was way too complicated. If he had to vote on something today, he would want it to be complaint-driven. He pointed out Sara Loe, the current chair of the PZC, had suggested the building codes would require sprinklers for residences with this use, and noted it might solve the problem if they enforced the building code. He stated he would be interested in a staff response to her suggestion as that could eliminate some of the need to come back with overly burdensome regulations. He commented that he also felt they should be inspected for health and safety, taxed, and complaint-driven. He explained he thought they should strengthen neighborhood enforcement for all rentals and residential uses. He stated he was happy to work to help reach some consensus that met all of the neighbor and constituent concerns.

Mr. Skala commented that he agreed they were libel to be in the same place they were now later, and noted he had been prepared to vote on it when it had come through previously. He agreed with Mayor Treece in that it had been complicated by COVID and lots of other issues, to include the deadlock between the PZC and the Council. He noted they might not ever be able to resolve some of the differences and felt it needed to be reconsidered in view of some of the COVID exigencies. He also thought they would need to be prepared to make a decision when it was back on their agenda regardless of whether there was consensus.

Mr. Pitzer understood they were withdrawing these items, and pointed out they did not have to be reintroduced. Mayor Treece agreed. Mr. Pitzer asked if that meant having another work session amongst the Council to give some direction on what they wanted reintroduced and when. He noted they would likely need to restart the entire public input process if they had a new ordinance.

Mayor Treece asked Mr. Teddy if there was a more elegant way to address the issue. Mr. Teddy replied that he would recommend looking at new approaches to ordinances that were simpler in structure and bringing forward some ideas due to the dissatisfaction with the ordinance as it was structured today. They could then respond to the community like they normally did with any kind of issue that might become an emerging issue. He noted they could continue to do research and look for good models and approaches other communities were practicing. He felt the issue was primarily with the land use in terms of deciding where and under what terms they should be allowed to operate, i.e., whether they should be allowed in all single-family districts or all two-family districts or something different.

Ms. Peters commented that the current proposed ordinance seemed to be too complicated. She noted part of the problem was with them trying to accommodate everyone. While she was sympathetic, she wondered if they might be better off voting this down and starting over again without being as accommodating so it was much simpler. They could always make it more complicated in the future. It was currently too convoluted making it hard for anyone to figure it out.

Ms. Fowler stated she agreed the current proposed ordinance was convoluted and difficult, and understood no one was really happy with it. She commented that she did not feel they had given enough attention to the fact that enabling this industry would displace affordable housing for their residents when they were already in a place where

they were suffering from the lack of affordable housing for their residents. She understood members of the PZC had been researching this issue based on other cities, and felt that information needed to come forward in a sufficient quantity for them to discuss and understand it. She pointed out R-2 and R-MF were where most of the affordable housing existed within Columbia so when they spoke of limiting the use of short-term rentals to those neighborhood, it could result in real displacement. She stated it needed to be a part of the conversation whenever it came back, whether that was at a work session or via some other method. A work session would allow them to discuss how they might want to simplify it so it was understandable and how they might want to plan for the remedies for the displacement it could cause, depending upon how it was implemented.

Ms. Peters stated she would like to explore that as well because she was not sure it would actually displace affordable housing and did not have enough information to make a clear decision in that regard. She reiterated it needed to be simplified.

Mayor Treece asked for a legal opinion to be provided on the letter from Ms. Loe, the Chair of the PZC, and noted he would provide the letter to Ms. Thompson if she did not already have it.

The motion made by Mayor Treece and seconded by Mr. Skala to withdraw B348-19A, B22-20A, and B23-20A was approved unanimously by roll call vote with Mayor Treece, Ms. Fowler, Mr. Trapp, Mr. Skala, Mr. Thomas, Mr. Pitzer, and Ms. Peters voting yes.

Mayor Treece understood the administrative delay they currently had in place expired January 31, 2021, and asked if they could have an ordinance come back to continue the status quo no later the first meeting in January so the delay could be extended. He noted his desire was to extend it through at least the end of next year, and asked if there was any objection. No one objected.

B321-20 Granting a design adjustment relating to the proposed Final Plat of Alpha Phi Subdivision Replat located on the east side of Providence Road and south of Burnam Avenue (906 and 912 S. Providence Road) to waive the additional half-width street right-of-way dedication (Case No. 189-2020).

Discussion shown with B322-20.

B322-20 Approving the Final Plat of "Alpha Phi Subdivision Replat" located on the east side of Providence Road and south of Burnam Avenue (906 and 912 S. Providence Road); authorizing a performance contract (Case No. 189-2020).

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked if the existing right-of-way for the sorority to the north, Delta Gamma, which was less than the 17.5 feet, was the product of a settlement for the acquisition of the road right-of-way for the Providence Road improvement project. Mr. Teddy replied he was not aware of the nature of any negotiations. He noted a number of variances had been granted to enable the structure at the size they saw. He stated the portico was likely 10.5-11 feet from the right-of-way line to provide a sense of scale.

Mayor Treece asked for the reasoning of the PZC for denying the final plat. Mr. Teddy replied it did not show the dedication of right-of-way, and they had voted against the waiver. Mayor Treece understood nothing beyond the dedication of right-of-way was noncompliant.

Phebe La Mar, an attorney with offices at 111 S. Ninth Street, explained she was present on behalf of the Alpha Phi House Corporation Board and noted the replat being considered this evening was to combine two separate lots into one single lot. With

regard to the Delta Gamma property, she understood there had not been any requirement for additional right-of-way to be granted because there was no reason or requirement for that lot to be platted. In addition, no additional right-of-way had been requested by MoDOT except for the granting of additional space at the intersection.

