



City of Columbia, Missouri

Meeting Minutes

City Council

Tuesday, January 22, 2019
7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 22, 2019, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, and SKALA were present. The Interim City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of January 7, 2019 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

Upon his request, Mayor Treece made a motion to allow Mr. Pitzer to abstain from voting on R7-19. Mr. Pitzer noted on the Disclosure of Interest form that he was a party to the resolution. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Upon his request, Mayor Treece made a motion to allow Mr. Trapp to abstain from voting on REP3-19. Mr. Trapp noted on the Disclosure of Interest form that he was a partner in a limited liability company that has an outreach contract for homeless individuals with the Downtown CID. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Upon his request, Mr. Skala made a motion to allow Mayor Treece to abstain from voting on any motion associated with comments regarding public transit that he understood Mr. Trapp would mention later in the evening. Mayor Treece noted on the Disclosure of Interest form that there was a perception of a conflict. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Peter asked that B3-19 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B3-19 being moved to old business, was approved unanimously without objection.

II. SPECIAL ITEMS

SI1-19

Recognition of city employee recipients of the Columbia Business Times
20 Under 40 Award.

Mayor Treece commented that one his great pleasures as mayor was to work with a talented and diverse group of employees, and three of those employees had recently been recognized for the 20 under 40 award by the community.

Mayor Treece noted some of them might have heard Megan McConachie on KFRU describing the top things to do in an enthusiastic manner making people want get out to do things while also feeling welcomed in Columbia. In jest, he pointed out she was also very good in bringing events to Columbia, such as the Total Eclipse in August 2017. The event had brought with it 10,000 visitors and had involved airplanes, cars, hotel room, etc., and Ms. McConachie had made those 10,000 people's visit to Columbia extra

special due to her attention to the details. He felt that once those 10,000 people had gotten a taste of Columbia, they would likely want to come back to spend more time here.

Mayor Treece stated Randy Cole had a commitment to affordable housing. He explained he had met Mr. Cole when he had first been elected, and Mr. Cole had walked him through many progress policy ideas to really help bridge the gap for housing for everyone. He noted Mr. Cole had initiated and staffed the City's Community Land Trust and had developed Columbia's first net-zero energy home, which made the house more affordable for the person living in it. He had also set up the first Fair Housing Symposium, which had brought together bankers, realtors, and housing advocates in a way that actually brought awareness to fair housing issues.

Mayor Treece commented that Jose Caldera, who had previously worked at the Missouri Attorney General's Office and the Missouri Secretary of State's Office, had come to Columbia with what he had heard was keen legal insight, a great sense of humor, and total knowledge of the Sunshine Law. In the last two years, he had trained the City's board and commission members with respect to the Sunshine Law. Mayor Treece noted Mr. Caldera also had a great grasp emerging technologies in the new economy, whether it was Bird scooters or medical marijuana, and was helping Columbia adapt to some of these new policy ideas so that they fit some of the outdated ordinances. Mayor Treece noted Mr. Caldera also had a great sense of humor and comradery that made people want to work with him.

Mayor Treece asked Ms. McConachie, Mr. Cole, and Mr. Caldera to join him at the podium to be recognized.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC1-19 Board and Commission Applicants.

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

COLUMBIA VISION COMMISSION

Dibben, Carly, 1803 Stanford Drive, Ward 4, Term to expire December 15, 2021

COMMISSION ON CULTURAL AFFAIRS

Gadsden, Kristin, 205 Bright Star Drive, Ward 4, Term to expire October 31, 2021

PARKING ADVISORY COMMISSION

Kvam, Kevin, 2604 Luan Court, Ward 4, Term to expire February 1, 2022

Lamb, Ronald, 515 Cherry Street, Apt. 204, Ward 1, Term to expire February 1, 2022

Swope, Bob, 1401 Windsor Street, Ward 3, Term to expire February 1, 2020

Mayor Treece explained he wanted to delay making appointments to the Tax Increment Financing Commission to allow for a larger pool of applicants and asked that those vacancies be readvertised.

Mayor Treece suggested they readvertise the vacancies for the Tree Board to obtain more applicants since a quorum would not be able to be met with only these appointments, and asked if anyone objected. No one objected.

IV. SCHEDULED PUBLIC COMMENT

SPC3-19 Traci Wilson-Kleekamp - Challenging the Unspeakable and Unspoken: Race and Community Violence.

Ms. Wilson-Kleekamp commented that she had recently had the missed opportunity to visit with Mr. Thomas regarding community policing on KBIA. It had reminded her of past

opportunities to talk about difficult issues, such as the Sanders incident, the inappropriate comments of former Police Chief Burton, the community oriented policing report, which had an “us” versus “them” mentality, the Anderson report, etc., as they all tended to point to cultural problems. She explained that listening to Boone County Sheriff Dwayne Carey repeat a lot of the toxicity former Police Chief Burton believed was a concern as she felt they tended to conflate race with crime as it was an old, old trope. She commented that they kept blaming crime on young people, particularly black men, and read a foreword from *I am Alfonso Jones*, which indicated that society did not provide any guides, manuals, tutorials, courses, or training to help children of color survive the presumption of guilt and the dangers of which they were born, and that black and brown young people bore an unfair burden in American as they were required to understand a history that was not clearly taught in school, develop survival skills that few teachers imparted, and navigate unfounded suspicions that no one should confront. It continued to say that “many young people of color had to find hope even when surrounded by tragedy, trauma, and experiences that constantly reinforced the fact that survival would be hard and success would be even harder.” Ms. Wilson-Kleekamp explained she had brought this up because there was a lot of fear, prejudice, and bigotry in the airways now, and that was of a concern to her. She reiterated that some tended to conflate race with crime, and displayed an article from 1890s whereby a white barber had dressed up as a black person to commit a robbery. Even today, when talking about policing, there was a denial that racism was not a part of policing culture. She believed it was, and displayed text from *Breaking Rank*, which indicated white cops were afraid of black men. It continued to say it was not discussed, they all pretended it did not exist, and that white officers treated black men the same way they treated white men, but that those were lies as the fear was greater with bigger and darker black men. The text indicated the African-American community knew this as did most white people knew it, and even though it was central, if not the defining ingredient in the makeup of police racism, white cops would not admit it to themselves or to others. She reiterated she was concerned by the fact that they had been provided opportunities to have conversations about race and policing, but those opportunities were escaping them. She stated the comments of Sheriff Carey and former Police Chief Burton with regard to Section 8 were tied to the Jim Crow mentality. One would have thought they would have moved past that, but they had not. She displayed content from the Boone County Sheriff Department’s website, and felt it indicated that white people should be afraid of slaves. She believed that was backwards as she felt people should be afraid of were white terrorists, i.e., those that lynched people, beat people, etc. She noted the website had referred to the hanging of two slaves, and one had been found to be pregnant at the time. This was the kind of vigilante justice they had in 1843. She stated it was not a situation of black people with a history of crime. She stated it was an institutional system of committing crime, and displayed other articles. She understood someone had recently blamed a black restaurant owner for crime in the downtown, which she felt was the same kind of mentality. She asked the City to be explicit in talking about race and in the recruitment of who they were hiring to be in the Police Department. She did not feel it should be a question of whether Lieutenant Tate was on leave, but rather that he was looking for a job elsewhere. She did not believe they should have anyone in the Police Department with that kind of ideology, and if they did, that person should receive immediate counseling. She stated she had brought up this issue because she had seen a pattern of overlooking opportunities to delve deeply into the discussion of race, and felt that needed to change since it was now 2019.

SPC4-19

Bill Davis - Review Board concerns.

Lynn Maloney read a statement from Mr. Davis indicating that, prior to coming to Columbia, he had been encouraged by his wife to think about what service he could render to the Columbia community. His career had been law enforcement, the judicial system, and as a regulatory compliance policy developer. When he had arrived in

Columbia, he had decided to serve as a member of the Citizens Police Review Board (CPRB), and when joining the CPRB, he had decided to spend a few months learning the process and the players. After his first year, he had determined that the CPRB had not spent any time reviewing or discussing police policies, that many members were making decisions based on gut feelings instead of police policy, that the members that had attended police oversight training had not utilized that training to improve the CPRB's knowledge, that although there had been a number of speakers, the subject matter had provided little to improve the CPRB's knowledge of overall police operations, and that city staff oftentimes found ways to obstruct rather than support the CPRB and inserted themselves into the discussion all too often. He noted it had been recommended the CPRB to purchase a banner for public appearances nine months ago, and staff had derailed those efforts. He recommended term limits be instituted for the chair and vice-chair to encourage development of all members and to allow for an oversight bureau, like many other communities nationwide, to independently review policy and practice without relying solely on an internal department investigation. He commented that a review board could be a valuable asset to the community, but not if it was as impotent as the CPRB currently seemed to be.

SPC5-19 Virginia Wiemann-Steiger - Columbia residents paying for political rallies outside or inside city limits.

Ms. Wiemann-Steiger did not speak.

SPC6-19 Either Alan Mitchell (President) or Dale Roberts (Executive Director) of the Columbia Police Officers Association - Speaking on behalf of the CPOA regarding the CPRB.

Neither Mr. Mitchell nor Mr. Roberts spoke.

V. PUBLIC HEARINGS

PH49-18 Proposed extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the proposed ten (10) mega watt Truman Solar Facility located east of Burnside Drive.

PH49-18 was read by the Clerk.

Mr. Johnsen and Mr. Williams provided a staff report.

Mr. Skala understood notification had been provided to those not included previously. Mr. Johnsen stated that was correct. For the second interested parties meeting, they had deliberately reached out to everyone and believed they had made contact with everyone.

Mr. Skala asked if these numbers covered negotiations in terms of easements, etc. Mr. Johnsen replied this only allowed them to move forward, and that they only had a preliminary design at this time. Mr. Skala understood that was forthcoming. Mr. Johnsen stated that was correct.

Mayor Treece asked if there had been any substantial concerns from the property owners along the proposed route. Mr. Williams replied there had been questions with regard to the installation technique, and staff felt those could all be addressed should they be authorized to move forward with the project. Mayor Treece referred to tree removal, and understood that could be worked through. Mr. Williams stated that was correct.

Mr. Thomas asked for the percentage of the City's electrical energy supply that was renewable, and for the percentage increase this project would provide when fully operational. Mr. Williams replied the City was currently right at 15 percent. He explained they had come in slightly under that 15 percent, and as a result, had made an additional purchase for calendar year 2018. They believed the addition of this 10 megawatts would supply about 1.5 percent.

