



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, November 5, 2018

7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 5, 2018, 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 PITZER, PETERS (left at 10:39 p.m.), TREECE, TRAPP, SKALA, and THOMAS were present. Council Member RUFFIN was absent. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of October 15, 2018 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Ms. Peters.

Upon his request, Mayor Treece made a motion to allow Mr. Pitzer to abstain from voting on R172-18. Mr. Pitzer noted on the Disclosure of Interest form that he had a professional conflict of interest. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

Mayor Treece asked that R170-18 be moved from the consent agenda to new business.

The agenda, including the consent agenda with R170-18 being moved to new business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Trapp.

II. SPECIAL ITEMS

SI13-18

American Public Power Association - Reliable Public Power Provider (RP3) award.

Mayor Treece explained Columbia Water and Light was recently the recipient of two awards that would be presented tonight. The first was as a Reliable Public Power Provider (RP3) and the other was for the Diamond Member status, which was the highest level granted by the American Public Power Association (APPA). He noted Ewell Lawson from the Missouri Public Utility Alliance (MPUA), which represented community-owned, locally-regulated electric, natural gas, water, wastewater, and broadband utilities, would present both awards, and welcomed Mr. Lawson.

Mr. Lawson stated he was present on behalf of over 120 municipal utilities from the states of Missouri, Arkansas, and Illinois in recognition of Columbia Water and Light as a RP3 by the APPA. He explained he had just completed a three-year term as a member of the Board of the APPA, and noted he was proud of Columbia Water and Light's activities with the national association. He commented that the RP3 award recognized the utility's record of reliability, safety, workforce development, and system improvement. He asked Ryan Williams, Carol Schafer, Dave Storvick, Fred Eaton, and Christian Johanningmeier to come forward to receive the award. He pointed out Columbia was among only 254 utilities to earn the RP3 label, which sounded like quite a few until they realized there were 2,000 public power utilities across the country, so Columbia was in roughly the top

10 percent of all utilities across the country and one of only sixteen MPUA member cities that had earned the RP3 designation. He commented that Columbia was in an even more elite class as only 92 of those 254 utilities had achieved a Diamond level designation, which meant it had earned 98-100 percent for its scores for the classification rankings. Columbia was one of only five MPUA utilities that had reached a Diamond level score. He noted the RP3 designation was not an easy feat to achieve as the application process was rigorous and took months to complete, and receiving the award showed Columbia's citizen owners that the water and light utility had a high commitment to reliability and performance. He stated the benefits of the RP3 went beyond recognition by the community and the public power field as it could also be an indicator of good financial health as credit rating agencies understood that the utilities receiving the RP3 status had often been shown to have better credit ratings, which resulted in an easier process for acquiring bonds for upgrades and projects. He commented that years ago, Columbia's citizens and leaders had committed to the long-term benefit of the community by making Columbia a public power community. The benefits of public power were huge, and included local control, affordable cost, and reliability. Public power simply meant the community owned its electric power, and the decisions of how the electric utility was made by the people that lived and worked in the community instead of corporation. Citizen had a direct voice in utility decisions and policy making, and business was conducted in the open. They knew where the power came from, and how and why decisions affecting utility bills were made. In addition, community electric utilities created jobs and made money that went back into the community, and not in the pockets of corporate shareholders or executives. Since ownership was local, service was local too, and this created the ability to provide the most reliable responsive service. He pointed out that with local control came affordable costs. The rates paid by residents, businesses, and industries were determined by the local utility, the utility board, and this Council instead of in a board room states or communities away. The end result was that over the long-term and on a national average public power rates were lower than that of other utility companies. Locally owned utilities achieved affordability by setting rates using citizen boards and by financing improvements with municipal revenue bonds that were exempt from federal income tax. Local not-for-profit utilities had the power to put neighbors first, and keeping energy costs affordable served the community's long-term needs. He commented that customers of public power utilities lost power less often, and when there was an outage, the electricity of customers of a public power utility was likely to be restored at half of the time. Data showed public power utilities were without power for just 59 minutes per year compared to customers of private utilities that might lose 133 minutes per year, and even among public power utilities, Columbia was included in a special group of cities nationally recognized. He stated he was glad to be here tonight as Columbia's utilities were truly leading the way as an example to other cities and utilities on how to do it right. He thanked the Columbia Water and Light staff for all they did. Mayor Treece commented that he appreciated Mr. Lawson's reference to citizen owners and congratulated the Water and Light staff.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Treece appointed Thomas Jensen to the Mayor's Task Force on Climate Action and Adaptation Planning.