Mayor Treece understood Delta Gamma would have been one of the interested parties when the Burnam Road/Providence Road intersection was negotiated as part of the Providence Road improvement project in 2015. He asked why the City would not have taken more right-of-way then, and whether their right-of-ways were set by any type of legal agreement other than what the ordinance required. Ms. La Mar replied she did not know. She pointed out the fraternity house across the road had been granted a variance for exactly the same thing even though they had plenty of area to grant the additional right-of-way. She believed what was being asked for in this situation was diametrically opposed to what had been granted in other cases in that same area.

Ms. La Mar commented that there was no logistically feasible way to do this project and make the upgrades and updates that would allow this sorority to continue to remain viable without the design adjustment that was included in this plat together with the variances that would go to the Board of Adjustment. She thought it was important to note no variance was being requested for the height of the building. In addition, there would not be a substantial request for a variance with regard to the amount of parking. She pointed out the reason this was at issue at all was because the sorority purchased an extra lot in order to be able to provide for additional parking, and as a result, they had to replat the property in order to add that lot to what they already owned. A denial of this variance would penalize the sorority for using good judgement in trying to provide parking to comply with the UDC since it required the property to be replatted. She commented that the City's ordinances required them to look at certain factors in determining whether to grant the design adjustment. She noted the design adjustment was completely consistent with the City's adopted comprehensive plan. The use was precisely what was contemplated for this location and which could not be accomplished without the design adjustment. She stated MoDOT acknowledged in an email that they did not need additional right-of-way in this location. She referred to a diagram on the screen and explained there was not any real way to use additional right-of-way in this location given the amount of right-of-way that was available to the north and the south of this site. She pointed out the properties directly to the north and south had both recently updated and replaced their houses, and both had the same half right-of-way as this lot would with the design adjustment. As a result, there was no adverse impact on the land abutting the proposed plat. She stated she did not feel there was anything more dangerous or difficult for automobiles, bicycles, or pedestrians by the granting this design variance. The properties on either side had the same amount of right-of-way, the sidewalks were recently redone, and adding to the road width solely on this lot would not make anything safer than what they currently had. She commented that the design adjustment was necessary precisely because her client was doing what they had indicated they wanted to encourage, i.e., infill development, and yet they were being penalized for it. She pointed out similar variances had been provided throughout the City in the past, and some of those had been granted recently. She listed the fraternity catty-cornered and across the street, the Raging Cane's property near Broadway, and the Columbia Housing Authority property as examples. She felt if the request was to negatively impact public health and safety, MoDOT would have objected to the proposal. They had instead stated that additional right-of-way was unnecessary.

Mayor Treece asked if the sorority to the north, i.e., the Delta Gamma house, had a parking variance. Ms. La Mar replied she thought they did. She recalled them having a few variances of which parking was one.

Mayor Treece asked Ms. La Mar for her reaction if he said he was fine with the variance for the right-of-way, but was not okay with combining the two lots. Ms. La Mar replied that in order to meet the parking requirements they had to combine the two lots. Mayor

Treece explained a frustration he had with the UDC was that one of its intents was to prohibit the building of larger structures out of character with the surrounding neighborhood across multiple lot lines. The staff response to that had been to replat multiple lots into a bigger lot. He understood it was the prerogative of Council, but it changed what would have been nice and tidy city blocks of equal sizes. Instead they had some big lots along with some residential houses, and it had changed the face of the area, which in this case was Providence Road. Ms. La Mar commented that at this stage, the face of Providence Road had already changed. This would simply match what was already on Providence Road at that location. She explained most of the Alpha Phi members were housed in an annex that was located on the property, and they did not have a good location to hold their chapter meetings or for groups to study together. Those issues would be addressed with this project. In addition, this location was in the middle of campus. While she understood the concern of Mayor Treece for the properties across the street, she did not feel it should be an issue for this project based on its location.

Lisa Uphoff stated she was a proud University of Missouri and Alpha Phi alum, and was a current House Corporation Board Member that owned and managed the Alpha Phi chapter house. She commented that Alpha Phi had been on the University of Missouri campus for 110 years, and 97 of those years had been at 906 S. Providence Road. It was with much thought and consideration that they had gotten to this place of rebuilding their facility. They had spent the last five years doing feasibility studies for additions and remodels in order to be absolutely certain they had made the right decision. She noted they had watched almost every other sorority rebuild or add to their facility. Currently, their chapter included 251 active collegiate members. They slept 75 members, 25 of whom were housed in an annex behind the house, and their facility was not adequate to accommodate chapter meetings. She explained they had spent thousands of dollars renting classrooms and motel meeting rooms, and COVID had made the small spaces especially problematic. The facility had HVAC and plumbing problems symptomatic of antiquated systems. In addition, they had constant water mitigation issues in the basement presenting mold issues. She noted they considered the annex to be a safety issue, and wanted to get all of the girls under one roof. A new chapter house built in the likeness of the current house would still allow it to be the big white house on Providence Road. It would provide lodging for approximately 15 percent more members all under one roof, and would have enough room for the entire chapter to meet and study. It would also have modern mechanical, electrical, and plumbing systems making them more energy efficient. She explained they were before the Council today because they had encountered a stumbling block to their progress. The City's one space for every two occupants parking regulation was tough to achieve in an urban environment like Greektown. Knowing that, they had purchased the property to the immediate south for nearly \$750,000 so they could meet the parking requirement. In trying to do what was right, however, they had gotten themselves into a platting situation that put their entire project in jeopardy. Simply trying to plat the two properties into one had subjected them to the 18-foot right-of-way requirement on Providence Road. It was a right-of-way their neighbor, Delta Gamma, had not been required to provide. The right-of-way would render their property building area to be so shallow that their proposed design would not work. She reiterated the comment of Ms. La Mar in that MoDOT had provided written notice indicating they had no plans to widen Providence Road in this area. She pointed out the right-of-way was no longer feasible because Delta Gamma had been granted a variance to build their front porch over the front building setback so they were currently built into that 18-foot right-of-way. Taking the right-of-way from Delta Gamma would require taking the house. It would also require rebuilding the new intersection at Burnam Road. She commented that taking right-of-way from Alpha Phi without taking right-of-way from the Delta Gamma would result in Providence Road widening at Alpha Phi and then immediately narrowing again at Delta Gamma and the Burnam Road intersection. She