Mayor Treece opened the public hearing.

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

Mayor Treece made a motion directing staff to move forward with developing plans and specifications for the proposed extension of two 13.8 kilovolt electric feeder circuits from the Rebel Hill Substation to the proposed Truman Solar Facility located east of Burnside Drive. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

PH1-19 Proposed amendments to Chapter 27 of the City Code as it relates to water rates.

Discussion shown with B11-19.

B11-19 Amending Chapter 27 of the City Code as it relates to water rates.

PH1-19 was read by the Clerk, and B11-19 was given second reading by the Clerk.

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

Mayor Treece understood the cash above/below target was the cash above the target reserve, and asked if that was correct. Ms. Talbert replied yes. Mayor Treece asked why they would build up so much excess cash reserve by FY 2023. Ms. Talbert replied it was because the O&M increases were also included for all of the years. Mayor Treece asked Ms. Talbert if she had a scenario that was just debt. Ms. Talbert replied she did not have one that was just debt with no O&M across the board. She noted she had only showed that for FY 2019.

Mr. Johnsen commented that staff had removed a lot of expenses to get the O&M expenses as low as possible for the FY 2019 budget. Ms. Talbert stated staff had reduced the operating budget by about \$1.8 million in FY 2019, and described the reductions. Mr. Johnsen pointed out some of those cuts were not sustainable in the long run.

Mayor Treece asked if it was a compounding three percent or the same three percent across the board. Ms. Talbert replied it was compounding. Mayor Treece understood it would be three percent this year, an additional three percent next year, another additional three percent the following year, and then an additional two percent the following year.

Mr. Thomas asked how many new customers connected to the utility in a typical fiscal year. Ms. Talbert replied it grew at about one-half of a percent, and involved roughly 600-1000 new customers. Mr. Thomas asked Ms. Talbert if she had the expenditures associated with expanding the capacity of the water utility to accommodate those 600-1000 new customers. Ms. Talbert replied no. Mr. Thomas asked if that was tracked. Mr. Johnsen replied it would involve discussion on the methodology of how those items would be divided, and studies would need to be done to determine a methodology of how they would account for existing and new customers. Mr. Thomas asked if staff tracked how much was received in connection fees from new customers. Mr. Johnsen replied yes, and explained they had cost recovery accounts, a system equity charge, and contributed capital. He noted most of the infrastructure built for the water utility was built by the customer and contributed capital to the utility. It was a different structure than some of the other utilities.

Mr. Thomas asked staff to tie the recommendations of the various task forces to the projects they were proposing would be done. Mr. Johnsen replied the recommendations were not really bond creation projects. They were recommendations from the planning of this. He noted there had been 2-3 pages of recommendations, and he had only pulled a few he had felt were attributable to the consideration of water rates. If Mr. Thomas wanted to know how everything was put together and how these items would be addressed, they would have to look at all of the recommendations. He explained the first item under the Integrated Water Resource Plan was only saying the use of localized sources to localized uses still made sense. An example with a golf course was that it made sense to supply its non-potable needs with a local source. It did not make the best economic sense for a centralized plant for localized non-potable needs.

Mr. Thomas asked about the two recommendations shown for the Drinking Water Planning Work Group. He wondered if the removal of the use of chloramine was in the long-range plan and how it would be implemented. Mr. Johnsen replied it was, and explained pilot work would be done with regard to treatment process opportunities that would fit their water and their plant. He noted they would work with the State to ensure the treatment processes and results fit what the regulators said could be done because they would ultimately need a permit to instill any change to the processes. Once they rehabilitated the plant they would go through a pilot process to test other treatment processes to determine which would meet the goals.

Mr. Skala pointed out he had served on the Drinking Water Planning Work Group and those were recommendations that had come out of that Group, and it was not a done deal that they would shift to a technique that would not involve the use of chloramines. It could occur as it was a scenario, but it was not guaranteed. He commented that most of the findings from that Group had involved a phased-approach idea and an increase in capacity. He felt those had been fairly solid consensus items, but there had been some controversy with regard to the other recommendations.

Mr. Johnsen continued the staff report

Ms. Peters asked what the minimum average winter consumption was now. Mr. Johnsen replied there was not one now. He explained the only place they used the winter consumption now was when establishing sewer rates and some commercial rates, and there was not a minimum or floor associated with it at this time. Ms. Peters understood if someone was out of town and did not use any water in the winter, there was not a minimum for the sewer rate. Ms. Talbert explained it was five ccfs for sewer.

Mr. Johnsen pointed out they were proposing an average winter consumption on water and they had an average winter consumption essentially established for sewer so they would have to bring something forward in the future to make the two consistent if this passed.

Mr. Johnsen continued the staff report.

Mr. Skala commented that when looking at the graph, he felt they were subsidizing the cost of service for irrigation, etc. even though it was minimal. Mr. Johnsen stated that was correct. The staff recommendation would not move toward the cost of service goals as fast as the proposal the consultant and Water and Light Advisory Board (WLAB) had endorsed. In FY 2020 and years beyond, it would essentially be the same, but they would move more slowly with a phased-in approach.

Mayor Treece asked why residential customers should subsidize everyone else. Mr. Johnsen replied that was how it was with the current structure, and they were trying to move more toward a cost of service allocation, but they could only go so far so fast.

Mr. Pitzer asked for the percentage of the current rate structure. Mr. Johnson displayed a slide showing the existing rate structure along with the consultant proposal and staff proposal. Mr. Pitzer asked why they went from 107 percent to a higher percentage. He wondered why it was worse under the other proposals. Mr. Johnsen replied they were trying to increase it from non-residential classes, but they would also impact those within the residential class. In order to not make that impact, they would have to lower the rates for some inside the residential class. That was not impossible, but it was a different rate structure approach than what the consultant had recommended.

Mayor Treece stated he thought they were trying to get closer to prioritizing single-family residential homeowners on their basic water needs instead of them subsidizing everyone else. Mr. Johnsen noted there would need to be a different rate structure in order to pull the entire residential class down as they would have to reduce rates in some sectors, such as the base charges and the tier one costs.

Mayor Treece asked what the survey results from the Council had captured.

Tom Beckley, a consultant with Raftelis Financial Consultants, explained there had been twelve items on the survey list. Three of the top four items for both the City Council and the WLAB were cost of service, affordability, and conservation. Those were consistently

the three most important factors, which was why they had made the proposal recommendation they had. He stated they felt it moved the rate structure toward addressing those items, but agreed it did not address the cost of service issue completely in one step.

Mr. Williams and Mr. Johnsen continued the staff report.

Mr. Trapp understood no action would need to be taken tonight to address the community garden water rate. Mr. Johnsen stated that was correct. He explained he did not have any ordinance related to it for approval tonight. It was something the WLAB had asked for and it would take them some time to work with the Law Department and to bring forward a recommendation to the WLAB and then to the Council. They would try to get something back for approval before next summer.

Mr. Pitzer asked about the impact to a light user versus a heavier user of 15-20 ccfs in the summer. Mr. Johnsen displayed a chart that showed the impact based on winter quarter averages, and it provided a comparison to the existing structure. Mr. Williams explained the numbers not only included water charges but the PILOT as well.

Mr. Pitzer understood the rates would go down a bit for a household with 2 ccfs of usage, but at 20 ccfs, the rate would go from about \$100 to \$150, which was a 50 percent increase. He asked if they had indicated there was the potential of either no increase or a 50 percent increase in the rates depending on how much water was used in any of the bond education material. Mr. Johnsen replied the bond was just purely about revenue needs to pay it off. This was a rate structure issue and the rate structure needed to pay back the revenues was an annual decision. As a result, the rate structure could change every year if the Council chose for it to do so. He stated they had tried to represent the bond issue as a revenue increase, and any rate increase would have been based on the existing rate structure.

Mr. Pitzer referred to the slide with the bond information, and understood the rate impact portion indicated that if the bond issue passed, water customers would likely see a total 11 percent increase over a four year period.

Mr. Pitzer asked if the PILOT paid from the water utility to the general fund was based on the one percent increase mentioned for FY 2019. Ms. Talbert replied yes. Mr. Pitzer understood a three percent total increase would increase the PILOT going into the general fund by two percent. Ms. Talbert stated that was correct. She explained currently the one percent PILOT was about \$17,500, and three percent would be \$52,400, so the difference was about \$35,000.

Mr. Pitzer asked how it would affect the City's ability to sell the bonds if the Council did not approve any revenue increase. Ms. Talbert replied she believed it would impact the interest dramatically if they were even allowed to sell the bonds. She stated she did not know because they had never been in that situation. Mr. Johnsen thought the Finance Department and the City's bond counsel would have to review the numbers to determine what was in the best interest of the utility given that situation.

Mayor Treece opened the public hearing.

Scott Fines explained he was the Chair of the WLAB and stated they had endorsed the consultant's rate increase, specifically the individualized block structure, as it was felt to be a very important component of the WLAB's conversations. The idea behind the individualized blocks was to avoid punishing someone that used a consistent amount of water. If someone used the same amount of water in December as they did in June, it was actually good from the water system perspective, so they wanted to avoid punishing people for doing that if at all possible. Another important aspect from the perspective of the WLAB was a sense of equity whereby a person that did not really use much water should not be overly burdened by any rate increase encountered. He commented that a third component that had been expressed was control. If they were going to increase the rate, they felt it would be best to increase it in such a way as to allow a customer the ability to respond and control their own bill. The WLAB believed the best approach was the individualized block structure with the 70 and 170 cutoffs for tiers for summer water

rate usage.

Mayor Treece stated he appreciated the WLAB holding the extraordinary public hearing as it was likely unprecedented with respect to a water rate increase. Mr. Fines noted the WLAB wanted to make sure they had an actual view of the public rather than simply their own views of the policy. He thought about 50 people had come to express their views. Mayor Treece asked if there had been any key takeaways from that. Mr. Fines replied one of the takeaways in terms of actual feedback was that the concern of conservation was shared by the community as a whole. There was considerable concern that the City was using too much water, and that they should avoid using more water as a system. There were also people concerned about their rate increases, and the community gardens initiative that Mr. Johnsen had mentioned earlier in the staff report was an outcome of that public meeting.