IV. SCHEDULED PUBLIC COMMENT

SPC62-18 Robyn and Jacob Schelp - Impact of cuts to public transportation to my church and our members, as well as other churches in the area.

Mayor Treece thanked Ms. Schelp and her son Jacob for their advocacy, and noted he understood Jacob wanted to be president one day. Mr. Schelp replied he did. Ms. Schelp stated she had been asked to represent Missouri Disability Empowerment

(MoDE) by speaking with regard to public transit, but had decided to let Jacob speak for MoDE instead since he was their Junior Lobbyist. She explained she would speak on behalf of her church and churches in Columbia. She commented that her church was located in a neighborhood right off of one of the bus lines. Like most churches, they had a lot of people that needed help and support. She noted they tried to empower them to make the changes needed by supplying them with bus passes and a map along with showing them how to use the bus to get to Love Inc. and other organizations. She stated this was important for their ministry, for other church ministries, and for the people in Columbia. She commented that they had a very strong and inclusive ministry and really reached out to those in the community with disabilities. She explained they had seasonal events on Saturday afternoons, and with the transit changes, many would no longer be able to attend. In addition, a lot of their meetings and church services were held in the evening, which did not agree with public transit cuts. The cuts were very problematic, and not just for people that rode the buses. It would impact businesses, churches, and the City as a whole. She commented that she believed having a strong public transportation system was important to the infrastructure of Columbia. She hoped that after tomorrow's election they would have a little more money to play with if Proposition D passed, and understood it would be up to Council as to how the money would be allocated. She stated she hoped the Council would come up with a plan to make the bus system sustainable for the long term.

Mr. Schelp noted he was a Junior Lobbyist for MoDE, and explained his middle brother, Nathan, had an unknown genetic disorder and was the reason they had moved to Columbia six years ago from Concordia. Columbia had many disability resources, to include Boone County Family Resources. He stated he was worried about the cuts to transportation lines as it would be more difficult for those with disabilities to attend events and run basic errands. He commented that he did not want that for them. He asked the Council to create a sustainable plan for the City's transportation system because he wanted it to be around when his brother needed it the most.

SPC63-18

Elizabeth Allemann, MD - Racism and maternal and child health.

Ms. Allemann commented that the privilege of being heard was vital and life preserving. She explained she was a family physician that cared deeply about the well-being of babies and new and expectant parents in the community. Looking at the data with regard to what happened with mothers and their babies provided a picture of what was happening throughout the entire community. She noted that maternal and infant mortality rates were relatively easy to measure and horrifically high enough so changes over time were likely to be significant. She pointed out pregnancy and newborn outcomes reflected the health of the entire community of interest. Mothers and babies were vulnerable, but they were not the only vulnerable people. If mothers and babies were dying, the elders, the injured, and the marginalized were as well, and circumstances that could kill mothers and babies would rob younger people of their vitality. When they saw more maternal and infant deaths, they would also see more heart attacks, suicides, car accidents, and infectious diseases. She commented that maternal mortality in the United States was really bad and was worse than the rest of the developed world. The maternal mortality rate in the United States was higher than that of Iran, Libya, and Turkey, and it was getting worse. While maternal mortality rates were falling or stable in most of the rest of the world, it had doubled in the United States since 1990. In addition, it was worse for black and brown mothers. The maternal mortality rate in the United States was 5.9 per 1,000 live births on average, but it was 11.4 for black women, which was nearly double. She noted the infant mortality statistics were similar in that they were bad in the United States and worse for black and brown babies. The only difference was that it was slowly getting better. She pointed out they did not know the reason for the disparity, and understood it was not poverty. It appeared as though it was also not access to care. She referred to Serena Williams, who had nearly died due to a childbirth complication, and reiterated it was clearly not about money, fame, and power. For her, it had been an

issue of not being listened to as she knew exactly what was happening and had asked for care, but had been slow-walked that care. She commented that it was also not that something was wrong with black bodies. Race was not a biological truth. It was a social construct. She felt the stress of living in a racist society was what was killing mothers and babies, and noted that horrified her as a white woman and physician. The overt racism, systemic racism, unintentional racism, the racism in which they lived, and the racism in policing, the criminal justice system, the healthcare system, businesses, and educational system was hard on people. Living with the stress of racism and the consequences of racist policies made people sick and complicated pregnancies. The stress was ongoing and never-ending, which could at times flash into a higher intensity, and both the chronic and acute were fatal. She understood the Council did not have a whole lot of control with regard to this, but noted they needed to seriously consider community oriented policing. The stress of the fear of being violated by the police made all of them less healthy and killed mothers and babies. She commented that community oriented policing was good for a lot of reasons to include some effect on maternal and child health.