asked the Council to waive the 18-foot right-of-way requirement out of fairness and the fact that it was not feasible. She noted they wanted to continue their legacy at the University of Missouri for another 100 years as the big white house on Providence Road.

Mr. Thomas asked Ms. Uphoff if they would have purchased the property next door if the City's Code had not required them to build a certain number of spaces for the project. He wondered if they would have then encouraged some of their students to not bring their vehicles. Ms. Uphoff replied they would not have and pointed out the new house would be built on the existing site. That other piece of property was literally for parking. In addition, the location of the existing annex would be parking as well. Mr. Thomas understood Ms. Uphoff felt there would be enough parking on the property without having that extra piece of property for more parking. Ms. Uphoff stated they wished the ordinance had been different so they could have achieved what they wanted to do without spending the extra money for parking. Mr. Thomas commented that he wished that was the ordinance as well.

Mayor Treece asked Ms. Uphoff how many of their residents brought cars to campus. Ms. Uphoff replied she did not know that number. Currently they had 27-30 spaces, which were filled. She commented that when her kid had been in the dorm, she had to park by the Hearnes Center or did not have a car. She noted the residents would have to adapt to what was available. If they provided 45 spaces, they would be taken. If they provided 20, those would be taken and the others would figure something else out.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, explained the Delta Gamma lot was a considerably smaller lot and they had received a variance to have offsite parking. He noted they had torn down their annex, which had been northeast of the existing house adjacent to Burnam Road, and had built an offsite parking lot to provide parking for their house at that location. It was offsite by technical terms, but not very far away. In doing so, they built a larger house on the property. In terms of a sense of scale, Alpha Phi would have a bigger house on the site, but they also had a larger piece of property so it would fit in a little better. He pointed out the dormitories to the south were very large structures on larger pieces of property so it fit in better in terms of scale. He thought they would see that in this location as well. The Delta Gamma house went from property line to property line, and they would not have that issue on this lot as they would be off of the property lines at the north and the south.

Mr. Trapp commented that he did not think it was necessary to have this right-of-way. He noted this was a very established and recently improved roadway. It would be a generation before there was any possible need for it. The properties to the north and the south, due to their unique circumstances, had not had to provide it. He stated he appreciated the policy when they could pick up right-of-way, and if this had been two miles to the south in a less developed area, it might have made more sense. He commented that he planned to support the design adjustment.

Mr. Thomas stated he had participated in an ex parte conversation with Ms. Uphoff via Zoom some time ago, and noted he supported the request as well. He commented that he did not see the sense of having a 106-foot right-of-way for this corridor. If that was what a major arterial required, he did not feel they wanted a major arterial in the middle of the City because they did not create good spaces for people. They created fast freeways for vehicles along with lack of safety issues and issues involving the lack of quality of life. They also increased greenhouse gas emissions and reduced transportation equity. He pointed out he wanted to go further by rescinding this requirement. He explained they have overruled it 2-3 times recently, and suspected they would overrule it again now. He suggested they accept the Providence Road corridor as it was now and improve it within that width.

Mayor Treece stated he thought the Providence Road improvement project was well settled and they would not go back to it any time soon.

Ms. Fowler commented that she had walked the property with Ms. Uphoff three weeks ago, and had looked at the setbacks of the building and the sight lines down the road.

She noted she was supportive of this design adjustment and change so the Alpha Phi project could go forward as had been intended and planned for the past five years.

Mr. Skala stated he was torn. They had a recommendation from the staff and the PZC given the circumstances at this location. He noted they might have made a mistake with the property to the north in terms of the exceptions although he did not recall voting on it. Mayor Treece explained he thought those had been granted by the Board of Adjustment. Mr. Skala stated he was reluctant to overrule the advice they had been given by the staff and PZC and extending a mistake that might have been made on the property to the north. On the other hand, it seemed as though a lot of this was subtle, and he would hate to penalize just this property for mistakes made with regard to the property to the north.

B321-20 was given third reading with the vote recorded as follows: VOTING YES: TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B322-20 was given third reading with the vote recorded as follows: VOTING YES: TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER, PETERS. 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.

- B323-20 Approving the PD Plan for "Discovery Park Subdivision Plat 2-B, Lot 6" located west of Nocona Parkway and at the terminus of Kentsfield Lane (Case No. 190-2020).
- B324-20 Approving the Final Plat of "The Gates, Plat No. 6" located at the terminus of Rivington Drive and approximately 1,300 feet east of Abbotsbury Lane; authorizing a performance contract (Case No. 183-2020).
- B325-20 Authorizing the installation of audible pedestrian signals with countdown timers and the reconstruction of sidewalk ramps at the intersection of Route 763 (Rangeline Street) and Smiley Lane; calling for bids through the Purchasing Division.
- B326-20 Accepting conveyances for sidewalk and street purposes.
- B327-20 Authorizing a grant agreement with the State of Missouri - Missouri Arts Council for community arts programs administered by the Office of Cultural Affairs.
- B328-20 Authorizing a memorandum of understanding with the Cape Girardeau County Public Health Center Rural Health Clinic and the Missouri Department of Health and Senior Services relating to deputizing and oversight of local public health agencies to provide vaccines for underinsured children.
- B329-20 Authorizing a program services contract with the Missouri Department of Health and Senior Services for WIC local agency nutrition services.
- B330-20 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for child care health consultation services; amending the FY 2021 Annual Budget by appropriating funds.