Mr. Pitzer understood the minutes had indicated the WLAB had also endorsed the staff's proposal and asked for clarification. Mr. Fines explained the WLAB believed both the staff and consultant proposals were good, but felt the consultant proposal was better. He thought two members had felt the staff proposal was best, another two members thought the consultant proposal was best, and the fifth member swayed in the middle. As a result the minutes were a bit confusing. He stated they strongly discouraged not changing the rate structure and encouraged changing it to the consultant's proposal.

Mayor Treece understood the WLAB reviewed monthly financial reports at their meetings and asked for his thoughts on accumulating in excess of \$3 million over and above the cash reserve target. Mr. Fines replied cash reserves was an interesting topic in terms of determining exactly where they should be, and he did not feel they were currently where they needed to be with regard to cash reserves. He was not sure if \$3 million was the appropriate number and thought that should be the center of a conversation to be had in the future. He noted it was always worrisome, and pointed out that the electric utility had subsidized the water utility for several months last year in terms of maintaining cash reserves.

John Conway provided a handout and explained it had been updated based on the FY 2018 actuals. He described the spreadsheets in the handout, which included the incremental increase of new debt service revenue needed for each fiscal year over the five-year financial planning period and the annual change in the cash target policy requirements along with other items. He suggested an alternative design to the water rate structure. He noted the FY 2019 budget was budgeted at a deficit of about \$1.4 million, and recommended taking that \$1.4 deficit along with the new debt service and dividing it by the total water sold in FY 2017, which would result in 31 cents per 100 ccfs. That 31 cents could be added to the \$2.79, \$3.91, etc. for the new rate structure. The fixed charge would not change. He explained a person using ten percent of the water would see ten percent of the increased costs, and a person using one ccf would pay 30 cents. He commented that all of the bond projects were laid out and all customers in the community would benefit from it. He offered additional considerations, such as requiring cost of service training for the staff and the WLAB by Utility Financial Solutions, which had provided previous cost of service studies to the City and was a nationally recognized trainer for water cost of service studies. He believed training would prepare staff and the WLAB to eventually transition to a cost of service model. He commented that of concern was the fact irrigation demands were not directly taken into account in the water distribution design, and suggested that be changed as it eroded the City's ability to maintain an ISO rating of two. He believed he, his family, and his property were at risk if that was not done. He pointed out his suggested rate structure was similar to how it was handled in the sewer utility. It would produce revenue and send the signal for the need for conservation as those who used the most water would pay the most.

Mayor Treece asked Mr. Conway if he could support any of these rate structures. Mr. Conway replied no due to the way the process had unfolded. The bond election had been held on August 7, and the final report from Raftelis was submitted to the City on August

27. He wondered how that could be and did not feel that was democratic since the citizens did not know the cost of service prior to the bond election. The failed process put them in a position to try to mold different water rate structures to produce the necessary revenue. The end result was an arbitrary change to create a Tier 3 by doubling Tier 2 and shaping it to produce the revenues.

Mr. Thomas asked Mr. Conway for his suggestion moving forward. Mr. Conway replied his suggestion was to take the FY 2017 water sold and the revenue needed to balance the FY 2019 budget and divide those two items. It would result in 31 cents, and the 31 cents could then be added to the \$2.79, \$3.91, etc. Anyone using ten percent of the water would pay for ten percent of the increase. This could be continued every fiscal year forward. He reiterated more training was needed for staff and the WLAB to move into a more sophisticated cost of service model that addressed irrigation. He commented that he was troubled, as an engineer, about living in a community that did not have the design criteria to account for the water demand caused by irrigation. If they let this continue, it would erode their ability to fight fires. He stated in the summer of 2016, he had received a notice of a boil order because the pressure was at 20 psi or below, and wondered what might have happened if there had been a fire event at that time. They needed to account for demand irrespective of trying to control it with timers and a schedule. He believed the fire flow of \$1.55 was also a flawed process.

Mayor Treece asked Mr. Conway if he had brought up those design standard issues when he had been on the WLAB. Mr. Conway replied yes. Mayor Treece asked about the staff response. Mr. Conway replied it was to get those people that irrigated on a different schedule.

Julie Ryan stated she was speaking on behalf of COMO Safe Water Coalition and noted some of the slides presented tonight had not been a part of the agenda so it was new information they had to try to process. She commented that she did not believe there had been any minutes of the comments made at the rate forum, so she wanted to relay the comments she had made then to the Council tonight. She referred to a UNC study entitled *Designing Water Rate Structures for Conservation and Revenue Stability* from February of 2014, which indicated utilities that expected the majority of their revenues to come from variable charges would struggle to recover costs. She pointed out irrigation was not metered and they did not have a process to meter it for new residential construction. She believed this was necessary to truly capture costs. She noted they were using the bond to pay for annual maintenance costs and to make up for delayed maintenance. In addition, they continued to refer to increasing the capacity at the water treatment plant in the discussions, but that was not the case. They were only restoring capacity that had been allowed to go into a very decrepit state. She wondered about the cost of service study and rate structures that Utility Financial Solutions had completed in 2015. To her knowledge, it fell in line with a lot of the other studies that had been paid for by ratepayers, but had not really been used to their full capacity. She noted the COMO Safe Water Coalition had provided comments to the City in terms of endorsing the approach of restoring capacity to the water treatment plant, but they had never supported what staff had brought forward. Two different reports, including the condition assessment by Black & Veatch in 2016, had provided a better option than what had been recommended. She commented that given the age and condition of the existing plant, relying on major unit processes of the existing plant would result in additional risk to the City and its customers. She stated they were talking about a public health risk with the approach the City had currently endorsed as part of the bond. She explained they believed they were entitled to infrastructure that was upheld with foresight and responsiveness to the numerous consultant reports that continued to be ignored or only minimally incorporated into planning. She noted the water bond had been formulated with a plan that had rejected recommendations from engineering firms. It utilized a Band-Aid mentality and gave little regard to water quality. She felt this should have started ten years ago, but they were too far behind now. She commented that they had been told an

11 percent increase with separate operational increases and thought she should be able to see those increases within the City budget in terms of transparency. She did not feel anything discussed tonight provided that. It was being mixed up again, which was not fair to them as ratepayers or voters, especially since this cost of service study had not been done before the bond had gone to the public for a vote. They would make the revenue highly dependent upon summer usage. She understood conserving water from irrigation was better for sustainability and relieving pressure on the system, but a portion of the rate would be based on increased summer usage, which included irrigation. She believed they were missing a vision. The staff had spent the last ten years avoiding the needed repairs of the water treatment plant while spending ratepayer money on consultant reports, and they still did not have a solid plan. She stated it was time for a comprehensive plan and for the rates, infrastructure, goal, and vision to come together as one. She did not feel they could make this happen with only pieces.

Kathy Doisy explained she was representing the Community Garden Coalition Board of Directors and noted the Community Garden Coalition was a small all volunteer non-profit organization, who since 1983 had been helping a wide array of Columbia gardeners grow their own food. She stated the Community Garden Coalition operated on a very small budget so they were concerned about the Tier 3 summertime water rate hurting them financially and causing them to not be able to meet the needs of their gardeners as effectively as they had in the past. She explained they cosponsored gardens with many other organizations, and for years, those organizations had very generously paid the water bills associated with those gardens. As a result, they were afraid that once they received their first water bill with the new Tier 3 rate structure, their generosity would go away. She understood the intent of Tier 3 was to moderate water usage by property owners that sometimes used as much as an inch per day on their lawns, and they felt it was unfair and unwise to punish community gardeners that had a very different mission. She pointed out community gardens helped people grow their own food while reducing the carbon footprint and stabilizing neighborhoods. In addition, they promoted friendships between some very disparate groups of people. She believed community gardens helped the City achieve its strategic plan goals by helping over 1,000 people, many of whom resided in the focus neighborhoods. She hoped the City would consider allowing irrigation hydrants used exclusively by community gardens so they could stay at the Tier 2 rate. She noted representatives of her Board along with representatives of the Columbia Center for Urban Agriculture had met with the WLAB in December, and it had been agreed at that time that City staff would review the possibility of establishing an agreement of a multi-family garden irrigation rate that would be provided to food producing community gardens that met certain criteria, which she listed. They were thrilled the City was even considering this possibility, but were concerned about the wording of one of the criteria which required the food to be shared with four or more families. She explained that while they encouraged gardeners to share their surplus produce, in some instances gardeners were simply trying to feed their own families and did not have much to share. She hoped staff would tweak that criterion to something like the food was grown by four or more families or was shared with hunger relief organizations as it would encapsulate the work of the Community Garden Coalition and the Columbia Center for Urban Agriculture. She stated they would be glad to work with the City in any way to try to ensure community gardens continued to flourish.

Billy Polanskey noted he was the Executive Director of the Columbia Center for Urban Agriculture and echoed some of the comments of Ms. Doisy he believed as it was an issue of health and equity in the community. He stated he was looking forward to helping to develop a community garden rate, but pointed out it would not address people who gardened at home. He explained it was easy to have an irrigation meter at a community garden or at the new agriculture park where they knew 100 percent of the water was being used for food production, but his organization worked with a number of home gardeners and many low-income home gardeners. They were families trying to get fresh

fruits and vegetables on the dinner table. In Boone County, 86 percent of the population did not eat five servings a day like they should, and gardening at home was a way to cut the cost barrier for families looking to live a healthier life. He pointed out that residential irrigation was the smallest in terms of cost of service recovery if they excluded the airport in terms of the overall water costs for the City. He asked the Council to consider the effect this could have on any family that wanted to garden, but especially low to moderate income families. Those people did not fit the mold of the community gardens, but it was an issue that would affect those that participated in their programs and those trying to meet the basic needs for their families.

Jay Hasheider, 1812 Cliff Drive, explained he wanted to address this issue from the perspective of climate change and as the Chair of the Mayor's Task Force on Climate Action and Adaptation Planning. He commented that the citizens had recently voted on a \$40 million bond issue, and about half of it would be used to bring the plant up to its capacity of 32 million gallons per day. When looking at water consumption over the last few years, it had either been level or in a small decline during the wintertime. Only in the summer did consumption increase, and it was only that usage that created the need for extra capacity. He noted he was not worried about these 32 million gallons per day, but was more concerned about the desire to increase it another 16 million gallons per day in another future proposed expansion. He explained the cost of service was not only being led to apply this bond issue, but also to what was being forecasted if they continued to subsidize irrigation. The implication of lawn irrigation in terms of the climate was pretty much all detrimental. Lawn irrigation used energy and lawns had a higher percentage of runoff in terms of stormwater than a natural landscape. Lawns were also less tolerant in droughts and did not provide for any biodiversity or create habitats for pollinators. One of the action items the Task Force was considering was to change water rates to encourage water use reduction. He thought the most cost-effective water rate reduction would be the high water use in the summertime, and this rate restructuring was the first step in getting there, whether it was the staff proposal with a follow-up phase next year or the full blown consultant proposal, which meant it would start now. He stated either would be satisfactory, and believed they really would need to consider it in terms of the long range resiliency of Columbia.

Mayor Treece asked Mr. Hasheider which proposal he supported. Mr. Hasheider replied he preferred the consultant's proposal, which was to put the price increase on Tier 3 this year, but noted staff had made some valid arguments for it to be done over a two year span as it would put them at the same spot this time next year regardless of which proposal was chosen. If staff came back with a Phase 2 as promised, he stated he would be satisfied.

Dick Parker, 215 W. Sexton Road, commented that the summer usage for water was much higher than the winter usage, and this was driven entirely by outdoor usage. By putting the cost of the treatment plant, the well system, and the maximum amount of water needed onto the rates across the board, everyone that was not in that approximate 15 percent using significantly more water in the summer was subsidizing those 15 percent. He stated he supported Mr. Hasheider's support of the consultant's proposal, which would raise the rates entirely during the first year because he believed the impact of that would have more of an effect on getting people to consider changing their behavior. If they raised rates slowly enough, no one would notice and past behavior would continue. About 50 percent of the cost of the overall structure of water produced and pumped to the City was due to summer usage. He pointed out that had not been addressed in the past, and if it had been addressed by placing the costs on those driving those costs, the water rates for everyone else would have decreased. This particular issue had provided the opportunity to raise those costs substantially and to bring that group closer to paying what they were costing the utility.

John Conway suggested they develop a water conservation plan and budget for it prior to making the water rate increase effective. He referred to the spreadsheet which identified

the capital improvement program for a five year period as \$350,000 per year was budgeted. He wondered how a water system of this size could sustain itself on \$350,000. He asked the Council to have the five year projection restated in that form for any water rate they chose to approve so they could see the cash flows, debt service, changes in the O&M, etc. every year.

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

Mr. Trapp asked if staff had a response to Mr. Conway's approach. Mr. Johnsen replied he had not reviewed it, but noted the current rate structure did not have a per unit approach now. There were increasing tiers depending on use. He stated there were different approaches, and the per unit approach was one. Mr. Trapp thought it would be difficult to implement a revolutionary change at this point in the process.

Mr. Trapp commented that change was always hard, and they had a fundamentally flawed system with the way they took in funds to pay for the water system. He stated water systems were almost all the cost of the pipe, plant, and system because the water came out of the ground, and it was a small piece of the price. As a result, maximum capacity drove the size of what was needed to build the pipes and the plant, and those costs had not been paid by the people that had been driving those costs through discretionary summer water use. As mentioned by Mr. Parker and Mr. Hasheider, this was an opportunity to place those costs on those that were driving it. He noted those rates had to be high because the discretionary use during 2-3 months out of the year was driving the size and cost of the system. He stated he liked the staff's approach since this was a sizeable change for those with heavy water uses and because it would send a strong pricing signal. Feathering it in over a couple of years allowed people to make changes. He thought they could have done a better job of getting ahead of this before the water bond, but believed they had a better product by allowing this to come later in the process. He commented that he had been contacted by the Spencer Crest Condominium Association, and unfortunately they had already put together their annual budget of water costs, which involved a pool and the green lawn approach, so a change would be difficult for them. He explained they sometimes created unintended situations when creating rate structures, such as the situation with community gardens, but noted he was heartened that they were looking at a community garden water rate. It made him feel better about supporting this measure. Unfortunately, they could not tell home gardeners apart in terms of use behaviors from those watering lawns where they could move to xeriscaping, native plants, etc. in an effort to conserve water. The only thing that made him feel better about that was that he was a low-income individual who was also a home gardener, and even under the current water rate structure he tended to weigh the costs and benefits in terms of how much water he wanted to put into his vegetable garden versus buying vegetables. He pointed out he had three 50-gallon rain barrels and watered with buckets. This had resulted in less productivity with his garden, but he had made the calculation that it was not worth it to pay it through the water bill. He stated he believed the change in the rates was good and necessary. He understood it would be painful for some users, but that was how they would change behavior and become more sustainable and equitable as a water utility.

Mr. Pitzer explained he had been a critic of this process for a while now. There were two fundamental parts to this. One was putting the cost where they thought it might deserve to go, and the other was fulfilling promises to the voters by doing what they had asked. If the process had worked correctly, those two issues would have been completely separate, as the rate structure issue could have been handled first and they could have then simply followed through with what they had told the voters they would do if they approved the bond. He agreed with the comment made that this process had failed, and believed a failed process would yield a failed result. He did not believe there was an easy way to move forward with a massive change in the rate structure, but felt any time they made a major decision, they needed to be confident that they were doing the right thing. Many questions had come up tonight in addition to the questions that had been asked

during the entire process. He stated he was not confident they were doing the right thing. He explained he was most concerned about the trust and faith the voters put in them as 82 percent of them had voted to approve the bond. He pointed out every piece of literature with that bond election had indicated an average 11 percent increase over four years. He understood the semantics of it being a revenue increase and not a rate increase, but believed there were likely only a handful of people that understood that when they had voted for the bond. He noted he had supported the bond and was glad it had passed as was needed to invest money in the water treatment plant, but felt they were at risk if they asked people to pay 20 percent more, 40 percent more, etc. when they thought their rates would go up three percent this year. He stated he would not support either of these options, and noted he had asked Ms. Thompson to prepare a couple of amendment sheets. One would allow for a three percent rate increase across the board. He understood it would not address some of the concerns and issues people had, but he also knew that they had to show the political courage to be able to raise the rates they said they would when they had the bond election in order to sell the bonds. He reiterated he was not comfortable replacing the voters judgement in August with their own judgement now on how the rates should be structured. The decisions should have been completely separate, and because they had not been, they were at this point now with a result that was not acceptable in his opinion.

Mayor Treece stated he agreed with Mr. Pitzer in that they were conflating the two issues. He noted they had a voter approved debt service obligation for which they could raise rates and believed there was a separate rate structure discussion that was needed. By doing both in one piece of legislation, it created a lack of transparency and undermined public confidence in what they had represented to them. He felt this could have all been avoided if what had been promised in the fall of 2017 had been followed or if they had received this information on time in 2018. He stated he was inclined to only pass the debt service rate increase, and maybe the debt and O&M rate increase, but noted he still had concerns as to why they were amassing so much cash over and above the cash reserve target. He believed they should have an adequate cash reserve target, and did not need cash reserve plus.

Ms. Peters asked if they were discussing not having a third tier. Mayor Treece replied he had not read Mr. Pitzer's proposed amendment, but he was suggesting they do the three percent plus the one percent as represented. It would be the one percent that had been in the budget process and the three percent that the City had represented to voters. He thought they should set aside the rate structure discussion, and noted he liked some of where Mr. Conway was going in that if they were trying to incentivize conservation, they should have a water conservation program that adequately informed the consumers of the expectations.

Mr. Skala stated he agreed the process had been flawed as the Raftelis report had come after the bond issue. He commented that he felt many of the recommendations made were legitimate as he believed there should be cost of service training, design standards for irrigation, and a five-year plan to track this, but he also believed there were things they needed to fix. Although he agreed it was incredibly difficult for people to understand there were two separate processes and that the 11 percent was not all there would be, he thought they needed to address the issue of driving capacity and the cost of service from the perspective of those that were driving that capacity. He stated he refused to allow everyone else to subsidize that behavior. He commented that his inclination was to support the consultant's original proposal with a caveat for the community gardens situation in an effort to catch up with some of the abuses causing the huge expenditures of money. He also felt a good deal of work needed to be done in terms of some of the recommendations to ensure they had a better future than the past had suggested with regard to how this had been handled.

Mr. Thomas commented that he agreed the costs should be applied to the capacity drivers, which included summer usage and new development. He explained he had data

for 2005-2014 whereby the water utility had spent \$18 million for capital expenditures, and this was separate from the water pipe construction within subdivisions mentioned earlier. It included capacity increases at the utility level. From that \$18 million, only \$7 million had been recovered from various connection and system equity fees, which was a recovery rate of 40 percent. As a result, 60 percent of that cost over that 10-year period had been subsidized by rates, and none of the rate structures suggested would address that issue, which he felt was a cost of service violation. He stated he had a problem supporting any of the proposals. He explained he liked the third tier idea and the individualized structure appeared to be a fair way to approach those costs. He noted he also liked the community garden amendment for the future in order to continue to encourage people to grow food and maintain their land in a way that was more sustainable for the community. He stated he also leaned more toward the staff's proposal to phase it in over time. He commented that he was concerned by the fact the differential rate impact had not been advertised at the time people voted in August as it created a problem in terms of trust in the government.

Mr. Pitzer made a motion to amend B11-19 per the amendment sheet with a three percent across the board increase. The motion was seconded by Mayor Treece.

Mr. Pitzer stated a slide in the presentation had shown a debt increase without an O&M increase in FY 2019 and it had indicated they would be in fine shape for FY 2019. They could then reevaluate the revenue needs of the utility going forward. He explained he did not envision this as a permanent solution, but was a solution for now, and they could continue to evaluate the financial needs of the utility while having a policy discussion as to how the rates should be structured separate from the issue of trying to recover the revenue necessary to pay for the bonds approved by the voters.

Mr. Trapp commented that the proposed amendment would not address conservation and flew in the face of their commitment to address issues around climate change and sustainability. He thought it was important that the amendment not pass. He explained they had lower income individuals subsidizing higher income individuals with heavy lawn watering needs, and that needed to be corrected.

Mr. Skala felt they would need to reevaluate this as the data came in as they were operating with incomplete data, but noted he was still inclined to support the recommendation of the consultant.

The motion made by Mr. Pitzer and seconded by Mayor Treece to amend B11-19 per the amendment sheet with a three percent across the board increase was defeated by roll call vote with Mr. Pitzer and Mayor Treece voting yes and Mr. Thomas, Ms. Peters, Mr. Ruffin, Mr. Trapp, and Mr. Skala voting no.