- B331-20 Authorizing an agreement with The Curators of the University of Missouri, on behalf of the University of Missouri Fire and Rescue Training Institute, to provide an aerial fire apparatus driver/operator training course at the City's Fire Training Academy.
- B332-20 Authorizing a lease agreement with Downtown Community Improvement District for the development of the Gateway Plaza project located on the southeast corner of Broadway and Providence Road; approving the Flat Branch Park Master Plan.
- R153-20 Setting a public hearing: proposed construction of improvements at Albert-Oakland Park to include replacement of a shelter, restroom and two (2) playgrounds, and rerouting disc golf holes #5 and #6, installation of an asphalt overlay and restriping the basketball court, parking lot renovations and replacement of light fixtures.
- R154-20 Setting a public hearing: proposed improvements at the Activity and Recreation Center (ARC) to include maintenance renovations to a rooftop HVAC unit, and renovations to the water slide and staircase located in the ARC Water Zone.
- R155-20 Setting a public hearing: voluntary annexation of property located on the west side of Lake of the Woods Road and approximately 600 feet north of Geyser Boulevard (2801 N. Lake of the Woods Road) (Case No. 36-2021).
- R156-20 Authorizing various Adopt a Spot agreements.
- R157-20 Authorizing an amendment to the property management agreement with Wilgate-LDC Management, LLC in connection with the establishment of an IBM office and technical support facility located on City-owned property at 2810 LeMone Industrial Boulevard.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: TREECE, FOWLER, TRAPP (except for B332-20 on which he abstained), SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- B333-20 Authorizing and ratifying an agreement with Boone County, Missouri for administration of CARES funding for a small business recovery grant program; authorizing and ratifying an amendment to an agreement with Benevate, Inc. for software to manage housing and community development programs; declaring an emergency for enactment.

The bill was given first reading by the Clerk.

Mr. Cole provided a staff report.

Mayor Treece asked if they were using the CARES Act money to pay for the software amendment. Mr. Cole replied yes. Mayor Treece asked if that was allowable. Mr. Cole replied yes per the County.

Ms. Fowler stated she had listened in on the virtual meetings Mr. Cole and his staff had held for the distribution of CARES Act funding and wanted to compliment them on how well they had conducted those meetings, how clearly they had explained those

guidelines, and for the several new responsibilities they had taken on this year.

Mr. Pitzer asked how many applications had been received for those 49 slots. Mr. Cole replied they 94 businesses had applied within the first two hours. Over the course of Wednesday through Friday, he thought he and his staff had likely talked to about 200 businesses. Of the first 94 applications, they had to go through 53 to get to the 49 as four had not qualified for a variety of reasons. He stated they had about 40 left on that wait list. In addition, they were taking down information from the additional businesses that had contacted them, and had about 25 on that list, which would continue to grow. He noted he had not been making any promises, but it appeared as though there might be additional potential for relief or they could refer those businesses to relief through other sources in the future if it became available.

Mr. Pitzer understood the first 49 applicants that qualified received funding. Mr. Cole stated that was correct as it was handled on a first come, first serve basis.

Mr. Pitzer asked if the names of those businesses were a public record. Mr. Cole replied yes.

Mayor Treece made a motion to waive the rule requiring consideration of this ordinance at two separate meetings and to place B333-20 on its second reading. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The bill was given second reading by the Clerk.

B333-20 was given third reading with the vote recorded as follows: VOTING YES: TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. Bill declared enacted, 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.

- B334-20 Voluntary annexation of property located on the south side of Old Plank Road and west of Bethel Church Road (200 W. Old Plank Road); establishing permanent District R-MF (Multiple-family Residential) zoning (Case No. 2-2021).
- B335-20 Granting a design adjustment relating to the proposed Preliminary Plat of State Farm Subdivision - Block 2 located on the southeast corner of Southampton Drive and Providence Road (State Route 163) (4700 S. Providence Road) to allow a lot line to bisect an existing structure (i.e., access drive) (Case No. 203-2020).
- B336-20 Approving the Preliminary Plat of "State Farm Subdivision - Block 2" located on the southeast corner of Southampton Drive and Providence Road (State Route 163) (4700 S. Providence Road) (Case No. 203-2020).
- B337-20 Approving the Final Plat of "State Farm Subdivision - Block 2" located on the southeast corner of Southampton Drive and Providence Road (State Route 163) (4700 S. Providence Road); authorizing a performance contract (Case No. 204-2020).
- B338-20 Approving the Final Plat of "Discovery Park Subdivision Plat 5A" located on the northwest corner of Nocona Parkway and Endeavor Avenue; authorizing a performance contract (Case No. 6-2021).