Mr. Pitzer made a motion to amend B11-19 per the amendment sheet with a four percent across the board increase. The motion was seconded by Mayor Treece.

Ms. Peters understood this would be four percent on Tier 1 and Tier 2, and there would not be a Tier 3. In addition, she understood this was only for one year, and asked if it would come back before the Council during the budget discussion in the fall. She also felt they would have to address the rate structures and wondered if that would happen when they discussed the FY 2020 budget or some other time. Mayor Treece stated he thought it would be up to Council. He commented that he looked at the four percent as the one percent that had been approved as part of the budget cycle and the three percent the voters had approved as it would allow them to sell the bonds and begin those projects.

Ms. Peters understood this addressed the bond issue, but not the water consumption issue. She wondered when that could be discussed, and if it would be in three or five years because of the rate increases identified with the bond. She asked Mr. Pitzer if he thought they should not discuss it for 4-5 years. Mr. Pitzer replied he thought it was their prerogative to have that discussion, but he felt it should be separated from the issue of

this particular rate increase. If they approved this amendment, they could then discuss it next month, during the summer, or whenever they wanted. He noted he envisioned a scenario where they restructured the rates so it was essentially revenue neutral to the utility overall, and they could then raise rates three percent for FY 2020. Ms. Peters stated she did not see the difference between doing it in the future versus now. Mayor Treece commented that he saw value in separating the two issues. If they were going to restructure the rates and then incorporate the same rate increase, he thought they should have presented it to the voters prior to the ballot issue. Since they had not, it seemed sneaky to adopt the voter approved rates at the same time they were adopting a rate structure change.

Mr. Trapp commented that based on Mr. Pitzer's argument, he did not believe this could be addressed until they had another bond election and put forward those rate increases. He stated he had been a part of the bond committee, and they had discussed the fact individual rates would vary. In addition, there had been discussions with in the Integrated Water Resource Plan about a third tier rate. He thought they had to reject this amendment like they rejected the one for three percent due to questions of equity and sustainability.

The motion made by Mr. Pitzer and seconded by Mayor Treece to amend B11-19 per the amendment sheet with a four percent across the board increase was defeated by roll call vote with Mr. Pitzer, Ms. Peters, and Mayor Treece voting yes and Mr. Thomas, Mr. Ruffin, Mr. Trapp, and Mr. Skala voting no.

Ms. Peters asked if they needed to discuss whether they should go with the staff recommendation or the consultant recommendation. Mayor Treece asked which had been included in B11-19. Mr. Glascock replied it was the staff recommendation.

Mr. Skala made a motion to amend B11-19 per the rate recommendations of the consultant. The motion died for the lack of a second.

B11-19 was given third reading with the vote recorded as follows: VOTING YES: PETERS, RUFFIN, TRAPP, SKALA. VOTING NO: THOMAS, PITZER, TREECE. Bill declared enacted, reading as follows:

PH2-19 Voluntary annexation of the City-owned water treatment plant property located on the north side of Route K (6851 S. Route K) (Case No. 41-2019).

PH2-19 was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked why they would do this. Mr. Teddy replied it was City-owned property, and the feeling was that it was not only part of the utility but it was the main facility of the water utility. There was an opportunity to annex it so why would they not have it within the city limits. He pointed out it was within the City's service area. Mr. Thomas asked when the City had taken ownership of the property. Mr. Teddy replied he was not sure. Mr. Thomas asked when the water treatment plant had been built. Mayor Treece understood it had been built in 1973. Mr. Thomas asked if it had not been contiguous with the city limits at that time. Mr. Teddy replied it had been contiguous for a while and described the area utilizing a diagram that was displayed. Mr. Thomas asked if this process would make a difference as the City did not pay property tax. Mr. Teddy agreed it was revenue neutral. It would create the opportunity for additional annexation, but not the obligation.

Mayor Treece opened the public hearing.

John Conway, 4902 Thornbrook Ridge, commented that when looking at this parcel and its annexation, he thought he should look at the financial statements to determine any impact. He referred to a handout he had provided during the prior discussion and explained they would generate revenue of \$709,000 to pay a \$340,000 payment. He

noted it was a fairly large gap and wondered how it would be used. There being no further comment, Mayor Treece closed the public hearing.

VI. OLD BUSINESS

B1-19

Approving a major amendment to the screening and landscaping plan along a portion of the southern boundary of the existing University Subaru (formerly University Chrysler) Planned Development Plan located south of I-70 Drive Southwest and Aspen Drive (1200 I-70 Drive SW) (Case No. 18-182).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked Mr. Teddy if he had an assessment of the property ownership issue. Mr. Teddy replied he did not. He explained the City did not have a paper trail that would be conclusive. The fence had not been a part of the original buffer requirement. It had been erected at some point in the history of the ownership of the property, and potentially by a previous owner of the car dealership. He pointed out the City did not require permits for fences. Mr. Thomas asked if they had looked at the Boone County Assessor's website. Mr. Teddy replied the staff went by the public record, i.e., the platted lines on the map. Mr. Thomas asked what that had shown. Mr. Teddy replied it had shown that the property was part of the University Chrysler subdivision. Ms. Thompson stated the City had not made any determination as to whether or not this property would go with the landowners that were pursuing litigation and a quiet title action or the applicant. She commented that if the Council wanted some assurance it was not weighing in on that property line dispute, she would suggest an amendment per the amendment sheet she had just handed out. It would ensure any action taken by Council in authorizing or denying the plan amendment would not make a determination as to the property boundary since that was still in dispute.

Mr. Skala asked if the improvements to the property were consistent with restoring the fence and bringing the property up to Unified Development Code (UDC) standards. Mr. Teddy replied he did not believe the content of the buffer was in any kind of dispute. It would be an 8-foot tall solid fence and the vegetation would be over a ten-foot depth. It was only a question of where.

Mr. Pitzer asked if this required a two-thirds affirmative vote or a majority vote. Ms. Thompson replied it required only a simple majority vote and explained the notation on the agenda had been placed in error.

Mr. Pitzer asked if there was any history they could look at or other cases Ms. Thompson might know of where there was a lawsuit filed in some sort of action such as this. He wondered if they should even consider the presence of that lawsuit. Ms. Thompson replied she did not have any guidance. She noted this was a unique situation, which was one of the reasons she had deemed it to be prudent to add the language she had mentioned previously as it would ensure the Council was not weighing in on the legal issues related to adverse possession that had been filed. If the applicant tried to use this PD Plan as support for their argument in that lawsuit, it would be inappropriate. She stated she had tried to make it clear with the amendment that the Council was not weighing in on that litigation.

Mr. Pitzer asked if the applicant would be required to reinstall the fence if this plan amendment was denied. Mr. Teddy replied there was not a fence requirement on this property at that location. In about 2003, there had been an addition to the body shop and the building of a parking lot, and a solid fence was located in that area. In addition, on the inside of the solid fence were some tall cedar trees that ran to the bottom of the overhead utilities. That buffer had been required by an ordinance applicable to that

portion of the property. Mr. Pitzer understood if this were denied there would not be a buffer between the commercial and residential property. Mr. Teddy stated they could not find evidence that a fence had ever been required as part of the buffer. He explained it had been a different philosophy then, as the buffer was all vegetative.

Mr. Pitzer asked if the Utility Department had weighed in on where they wanted to see a fence if there was one due to the utility easement there. Mr. Teddy replied he thought they had been consulted, but was not aware of their comments. Mr. Williams explained the City tried to work with property owners in terms of right-of-way maintenance. All they would request was that any comments issued through the building and platting process be adhered to and that they have the ability to access the right-of-way.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and stated they were okay with adding language to the ordinance indicating this decision had nothing to do with the pending litigation. He noted he took slight issue with the last sentence because it indicated the ordinance would be null and void if a court found the property was not owned by his client. If that sentence was only applicable to the property to which a court had made that determination, he thought it would be fine and would make sense. He was concerned with it being applicable to the entire plan because they would then not have a compliant plan for the rest of the property. Ms. Thompson explained it did not apply to the entire plan. It only applied to the major amendment. Mr. Hollis stated he believed it would apply to all six property owners. If it was merely as to any property a court made a determination that ownership was not under D&D Investments of Columbia, the sentence would be fine, but otherwise they would have a fence in place without a plan in place for the fence. He felt that could be a problem in terms of financing. He asked for a change to the last sentence.

Mr. Hollis referred to a diagram in his handout entitled "Fence Along Boundary - Hunt to West" and commented that the fence along the boundary effectively ran all of the way from Hunt Avenue to West Boulevard, except for the very small bracketed area, which was the area at issue today. He noted their goal was to build one in compliance and in alignment with the rest of the fence. It was stated in the concept review that the utilities would be much easier to reach if they could be reached from the side of University Subaru as opposed coming through yards. He understood some of them might have received correspondence from 5-6 neighbors, and noted they were in litigation with two of the neighbors. He commented that if the Council's decision with respect to land use was contingent upon what was taking place outside of its purview, it could be hindered indefinitely because litigation could come and go. There were two cases now, but they could have six tomorrow, and this could go on for years. It was not something he believed they wanted to attempt as an endeavor. He thought another very important matter was the precedent that would set as anyone in opposition to a proposed development could try stopping it by filing a lawsuit. He believed it was proper to consider that D&D Investments of Columbia was the record owner and that they were out of compliance per staff. He stated they were attempting to be in compliance and encouraged the Council to support approval of their request.

Mayor Treece asked Mr. Hollis if they had surveyed the property recently. Mr. Hollis replied he thought it had been done within the last five years. Mayor Treece asked if the pins reflected where they were proposing to place the fence. Mr. Hollis replied yes. He noted the survey had been consistent with the plats that had been in existence. There was not any dispute with respect to the record property owner pursuant to the surveys, deeds, and plats.

Mr. Ruffin commented that it seemed that the new fence would line up with an existing fence that went all of the way to West Boulevard based on one of the photographs shown. Mr. Hollis stated that was correct. Mr. Ruffin understood the new fence would remove about ten feet from the six back yards, and asked if that was true. Mr. Hollis replied that was incorrect. Mr. Ruffin understood they would not lose any property. Mr. Hollis stated that was correct. He explained the fence as proposed on the plan would go on the

property line identified in the public record, on the surveys, and on the plats. Mr. Ruffin asked again if the fence would connect with an existing fence. Mr. Hollis replied yes.

James O'Neill, 1211 London Drive, explained the fence had been removed in July without any notification to the property owners. The fence had not been in any state of disrepair, and it had been there for 20-25 years. Various different property owners had taken care of that ten foot area as a part of their yards. He stated they had been under the impression it had been City property, and knew they had been in trespassing-mode, which was part of the requirement for adverse possession. He commented that subsequently they had done some significant landscaping in the area. He noted the plan would not take into account the last two properties, 1211 London Drive and the property to the west, in terms of the retaining wall. In addition, the plan misrepresented the locations of some of the utilities. He stated they had not had a problem in the past with the City accessing the utilities to do various things, and pointed out the City had contacted them to access the property. He asked the Council to deny this to allow the courts to determine the location of the property line as had been done by the Planning and Zoning Commission (PZC). He noted they would lose several years of mulch and landscaping.

Mayor Treece asked Mr. O'Neill how long he had lived there. Mr. O'Neill replied he had lived there eight years, but that the fence had been there for about 25 years. He pointed out the same type of fence went all of the way around the neighborhood, and there had been no need for the fence to be removed. He noted it had to be cut down when it had been removed.

Mayor Treece asked Mr. O'Neill if the property had been surveyed when he had purchased the house. Mr. O'Neill replied his wife had purchased the house prior to his moving there and he was not sure about a survey. He explained they had been under the impression that the area was an easement that belonged to the City. They had not known it was part of the University Chrysler property.

Jeremy Govero, 1119 London Drive, explained his property was one that was in dispute. He commented that one of the PZC members had questioned the rush for this, and he agreed. He did not believe there was a rush to get this done. The only reason this was necessary was because they were out of compliance, and the only reason they were out of compliance was because they had cut down a fence that had been there for 20-30 years. It was a fence that had encapsulated the entire neighborhood except for a brand new section a bit further to the east. It was the fence that established property lines that people had worked off of until they had cut it down without any warning even though they all had children, dogs, and other pets. He understood the plan was to move the fence ten feet into their yards, and what had not been discussed was the trees. A lot of old vegetation and large trees had been there for a long time creating a buffer between their properties and Interstate 70. They now had trash blowing in and people wandering through their yards. This was all because they tore down the fence, and the issue was being addressed in court. He understood zoning rules had changed over time, and in the old days a fence along with vegetation was required for a buffer. He believed they would win the adverse possession lawsuit, and felt the reason the applicant was before the Council today was to leverage them in an effort to cut down the trees and move the fence prior to the judge making a decision. He again questioned the rush of why a vote was needed now.

Mayor Treece assumed Mr. Govero was represented in the adverse possession lawsuit, and asked if his attorney had ever asked if he wanted to pursue a stay or injunction against the City from ruling on this plan amendment. Mr. Govero replied he did not know. He noted they had a restraining order to ensure no one from the company could step foot on the property in question. As a result, even if the Council approved this, a fence could not be built until the court made a decision.

Mayor Treece asked if there was a restraining order or stay against the City from making a decision. Ms. Thompson replied she had not received anything. Mr. Govero stated he

did not believe there was one against the City. He noted they had worked with the City for years in terms of tree trimming, etc.

Mayor Treece asked about the time table on the lawsuit. Mr. Govero replied they had been in front of the judge twice now. He thought they would soon provide depositions and believed there would be a ruling after that.

Mr. Ruffin asked Mr. Govero when the depositions would be done. Mr. Govero replied he did not know, but pointed out his deposition would occur in a couple of weeks.

Mayor Treece asked Mr. Govero if he had ever had his property surveyed. Mr. Govero replied no.

Mr. Skala understood there was not a lot of controversy with regard to landscaping or some of the large trees. Mr. Govero replied that was not true, and noted they would remove the landscaping and cut down the trees, which provided a buffer between them and the highway.

Mr. Ruffin understood Mr. Govero would be happy if they just put the fence back since it had been removed. Mr. Govero stated that was correct. He commented that he was not sure why the fence needed to be moved because a ten foot buffer was required so they could not park any cars in that location.

Mr. Pitzer asked Mr. Govero how long he had lived at this property. Mr. Govero replied a little over four years. Mr. Pitzer asked if he owned the home. Mr. Govero replied yes. Mr. Pitzer understood he had not had it surveyed when he had purchased it. Mr. Govero stated that was correct. He explained he was a real estate broker and had been one in Missouri since 2003 so he had experience in real estate and did not see any need to obtain a survey on this property as there had been a very established property line with a 20-plus year old fence. Mr. Pitzer asked how many of his trees were within that 10-foot buffer. Mr. Govero replied about six. Mr. Pitzer asked if they were in the photo shown. Mr. Govero replied they could be seen in the photo, and noted they were directly under the line. Some were even at the height of the lights. Mr. Pitzer asked when the fence had been removed. Mr. Govero replied it had been removed in July. Mr. Pitzer understood there had not been a barrier of any kind since July. Mr. Govero stated he thought they had put up some temporary fencing in some spots, but not his due to the restraining order. He noted he had put up his own temporary fence to keep his animals on his property. He explained he had been in San Francisco on a business trip when he had received a call from his pregnant wife that there was no longer a fence so he had been forced to end the business trip to come home to take care of that so they could let the animals out since she could not do it. Mr. Pitzer commented that there did not seem to be rush to build a fence since it had been 7-8 months.

Mayor Treece asked for the minimum number of years necessary for adverse possession. Mr. Govero replied ten years. He explained there was also a legal precedent for tacking that involved previous owners of the property. The gentleman that had owned the property before him had owned it for ten years, and was being deposed for this issue. Mr. Pitzer asked if the previous owner had surveyed the property. Mr. Govero replied he did not know. Mayor Treece asked if the previous owner had represented that was a part of the property when he sold it. Mr. Govero replied yes. It was the understood property area and there had not been any reason to not believe it would be a part of the property.

Lloyd Viehland, 1203 London Drive, stated he supported the comments of Mr. O'Neill. The fence in its original form had been there for years, and had been consistent all of the way through. He noted he, Mr. O'Neill, and the other four property owners had all assumed the property in question was the back of their yards. He stated he had installed a metal fence on the backside of his in case something happened to the wooden fence because he had not wanted his dog to runoff. He explained it had just been an insurance policy for him to do so. He commented that he had placed a flower garden back there under the trees because he had assumed it had been a part of his yard. The worst part of this situation was the fact they had not been properly notified. Of the six property owners, two of them had pets and one had children, and when they had come home that

night, they had no protection for their children or their pets. Two days after the fence was removed, a person had ridden a bike down his neighbor's driveway and yard to the Subaru property, and a couple days after that, two more people had come from the Subaru property to London Drive through their yards. They had been impacted by the fence being removed in terms of privacy and security. He noted it had been discouraging and that the Subaru property owners could have simply replaced the fence immediately after it had been removed as they would have continued to have taken care of the property as had been done previously. He pointed out they advertised that they were community minded, and if that was the case, he thought they should put the fence back up.

Jade Govero, 1119 London Drive, stated she was the former President of the Highland Park Neighborhood Association and echoed the comments of the prior speakers. She asked the Council to vote no because the plan was not neighborly. She and her neighbors had care and concern for one another, and this plan did not reflect that. She again asked the Council to vote no.

James O'Neill, 1211 London Drive, pointed out the area outlined in yellow on the diagram was greatly exaggerated. He pointed out the cars were about ten feet in size. Mayor Treece asked how much of the property was in dispute. Mr. O'Neill replied ten feet in front of the back of the cars. In addition, it was hard to see the foliage due to the yellow line.

Mr. Ruffin asked why the fence had been removed in the first place. Mr. Hollis replied it was dilapidated and had been falling down on a regular basis. He noted the property owners had met with D&D Investments about a year ago with regard to the fence being dilapidated and needing to be removed and replaced. He commented that it had been a mistake to not give notice sooner and closer to when the fence was removed, but it should not have been a surprise since it had previously been discussed.

Ms. Peters asked Mr. Hollis if there were a number of trees that would have to be removed or put in jeopardy in order to install the fence. Mr. Hollis replied it was not the intent to cut down all of the trees, and pointed out the landscaping plan actually said that trees of a certain size that could be saved would be saved and would count toward a total of 24 trees. He commented that to the extent they did not have to be removed, they would not be removed. He noted he was not sure how many would actually have to be removed. He reiterated it was not their goal to cut down a tree because they would then have to plant another one.

Ms. Peters understood the fence had been removed because it was dilapidated and needed to be removed anyway, and they then just wanted to place it on the property line. Mr. Hollis stated it was not just wanted. When it had been removed, the applicant had not been aware that a PD plan was in place. After meeting with staff and going through the proper channels to build a fence, his client had found out it belonged on the property line as that was what the ordinances stated. There had not been a plan to do that, although it made sense to be in line with the rest of the fence and on the property line. He reiterated there was an ordinance that indicated that it had to be done in order to be in compliance.

Mr. Skala understood they were precluded from putting the fence back to where it had been in the first place by City ordinance. Mr. Hollis stated that was correct.

Ms. Thompson asked Mr. Teddy to clarify that statement from the standpoint of the City Code. Mr. Teddy replied it was not illegal to put up a fence, and the City did not require a permit for fences. He explained there had been a buffer that had gone back many years that had been vegetation only, and in about 1983, they believed a section of fence had been built across this strip. He reiterated the City would not prevent someone from constructing a fence in another location.

Mr. Pitzer asked about non-compliant fences. Mr. Teddy replied the fence would have to meet property maintenance code. Mr. Pitzer stated he thought the City Code required the fence to be placed on the property line. Mr. Teddy explained that if it was done as a Type 3 buffer, landscaping was required on the applicant's side of the fence. In this

situation, they were discussing just replacing the fence they had removed in that location, and he did not believe the City would have gotten in the way of that.

Ms. Peters asked for clarification. Mr. Hollis replied when this had been brought to the attention of City staff, they had indicated a PD plan was in place, and in order to be in compliance with the PD plan, they had to amend the PD plan to construct the fence. Mr. Teddy clarified that was the case if it was in a different location with new vegetation. Mr. Hollis commented that it would be placed on the property line because that was what the ordinances required. He stated they could argue no fence was required if they wanted as Mr. Teddy rightly said, but it was not clear and they had chosen not to make that argument because the neighbors wanted a fence. He noted the applicant also felt a fence made sense. The question was about the location of the fence, and the ordinances indicated the fence should go on the property line. He agreed it would not be illegal to place the fence elsewhere since a permit was not required, but they would also not be in compliance with the PD plan, and arguably they had not previously been in compliance due to the location of the fence.