- B339-20 Amending Ordinance No. 024419 to correct a scrivener's error in the address of the property contained in the ordinance.
- B340-20 Authorizing a contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri relating to the replacement of a waterline as part of the Lenoir Street improvement project; amending the FY 2021 Annual Budget by appropriating funds.
- B341-20 Authorizing the acquisition of easements for the replacement and rehabilitation of a portion of storm drain pipe on Aldeah Avenue, south of Ash Street.
- B342-20 Transferring control of features and artifacts recovered during archaeological investigations meeting the requirements of the Native American Grave Protection and Repatriation Act (NAGPRA) to the University of Missouri - Department of Anthropology.
- B343-20 Authorizing construction of improvements at Albert-Oakland Park to include replacement of a shelter, restroom and two (2) playgrounds, and rerouting disc golf holes #5 and #6, installation of an asphalt overlay and restriping the basketball court, parking lot renovations and replacement of light fixtures; authorizing application for a Land and Water Conservation Fund grant to fund a portion of the improvements at Albert-Oakland Park; calling for bids for a portion of the projects through the Purchasing Division.
- B344-20 Authorizing improvements at the Activity and Recreation Center (ARC) to include maintenance renovations to a rooftop HVAC unit, and renovations to the water slide and staircase located in the ARC Water Zone; calling for bids through the Purchasing Division; amending the FY 2021 Annual Budget by appropriating funds.
- B345-20 Authorizing a contract for the sale and donation of real estate with Silvermill Park, LLC for property within Cross Creek Subdivision located on the west side of Silver Mill Drive and north of Jackpine Drive to be used for open space and park purposes.
- B346-20 Amending the FY 2021 Annual Budget by appropriating park sales tax funds and donated funds for Parks and Recreation Department projects.
- B347-20 Authorizing an agreement with the Missouri Office of State Courts Administrator (OSCA) for access to the Show Me Courts case management system.
- B348-20 Amending Chapter 15 of the City Code to establish the assessment of court costs associated with the Statewide Court Automation Fund.
- B349-20 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants in 2021.
- B350-20 Authorizing acceptance of a grant from Boone Electric Community Trust for the purchase of a Keiser sled for the City's Fire Training academy; amending the FY 2021 Annual Budget by appropriating funds.

X. REPORTS

- REP75-20 Closure of the Uncovered Floors of the Fifth and Walnut Street and the Short Street Municipal Parking Structures During the Winter Months.
- Mayor Treece asked if there were any questions about closing the top floor of the garage for the winter weather events.
- Ms. Peters stated she thought it was a good idea.
- REP76-20 Community Development Block Grant CARES Act (CDBG-CV) Round 3 Funding Update.
- Mr. Cole provided a staff report.
- Mayor Treece asked for the time frame for getting that money in and out of the door. Mr. Cole replied a lot of it was up to them in terms of how quickly they were able to get their plans in order. He commented that if the Housing and Community Development Commission voted for recommendations on December 16, the Council would hold a hearing in January, the plans could be submitted to HUD in February, and the agreements could be done in March or April depending on the size of the projects.
- REP77-20 Downtown Community Improvement District (CID) Board of Directors - Annual Membership.
- Mr. Trapp left the meeting room.
- Mayor Treece stated he had been able interview Aric Jarvis, Mike McClung, Van Hawxby, Chrystal Graves-Fazici, and Lydia Melton, and wanted to appoint them all to the Downtown CID with the consent of Council. He asked if anyone objected, and no one objected.
- Mayor Treece asked the City Clerk to prepare a letter to the Downtown CID notifying them of these appointments.
- REP78-20 Business Loop Community Improvement District - End of Fiscal Year Report.
- Discussion shown with REP79-20.
- REP79-20 North 763 Community Improvement District - End of Fiscal Year Report.
- Mr. Trapp returned to the meeting room.
- Mayor Treece noted this was the only opportunity for Council and consumers get to look at how community improvement districts spent public monies, which in these cases came from higher sales taxes within the districts. He asked if anyone had questions regarding these end of year reports, and no one responded.
- REP80-20 Communication from the Tree Board regarding Emerald Ash Borer.
- Mr. Skala commented that the Emerald Ash Borer was obviously a problem. There had been some action involving the Parks and Recreation Department in terms of some large trees. He noted he had a couple of large Ash trees in his front yard, and the crown was decreasing to some degree. The report indicated there were some reasonable approaches if addressed early, but once they hit a diameter of about 20 inches or so, it was not likely to be terribly successful. He was glad the City was taking some remedial action.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, listed some of the area warming centers and pointed out the Daniel Boone Regional Library only allowed someone in its facilities for 30 minutes per day.

Mr. Elkin commented that lots of people did not utilize gloves like he had from the start of

this pandemic. He wondered if they should consider requiring both gloves and masks for at least 30 days. He did not feel the masks were providing the necessary protection as they all had different kinds of masks and all emitted spit. He understood children in Huntsville, Missouri, were getting infantigo due to drooling and constant moisture when wearing masks. He also understood someone else had gotten COVID and then had returned to work, which required a mask being worn, and had reinfecting herself. He thought it might be time to ease up on the mask requirement. Mayor Treece stated that was not true. Mr. Elkin did not feel they should be listening to Dr. Fauci. Mayor Treece stated that was not true, and asked Mr. Elkin to not spread misinformation.

Mayor Treece noted written comments had been received and would be filed with items associated with this agenda. Two were from Bill Weitkemper, and both had been distributed. A third comment was from Citadel Security indicating they were having trouble obtaining their armed security license and that the CPD was working with them to ensure that was corrected so their business license remained intact.

Michael McMann stated he wanted to follow up on the comments made by Ms. Fowler during the pre-council meeting with regard to boards and commissions. In terms of the PZC and short-term rentals, he believed process had been an issue. The Council had passed approximately 13 amendments to the proposed short-term rental ordinance, and those amendments had not been vetted. The PZC had spent a lot of time vetting everything else, but those had not been vetted by them, so he did not feel that element of the process had been helpful. When the amended ordinance was returned to them to discuss, it had not really been discussed. It was a situation whereby they had only been allowed to comment on it. He did not believe that path, which had been directed by staff, was an effective use of PZC member time. If the Council sent something back to the PZC for vetting based on their experience and expertise, he thought they should be allowed to do that. If staff had something they wanted to submit, he thought that was acceptable. He just did not feel the PZC should be told that they were going to collectively submit something and only allow the PZC to comment if they wanted.

Mayor Treece asked Mr. MacMann if he felt that was a Council error or a staff error. Mr. MacMann replied he felt there were times he and the staff took very different viewpoints on the charge from Council. He noted he was sometimes stunned by the interpretation of the charge. Mayor Treece commented that he had been stunned by the feedback received in the way they had delivered the short-term rental product to the PZC. He explained his intent had been for the PZC to help harmonize the differences between what they had provided Council initially and the amended version of the ordinance that had been based on the public input received. He asked Mr. MacMann if that had not been what staff had represented. Mr. MacMann replied no, and explained that had not been what had happened either. They had been given a new ordinance that had been written by staff and had been asked to comment on it. He reiterated that if the Council submitted something to the PZC in the future, he thought they should discuss it. Otherwise their time was just being wasted.

Mayor Treece commented that the medical marijuana issue had seemed very staff heavy. Mr. MacMann felt the UDC had been that way too.

Mr. MacMann reiterated better vetting was necessary. He understood there were some COVID issues and that things were taking longer. He also knew staff was extremely concerned with staffing levels, which he appreciated, but felt they had to do the due diligence to give the Council their best abilities.

Mr. Skala stated he was concerned about the comments of Mr. MacMann and understood this had been an issue for years. He noted he respected the staff tremendously in terms of their professionalism and research, and he also respected the boards and commissions as they were the voice of the public. He commented that his view was that boards and commissions should have as much latitude as possible to give

their opinions to the City Council independent of the City staff, and encouraged as much of that as possible. He felt it was great for them to address the questions of the issues that were referred to them, but also believed they should have the latitude to recommend whatever it was they wanted to recommend without it being translated by the staff in some sort of report. He appreciated the presence of Mr. MacMann to suggest there had been some issues. Mr. MacMann stated he would view it as a disconnect. Mr. Skala hoped this conversation would at least shed some light on the issue. He noted he preferred two sources of information. One from the staff, and the other from their citizen boards and commissions. Mr. MacMann agreed, and explained that if the staff disagreed with the assessment and recommendation of the PZC that they should relay the view of PZC and indicate that they disagreed.

Mayor Treece understood staff provided a recommendation to the PZC for each case, and asked if they provided the motion or if the PZC could make a substitute motion. Mr. MacMann replied they could make substitute motions or modify motions, and they did that.

Anna Stewart, 1500 W. Ash Street, stated she wanted to draw the attention of Council to the divot that she thought was by design at the intersection of West Ash Street and West Boulevard. Unlike a speed bump, it was a dip into the road, which was causing a lot of vehicles to bottom out. In addition, there was not any reflective paint or tape to signal there was going to be some sort of traffic stop or bump.

Mayor Treece asked if it was intentional. Ms. Stewart replied it appeared to be intentional, and noted it had been paved over clean. If it was intentional, she did not feel it was having the desired effect, as it was not slowing people down.

Mr. Pitzer understood the CARES Act money that had come from the federal government through the State and Boone County had not been appropriated, and asked if that was correct. Mr. Glascock replied it had not to his knowledge, but noted he had not spoken with the Finance Director today. Mr. Pitzer understood Boone County had not made their final decisions on funding. Mr. Glascock stated that was correct. Mr. Pitzer understood that needed to happen by December 31. Mr. Glascock replied that was what he understood.

Mr. Pitzer asked about the federal money the City had received in terms of whether it was all in the process of being spent by December 31 or if they were ensuring it would not have to be sent back due to something they did not do. Mr. Glascock replied yes. He explained most of it involved the Health Department.

Mr. Pitzer asked Mr. Glascock to check on that again so they could ensure they were able to do whatever they needed to do by December 31. He also asked that Mr. Glascock provide a report to Council summarizing everything that had happened since it would be their last meeting before the end of the year. He noted it did not have to be a formal report. It could just be a summary of everything that happened. Mr. Glascock stated that would be provided.

Ms. Peters asked where they were with the audit. She noted they had received a preliminary report and it had been referred to a couple of commissions. She wondered if they had reviewed it and asked about its status. Mr. Glascock replied the Finance Advisory and Audit Committee (FAAC) and the Water and Light Advisory Board (WLAB) had made some suggestions. He understood the suggestions of FAAC had been incorporated via some changes. He was not sure if the suggestions of the WLAB had been incorporated. He noted it would come to the Council at the first meeting in January.

Ms. Peters stated she had viewed the video involving the September traffic stop along with the CPD response. She complimented the CPD for addressing it. She understood there was disagreement as to whether the actions were appropriate or inappropriate, but

it had at least resulted in some conversation happening. She wished the conversation could have occurred within a month or six weeks versus three months, but noted she would take this over no comment at all. Mr. Glascock stated they were working on the process.

Mayor Treece understood they might have an extraordinary work session the week between Christmas and the New Year holiday, and noted one of the items he wanted to discuss was how they wanted to proceed with that audit. He thought they should discuss whether they liked the current format and vendor, whether they wanted to do it again, how they might include FAAC, whether they go to an internal auditor instead, etc.

Mr. Skala asked that they discuss racial equity to include the successes and failures with some of the interfaces there had been with the public at the upcoming extraordinary work session. Mr. Glascock replied it would be added.