Mr. Teddy clarified a fence had been located at the edge of the parking lot, and if the concern was that it was dilapidated and needed to be replaced, it could have been replaced at the same location as it would have been considered a maintenance action.

Mr. Skala asked if there was any way this body could deal with a variance or an exception to the PD plan in an effort to satisfy placing the fence back where it had been previously. He wondered if there was something the Council could do. Mr. Teddy replied he thought they could vary the standard. He commented that they were citing the current Code as a way to qualify this as a buffer that met current standards. If this had been a new development with a commercial parking lot that needed to be screened from existing residential property, the way they had proposed it would be the way they would have approved it, i.e., the vegetation should be on the applicant's side of the fence.

Mayor Treece commented that he thought a better way to look at this was to determine if there would be any barrier to granting this amendment if there was not a property dispute happening. The corollary to that was that the City did not get involved in property disputes, and he was not sure it was the job of Council to save the property owner from himself if he wanted to build a fence at his own risk knowing a court might rule the property did not belong to him.

Mr. Thomas made a motion to amend B1-19 per the amendment sheet provided by Ms. Thompson that evening. The motion was seconded by Ms. Peters.

Mr. Pitzer asked if they had decided if the amendment sheet needed to be amended. Ms. Thompson replied she did not believe it needed to be amended.

The motion made by Mr. Thomas and seconded by Ms. Peters to amend B1-19 per the amendment sheet provided by Ms. Thompson that evening was approved unanimously by voice vote.

B1-19, as amended, was given third reading with the vote recorded as follows:

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

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

B12-19

Authorizing a storage lease agreement with Ishams Ordinary, LLC for the use of a City-owned storage building on Columbia Terminal Railroad (COLT) right-of-way near Fay Street.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

B12-19 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

- B15-19 Appropriating and transferring funds to the Mayor's Task Force on Bicentennial Celebration Planning for the 2021 Columbia Bicentennial planning efforts.

The bill was given second reading by the Clerk.
Ms. Schneider provided a staff report.

B15-19 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

- B3-19 Approving the Final Plat of "Jefferson Middle School, Plat No. 1," located on the northeast corner of the Rogers Street and Fifth Street intersection (713 Rogers Street); granting a design adjustment relating to a reduced utility dedication (Case No. 05-2019).

The bill was given second reading by the Clerk.

Ms. Peters understood the plan was to construct a gymnasium and there was a need to combine the lots, and asked if there were adequate utilities, specifically with regard to stormwater due to the expansion. Mr. Teddy replied the PZC allowed for public comments on plats, and several speakers had cited stormwater as a concern. He noted stormwater infrastructure and its adequacy was different than items such as sewer capacity whereby one could evaluate the flow of the building because it had plumbing connected to the system. With stormwater, it was a question of whether the storm sewers and drainage ways in the vicinity could support any additional impervious surface, and this would not be known until they saw building plans. As a result, it could not be evaluated. He stated there had been questions at the PZC meeting with regard to a CIP project that was focused in two areas of this vicinity, which included Hickman Drive as a 3-5 year project. He noted the City recognized more than one property was contributing to stormwater, and explained they would coordinate a Columbia Public School project with that capital project to ensure nothing they did frustrated the purpose of that project or set it back in some other fashion.

B3-19 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. 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.

- B2-19 Changing the uses allowed within Spring Creek - Phase 2 - C-P Development Plan located north of Vawter School Road and east of Scott Boulevard; approving a revised statement of intent (Case No. 26-2019).
- B4-19 Approving the Final Plat of "Paris Road Park Plat No. 1," located on the west side of Paris Road (4501 Paris Road); authorizing a performance contract; accepting a conveyance for tree preservation purposes (Case No. 8-2019).
- B5-19 Approving the Final Plat of "Creeks Edge, Plat No. 5," located on the west

side of Scott Boulevard and at the terminus of Stonington Drive; authorizing performance contracts (Case No. 22-2019).

- B6-19 Approving the Final Plat of "Copperstone Plat 7B," located on the east side of Copperstone Court (4602 and 4604 Copperstone Court) (Case No. 15-2019).
- B7-19 Authorizing construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road; calling for bids through the Purchasing Division.
- B8-19 Authorizing the acquisition of easements for construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road.
- B9-19 Amending Chapter 14 of the City Code to establish two-hour parking on the north side of Elm Street between Tenth Street and Hitt Street.
- B10-19 Amending Chapter 14 of the City Code to change the speed limit on a portion of Stewart Road, between West Boulevard and Providence Road.
- B13-19 Authorizing a contract of obligation with the Missouri Department of Natural Resources to satisfy financial assurance requirements for proper closure and post-closure care with respect to a permit for operation of a solid waste disposal area.
- B14-19 Accepting conveyances for sewer and temporary construction purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B16-19 Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to cancel and remove the EnerGov "Bid Management," "Decision Engine" and three (3) "Food Inspections" software modules.
- R6-19 Setting a public hearing: voluntary annexation of property located on the southeast corner of the Highway 163 and Route K intersection (Case No. 46-2019).
- R7-19 Authorizing various Adopt a Spot agreements.

R8-19 Approving amendments to the FY 2020-2024 Consolidated Plan - Citizen Participation Plan.

R9-19 Authorizing a special event operations agreement with Ragtag Film Society for the 2019 True False Film Festival.

R10-19 Adopting legislative tracking priorities for the 2019 federal and state legislative sessions.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: THOMAS, PITZER (except for R7-19 on which he abstained), TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: PETERS (Ms. Peters had stepped out of the meeting during this vote). Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

R11-19 Amending Resolution No. 171-17 which established the Mayor's Task Force on Bicentennial Celebration Planning to add four (4) additional task force members.

The resolution was read by the Clerk.

Mayor Treece explained he had asked for this at the prior council meeting because the Chair of the Task Force had requested additional representation due to the workload and in order incorporate representatives from the Sharp End Committee.

Mr. Trapp recommended trying to grow some fundraising capacity. He understood a consultant would be hired, but thought that characteristic in citizen volunteers would be helpful. Mayor Treece agreed.

The vote on R11-19 was recorded as follows: VOTING YES: THOMAS, PITZER, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: PETERS (Ms. Peters had stepped out of the meeting during this vote). Resolution declared adopted, reading as follows:

R12-19 Authorizing an agreement for professional services with Cooperative Personnel Services, d/b/a CPS HR Consulting, to conduct the city manager search process.

The resolution was read by the Clerk.

Ms. Buckler provided a staff report.

Mayor Treece commented that after interviewing the finalists, the Council had reached the consensus that this firm had a superior citizen engagement process. He thought they had all been impressed with their attitude of frugality as well. He noted they had done previous work with the City in terms of the employee satisfaction survey, which might yield some additional insight.

Mr. Skala stated he felt this firm was a different kind of beast as they were similar to a non-profit entity dedicated to municipal solutions.

Mayor Treece explained if they adopted this resolution tonight, they would later communicate a time table for public input, etc.

The vote on R12-19 was recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R13-19 Accepting the Neighborhood Traffic Management Program 2018 Year End Report Summary; authorizing staff to complete the public improvement process for the proposed installation of traffic calming devices on William Street, Primrose Drive and Rain Forest Parkway; authorizing staff to pursue traffic calming projects on Smith Drive, North William Street, Hinkson Avenue and Holly Avenue.

The resolution was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Trapp commented that Holly Avenue was an unimproved road and asked if there were any design differences with the speed humps. Mr. Stone replied staff would look at it from the perspective that it would eventually be improved, but that there was not any current funding for it, and that would be taken into context as part of the planning process. Since it was unimproved, there would be some difference in the speed humps. Mr. Trapp understood it would be different, but it could still be done.

Eugene Elkin, 3406 Range Line Street, stated he often drove on Holly Avenue, and wondered if the City could roughen some of the surface rather than installing a full hump until that did not succeed in solving the problem. He referred to the shoulder and center lines on I-70 as an example since it created a noise when someone traveled into those areas as he was concerned about the number of front ends that would be damaged due to speed humps.

Mr. Thomas understood there were about 100 projects on the list and had recalled only about 50 projects on the list when the program had started about five years ago. It appeared ten projects were being added to list every year while they were only completing about 3-4. As a result, he thought more funding was needed for the program, and asked if that was correct. Mr. Stone replied it was more an issue of capacity of staff time. The good news was that the projects that had been added this year involved those where people had taken the initiative of getting with their neighbors to ensure there was interest and where streets had been constructed prior to the current street standards. Only two on the list had been constructed since the adoption of the 2004 street standards. He thought that meant there would eventually be fewer streets on the list. He pointed out an individual street might be on the list twice too due to the character of the street.

Mr. Thomas stated he liked this program and the way staff gathered data to set priorities.

Mr. Stone noted they did not have the mechanism to take something off of the list if the speeds were not showing significant issues. Those streets just tended to score lower than others.

Mr. Thomas pointed out they had changed the speed limit on Stewart Road from 30 mph to 25 mph as a part of the consent agenda, which brought it down to just five mph above the recommended speed for going over the speed humps. He stated that seemed logical and thought there had been a lot of neighborhood support for reducing the speed limit. Mr. Stone explained that had been based on follow-up information as they had changed the characteristic of the roadway and had gotten lower speeds.

The vote on R13-19 was recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

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

B17-19 Amending Chapter 11 of the City Code relating to landscape management.