Mr. Thomas understood the City was going to stop disconnections while Central Missouri Community Action (CMCA) was reviewing claims for assistance with regard to the \$500,000 they had received from Boone County, but that they had resumed disconnections at the beginning of November. An email from Sarah Talbert had indicated 1,234 total disconnections, and that only 158 remained disconnected. He understood the other 1,000-plus had paid their outstanding bills to be reconnected. Mr. Glascock stated they had either paid the bill or had set up a payment plan agreement or had done something else so they were able to be reconnected. Mr. Thomas also understood the email from Ms. Talbert indicated the 158 could not have occupants residing at the location, and asked for clarification. Mr. Glascock thought she was speculating that any occupants might have moved out, which was why they had not sought reconnection. Mr. Thomas understood the assumption was that they left an unpaid bill and moved out.

Mr. Thomas explained he had heard from CMCA and other social service organizations that there were cases of real hardship. He proposed a moratorium on disconnections through the end of March. He also wondered if there was a way they could distinguish between people in situations of real hardship and people gaming the system. He understood that during the first moratorium there had been a total of about \$6 million past due, and that when threatened with disconnection, a commercial customer had come in to pay a \$2 million bill. Mr. Glascock replied it had been a little less than that as the customer had overpaid. Mr. Thomas asked if there was a way to provide the relief for the people that really needed it by not disconnecting their utilities while not providing relief to others that did not need that relief. Mr. Glascock replied there was not anything currently in the ordinance to allow for that at this time. Mr. Thomas understood it would require a new ordinance or policy and asked if staff could design a way to do it. Mr. Glascock replied he thought they might be able to, but noted it could not be done in two weeks.

Mr. Thomas asked the Council if this was something they should consider to provide protections for people with real hardships in the middle of winter and a pandemic.

Mayor Treece understood the City followed the winter weather rule the Public Service Commission (PSC) required for investor owned utilities. He stated he did not want to appear callous, but also did not want to forfeit their responsibility as the rate making body. He pointed out all unrecovered bills were factored into future rates causing them to raise the rates for everyone else. He noted he was not unsympathetic, and understood other cities were continuing to bill customers, send late notices, and send disconnect notices. He suggested they advertise the opportunity for those that were having trouble paying their bills to sign a contract with the City to set up a payment plan. He thought they could also say that carrying a balance of less than the security deposit would not result in a disconnect. He pointed out they had a consumer owned utility and they wrote off millions of dollars of unrecovered debt every year, which ended up being rolled into the rates set for the future. He thought some affirmative action should be required. He

pointed out Ms. Talbert and others had been on the first floor getting people signed up for payment plans, etc. when they had the influx of people. He understood people were prioritizing bills, but felt the City needed to be one of those priorities as well.

Mr. Thomas stated he liked a lot of what Mayor Treece had said, but did not feel the cold weather rule was a very good rule. If one happened to reach the criteria on the day it was cold, relief was provided, but if the disconnection occurred a couple of days before, the utilities were not reconnected when it became cold. He also agreed unpaid bills tended to raise rates, but felt it was similar to the subsidies provided to new development as they did not charge appropriately for the infrastructure constructed. He stated he would like to follow up on some of the ideas to give people more opportunity to avoid disconnections. He asked if the payment plan was offered prior to disconnecting the utilities and if disconnection only occurred if the customer declined that plan. Mr. Glascock replied that if the customer reached out to them, they would inform them of the options. He commented that if an administrative delay was issued on disconnections, many people would not pay as had been seen previously. Mr. Thomas asked if there was a means test associated with the Cash and Help recipients. Mr. Glascock replied he thought there was. Mr. Thomas thought the customers that had been means tested could automatically be put into a program whereby they were not disconnected. Mr. Glascock stated they could look at that, but pointed out that would have to be reviewed every so often, such as every year. They could not assume the criteria would be continued to be met every year. Mr. Thomas did not feel those that met some sort of means test should be threatened with a heavy hammer, and asked staff to bring back some suggestions. Mr. Glascock replied he would ask staff to provide something.

Mr. Thomas asked for the ordinance that had been introduced in August to place the question on the November ballot about reversing the prohibition of the use of roll carts and automated collection to be brought back for consideration before the deadline to get the ordinance to the County Clerk for the April ballot. He understood that would mean either first read on December 21 with the vote on January 4 or for the first read on January 4 with the vote on January 19.

Mr. Glascock asked if he could try to talk Mr. Thomas out of that. Mr. Thomas asked why. Ms. Peters asked if they would have four people that would agree to it. Mayor Treece asked that they determine whether there was consensus first.

Mayor Treece asked Mr. Thomas why he wanted to do that. Mr. Thomas replied he did not believe they would be able to run an effective solid waste utility with trash and recycling pick up until they could protect their workers properly. He noted Mr. Glascock had sent the Council an email in August in which he had made some very impassioned pleas about why they would not protect their workers with modern technology, and why they would put their people through that rigor and risk. He stated that had been very meaningful to him and he strongly supported that position. Mr. Glascock agreed with that position, but pointed out they had made a decision to move forward, which would involve them spending a lot of money on another system. By the time the election occurred in April, they would be in the middle of this new system, which involved a lot of money. It was an expense he did not want to lose. Mr. Thomas asked for the expenses. Mr. Glascock replied they would invest in bags. Mr. Thomas stated this was not a ballot to say they had to do roll carts. It would simply remove the obstacle, which a lot of members of the public wanted. He pointed out it would only provide for options.

Mr. Skala commented that they had not even switched over to this interim system and they did not have any data on how it was working. The bags had not even been printed yet. He noted he had been criticized on social media for estimating the change to roll carts would cost \$4-\$5 million, and understood the staff estimate was \$12 million. He stated there was also the issue of the initiative petition as those involved in that process had a lot of signatures. If they took the issue to the ballot, the initiative petition would be meaningless. He agreed there were issues, and people were on one side or the other.

He reiterated they did not have any data. In addition, the point of the pay-as-you-throw system was to protect the workers as they would limit the number of bags.

Mr. Thomas stated he did not feel it made a big difference to the safety and health of workers if they were jumping on and off the back of the truck. It was also a cost saving to go to a single operator. He thought in the long term the economics would be in the interest of the City and the customer. Mr. Skala agreed that might be the case in the long term, but it would not be in the short term. Mr. Thomas reiterated the vote would not mandate them to do anything. It would simply remove a prohibition that currently existed. He stated he had heard from a lot of people that wanted to ability to vote on it. Mr. Skala pointed out the majority of voters the last time had decided they did not want roll carts. Mr. Thomas agreed, but noted some people had been confused by the language and it had been five years ago.

Mayor Treece suggested Mr. Thomas express his request in the form of a motion. Mr. Trapp stated he did not believe it took a motion to bring forward an ordinance. Any council member could do so.

Mayor Treece stated they would be inviting another distraction from all of the priorities when they had already had this discussion during the budget discussion. They had set upon a plan that staff agreed was better than what had been presented in the budget. He noted 3,500 people had signed a petition to ask the Council to place the issue on the ballot, and over 10,000 people had voted decisively that they did not want roll carts. He did not feel it was acceptable for four people on this Council to substitute their judgement for a majority of voters. Mr. Thomas noted the election had been five years ago and it had been a pretty close vote. Mayor Treece pointed out there was a mechanism in place for that to be repealed, i.e., the initiative petition, which he understood was in process now to place the issue before the voters again. He did not feel it was the job of the Council to decide which initiative petitions to favor. Mr. Thomas stated it would simply ask the question to determine how the voters felt now. Mayor Treece commented that those in favor of that could then obtain 3,500 signatures to put the issue on the ballot. Mr. Thomas noted it was very difficult to obtain signatures due to the current conditions. Mr. Skala felt it had been difficult the last time too even though it had not been in the middle of a COVID exigency.

Mr. Thomas commented that if four of them were against putting it on the ballot, it would not go on the ballot. He asked what everyone else thought.

Mayor Treece noted they would have a three-hour hearing and the meeting room would be full of people on both sides of the issue. He pointed out Mr. Thomas had not been at the prior meeting when this had been discussed as that was what had occurred. Mr. Thomas commented that if he had been at that meeting, the issue would have been on the November ballot, and due to that, he felt it was contingent upon him to bring this forward again. Mr. Skala understood, but noted Mr. Thomas had not been there. In addition, they had not received any data on the compromise that had been achieved when Mr. Thomas had been absent.

Mayor Treece commented that this was one of the issues they had discussed with respect to collegiality. He thought Mr. Thomas should talk to his colleagues. Mr. Thomas felt that was being done now, and stated he was open to persuasion. He reiterated he would like to hear from his other colleagues.

Mr. Pitzer stated he was not sure of the right thing to do. He pointed out he had been very vocal in that he did not like anything they were doing. He wished they could have taken that question to the 80 percent of the people that had voted in November. He did not feel it was substituting their judgement for that of anyone else. It was only asking again since things had changed enough. With that said, he understood an initiative petition had been started, and he was not sure it was appropriate for them to short-circuit or jump in the middle of that as much as he thought it was inevitable that they would have to go to an automated system at some point and that what they were doing right now was a disservice. He reiterated he was really torn on the question, and wished it would

have happened in November. He stated he did not know what he would do now.

Ms. Peters commented that they had already voted on the issue once and she would let the initiative petition process work its way through. She explained she was not willing to go back and revisit this again until they tried the new system and they had let the initiative petition process run its course.

Ms. Fowler noted she was concerned about a few things, but one was the fact that they had planned for the ordinances involving neck restraints and chokeholds to come forward for a first reading on January 4 and public input on January 19. She thought that would be a well-attended meeting and did not feel that was also the time to bring back the issue of roll carts. She pointed out she had voted against putting it on the November ballot. Since she had not appreciated what the State had done to its citizens with regard to Clean Missouri, she did not want to do the same to the citizens of Columbia. She thought the priority from a trust-building point of view with the citizens was that they provide the opportunity for citizens to talk to them about neck restraints and chokeholds.

Mr. Thomas agreed he had not liked what the State had done, but did not feel it was comparable. He thought the time frame was completely different. He explained he was basing his interest in bringing it back on hearing from a lot of people, to include many that had indicated they had voted against roll carts five years ago and had since changed their minds. Ms. Fowler thought those people could sign the petition to bring the issue forward. She pointed out she had signed the petition to put it on the ballot through a citizen initiative proposal, but would not want to do it through the action of Council. Mr. Thomas stated he had signed the petition as well.

Mr. Thomas commented that he was hearing some fairly strong opposition to doing this so there was not much point in bringing forward an ordinance in that situation. He noted he would withdraw that request.

Ms. Fowler noted they had talked about having the first reading on chokeholds and neck restraints at a couple of different meetings, but in conversations with community members, she understood the students, who might have some strong opinions, would not be back until later in January. As a result, she asked that they be placed on the January 4 meeting for first reading so that public input would be allowed at the January 19 meeting. Mr. Glascock stated he was okay with that.

Mr. Skala understood there had been a conversation regarding the language associated with the chokehold policy, and asked if that was moving ahead. Mr. Glascock replied staff would bring forward an absolute ban and a policy change for the Council to vote for one or the other.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 9:30 p.m.