- B18-19 Amending Chapters 4 and 24 of the City Code relating to the regulation of downtown sidewalk cafes.
- B19-19 Amending Chapter 29 of the City Code relating to accessory dwelling units (Case No. 35-19).
- B20-19 Rezoning property located on the west side of Scott Boulevard and the north and south sides of Smith Drive from District PD (Planned Development) to District M-N (Mixed-Use Neighborhood), M-C (Mixed-Use Corridor) and R-MF (Multiple-Family Dwelling) (Case No. 24-2019).
- B21-19 Authorizing a landscape maintenance agreement with Columbia Real Estate, LLC for the design, installation and maintenance of private landscaping and irrigation systems within a portion of City-owned property located on the southeast corner of the intersection of Providence Road and Broadway.
- B22-19 Appropriating funds received from donations and miscellaneous revenue to the Parks and Recreation Department.
- B23-19 Authorizing a memorandum of understanding with the Missouri State Highway Patrol relating to the temporary relocation of aircraft in the event of an emergency.
- B24-19 Appropriating funds for the Share the Light Program for the purchase of smoke alarms and carbon monoxide alarms to be distributed to low income residents.
- B25-19 Authorizing a second amendment to the agreement with The Curators of the University of Missouri for physician services.
- B26-19 Authorizing an agreement with Boone County, Missouri for public health services.
- B27-19 Authorizing an agreement with Boone County, Missouri for animal control services.
- B28-19 Authorizing the City Manager to execute a grant of easement for water

utility purposes to Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the relocation of a water line along Route H near the Columbia Regional Airport.

X. REPORTS

REP3-19 Downtown Community Improvement District (CID) Board of Directors - Membership Change Due to Resignation.

Mayor Treece explained he would make this appointment at the next meeting.

REP4-19 City of Columbia adoption of Missouri minimum wage for calendar year 2019.

Ms. Buckler and Mr. Griggs provided a staff report.

Mr. Trapp stated he felt that was a thoughtful response.

Mayor Treece commented that he supported the minimum wage increase and did not feel government should exempt itself from what was expected of the private sector.

Mr. Griggs explained they did not have the money in the budget to accommodate these increases so they would have to cut some operating costs. As a result, they might not open some pools as early on Saturdays or would close earlier some evenings. The C.A.R.E. program would likely be most impacted whereby they would reduce the number of job coaches and kids so instead of being at a 200 or 203 average, they would be at 188 or 185 kids.

REP5-19 Utilization of funding allocated for after-hours transit service.

Mr. Nichols provided a staff report.

Mayor Treece asked if everyone was comfortable with how this would be handled. No one expressed a concern.

Mr. Trapp thought it would be nice to have this.

REP6-19 Missouri Quality Award (MQA) Progress Report to Council.

Ms. Rhodes provided a staff report.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Treece commented that they had approved a resolution adding four more slots to the Mayor's Task Force on Bicentennial Celebration Planning, and noted he would appoint Barbrea Horrell and Laurie Kingsley to the Task Force. He stated that left two other slots for appointment in the future.

Mayor Treece understood there was the potential for another weather event later tonight and complimented City staff for the snow recovery efforts over the prior weekend. He noted they had plowed and treated over 1,318 miles and had distributed 751 tons of salt. It had involved over 2,200 staff hours, which did not include the Parks and Recreation Department staff numbers. He stated 49 crew members from the Public Works Department, 30 Utilities Department staff, 28 Parks and Recreation Department staff, and 9 staff members from the Contact Center, who were fielding a record number of phone calls, had been involved. He understood about 9,000 Columbia Water and Light customers had been without power, and that power had been restored to them all by Sunday afternoon due to City crews, mutual aid crews, and a couple of contract crews. He commented that many other essential City workers, such as people from the Public Health and Human Services Department and the Community Relations Department, had also assisted. He stated he thought it had been a very effective operation, and

congratulated the staff.

Mr. Thomas stated he wanted to reinforce Mayor Treece's comments of congratulations in managing a very significant snow event. He stated he had fielded quite a few phone calls and had passed on information along with requesting information, and everyone had been very responsive. He thought it had all been handled in a fair and efficient way, and had been excellently executed.

Mr. Thomas commented that he had received a request for the Solid Waste Division to do a special pick-up of tree limbs and tree debris, similar to what they did with Christmas trees so everyone did not have to chop the limbs into four-foot lengths.

Mr. Thomas noted it appeared as if some cul-de-sacs had been marked on the interactive map as having been plowed before they had actually been plowed per comments he had received. He gave Topaz Drive, the section of Rollins Road, just west of West Boulevard, Fieldcrest, and Fairmont as examples.

Mr. Thomas understood they had a no parking rule in the event of snow, and those on Fairmont had previously been in the habit of parking at the top of the hill at the cross street when snow was coming so they could get out. He noted some of them had been ticketed for that, but the street still had not been plowed for a long time. He suggested any street with a prohibition on parking be plowed in a reasonable time frame.

Mr. Thomas commented that he had walked from Dunn Brothers Coffee down Forum Boulevard to the trail on Monday and it had been a somewhat harrowing experience because almost no sidewalks had been cleared. He had to walk on the road and watch vehicle traffic in case someone did not see him. He stated he had heard from a couple of people that had to walk to appointments on Monday of issues involving the lack of sidewalks being cleared. He asked for a report on the current ordinance along with some recommendations for improving the ordinance by including a time frame by which the sidewalks should be cleared. He noted he also wanted staff to look into a targeted enforcement program. He felt the priorities should be the main roads, like Forum Boulevard, Stadium Boulevard, and Providence Road, because that was where the traffic was going the fastest once the snow was plowed off of the streets. If those sidewalks were not available, pedestrians were in a hazardous situation. In residential areas, the traffic was moving much slower so there was a lot less danger and less concern. He suggested staff audit areas in terms of enforcement for the next three storms about 24 hours after the snow stopped. He thought staff could note whether the snow had been cleared or not, and could then send letters congratulating property owners that had complied with the rules and letting the others know they had failed to comply and that a fine could be levied. He felt there could be some targeted enforcement of the main roads within a fairly limited resource budget. He asked for a plan or proposal for upcoming storms either this winter or in the future.

Mayor Treece left the meeting room.

Mr. Thomas stated he wanted to see a targeted performance audit, and noted he liked the proposal of Mr. Skala of targeting certain departments. It would be an operational review and a value for money audit. He commented that he had experienced low confidence in some of the recommendations and with responses to Council and community requests with regard to the water and electric utilities and noted he also had concerns about the Police Department in terms of community oriented policing and working with informants. He stated he was also concerned about whether they were utilizing financial management best practices. He explained he was only stating his support, and noted he wanted to see that kind of audit in the Utilities Department, the Police Department, and the Finance Department.

Mr. Thomas commented that in response to the comments of Mr. Davis, which Ms.

Maloney had read earlier this evening and had been emailed to Council, he thought the CPRB should be very much encouraged to study Police Department policy as it was written in its establishing ordinance. He felt staff had opposed this when he had suggested it in the past. He understood Mr. Davis did not speak for the entire CPRB, but noted he had spoken with another member that felt that they were being overly managed by staff in what they did at their meetings. He wondered if they should take some action to give the CPRB more authority to study the bigger picture, and not just study the video of specific complaints.

Ms. Thompson stated the CPRB would begin looking at all of the policies beginning with Chapter 1 at their next meeting. It was actually being done on a regular and ongoing basis. She noted they had been trying to decide how they wanted to approach those policies. She pointed out up to 20 hours of in-house training would also be available for members in addition to NACOLE webinar trainings.

Mr. Thomas asked if that change in practice had been in process for a while. Ms. Thompson replied yes. Mr. Thomas asked if the CPRB members requesting it was what had triggered it. Ms. Thompson replied it was something that was done on a regular basis, but they knew it needed to be done soon for the newer members. Mr. Thomas asked if that was the same for the policy review. Ms. Thompson replied she did not know exactly when that had been discussed.

Mr. Trapp commented that he agreed with Mr. Thomas in that the CPRB had not yet lived up to its promise and he was pleased to hear Ms. Thompson's report about the changes that were forthcoming. He stated he planned to try to attend some meetings for some first-hand experience because he had heard critiques similar to that of Mr. Davis.

Mr. Trapp asked staff to prepare legislation in support of House Bill 606, which was sponsored by Representative Chuck Bayse. It was the bus bill to repeal RSMo Sections 168.133 and 304.060 and enact in lieu thereof two new sections relating to transportation of school children. He explained it really did two things. It would allow for a partnership for joint neighborhood and high school routes. He pointed out it would only allow for those negotiations to take place. It would not mandate them, and there would still have to be an enacting agreement between both the City and the School Board so there would be lots of local oversight. He commented that it would open the way for a pilot and move them from a place of contraction or at best would stabilize a functional core of transit to a place where they could begin an expansion through partnership. It would also enhance the criminal background checks that were required of City transit. He stated this had been a longstanding Council priority. They had added it to the lobbying list, but the legislature was looking for clarity that it had the support of the Columbia City Council. He asked that the legislation come forward at the next meeting since the State's session tended to move rapidly and because they still needed a sponsor in the Senate.

Mr. Skala commented that R10-19 on the consent agenda had adopted legislative tracking priorities, which had included this issue in Appendix A. Mr. Trapp agreed, and noted it had been added previously and had continued on this time. He explained he felt something firmer was still needed as there had been some question as to whether there was Council support for it. He believed making it crystal clear would help get it passed.

Mr. Pitzer asked Mr. Trapp if the bill he had mentioned was the only bill on this issue or if there were competing bills. Mr. Trapp replied it was the only bill.

Mr. Skala stated he wanted to add his congratulations to City staff in terms of how they handled the snow event. He commented that the resources on the CoMoSnow website and on social media had been very helpful. He noted he had been relieved by the fact he had not received nearly the volume of calls he had expected under those circumstances.

Mr. Skala commented that he had received a call from a constituent that had received a ticket for parking on a priority route, and when looking into it on the CoMoSnow website,

he had noticed that there was a notification system for the priority snow routes. He understood constituents could sign up for them to receive prior notification of the need to move one's car.

Mr. Skala explained he had been on the record for some period of time with regard to taking an incremental and targeted approach for an audit, and believed the Utilities Department was a candidate in need of an audit. He commented that he was not yet convinced that they could not provide independence to the Internal Auditor to do some of this work. He understood the person that was hired had some performance audit experience, and was not sure they would gain a lot if they went the route of the State Audit. With respect to the Police Department, he thought it might require a different type of audit as he was not sure a performance audit would address the issue. He commented that at some point he would try to bring a resolution forward in that respect so they could come to some kind of decision as to how they wanted to move forward.

Mayor Treece returned to the meeting room.

Mr. Pitzer pointed out he planned to introduce some ideas in the relatively near future about strengthening the independence of that Internal Auditor position. He wanted to safeguard their independence and ensure the person had the authority to do the job without pressure from any internal forces to massage any reports. He reiterated he hoped to bring something forward relatively soon.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 10:55 p.m.