SPC64-18

Julie Ryan, COMO Safe Water Coalition - Water & Light's lack of coordinated planning and vision negatively affects Columbia.

Ms. Ryan explained the Columbia water utility could best be described as a cycle of inefficiency, a collection of ineffectiveness, and a challenge for citizens to understand. She commented that the COMO Safe Water Coalition prefaced all of its statements noting that there were some members of staff that consistently tried to uphold a higher standard, and they were thankful for those employees. She stated ten years of engineering reports with a cost of \$1 million had been accumulated and paid for by ratepayers and asked what there was to show for it. There had only been the passage of a water bond out of desperation and nothing meaningful had been accomplished to improve the quality of drinking water and distribution within the system. The work had been done in a haphazard manner without cohesion, a vision, or leadership. She commented that the COMO Safe Water Coalition had continued to communicate with City leaders in the last month requesting a promotion of the water rates forum, bond timelines, and project schedules. With the amount of preparation Columbia Water and Light felt they had done to be ready for the water bond, she was surprised it had taken until the beginning of November to provide these timelines and schedules. The cost of service study and the associated water rate structure changes should have been completed before the water bond had been sent to voters. She believed this demonstrated a lack of coordination in Columbia Water and Light, and by extension in the City Manager's Office. She asked what communication had been given other than a Facebook post and a small item placed in the newspapers. She wondered what other information had been shared with interested parties so they were prepared to have an informed conversation on November 7. She commented that the only information she had been able to find was through accessing the agenda for the upcoming Water and Light Advisory Board meeting being held on the same day as the forum. She understood rates could go up significantly for those with higher usage, including irrigation. While COMO Safe Water Coalition had supported operational rate increases, they had advocated for them as targeted measures in a clearly defined plan to bring the water utility forward. Voters had been told to expect an overall 11 percent increase over four years with an average increase to residential customers of \$2.71 per month over the course of the bond. When and if the structure of the water rates changed, she wondered how this would impact what voters believed they had endorsed. If this was a bait and switch tactic, she felt the City should assume the voters would remember this the next time a measure was placed before them for approval. She commented that when voters had reviewed the proposed projects, they had been led to believe the projects would be accomplished based on the funds appropriated per fiscal year. Upon reviewing the project timelines

from information dated November 2, 2018, they were still years away from completion. The elevated storage for southwest Columbia did not show a scheduled notice to proceed until July 2021 when the proposal had shown the full funding allocated in FY 2019. She wondered if it was the City's hope that by raising rates on those who irrigated, they would eliminate the need to more rapidly address the pressure problems that had erupted due to poor planning and overzealous development. She noted the water treatment plant would not have a notice to proceed until December 2021, and the actual start date for the process for the water treatment plant was not scheduled until June of 2019, which was almost an entire year from when the voters said yes to the water bond. She understood the processes for the West Ash pump station and the Southeast pump station would begin in November and December of 2018, respectively. She commented that since the City had been found to be in violation of TTHM compliance in 2008, nothing meaningful had been done to make repairs or upgrades or to introduce advance treatment technologies that would benefit the citizens of Columbia. The City had only implemented the easiest and cheapest option to get back into compliance. She pointed out the citizens were now being asked to wait three more years before they would see any significant benefit of improving the condition of the water treatment plant, which had 43 percent of its assets 0-10 years beyond their useful life. She understood staff still intended to proceed with building a pipeline to discharge lime residuals to the Missouri River, and noted the COMO Safe Water Coalition had spoken out against this in the past and would continue to do so. She believed this again showed the short-sightedness and lack of long-term vision of the utility. With equipment at the water treatment plant restored to an optimal operational level along with the addition of advanced technologies, the City would not have increased lime residuals as it had currently, and would therefore not have to resort to dumping this discharge to the river. As a side note, most utilities that returned discharge to a river or surface water body had source water classified as surface water. She noted this was something the City had adamantly fought against despite their stipulations that Columbia source water was under the influence of surface water. She commented that citizens could not directly influence how Columbia Water and Light staff and the City Manager retained or relinquished their positions. All they could do was to vote for candidates who held the individuals in those positions accountable. Given there were seats up for election in April, they urged the incumbent candidates to demonstrate their ability to enforce accountability. Continuously proclaiming citizens would need to expect a reduction in services and lamenting the loss of sales tax revenues was trite, irresponsible, and an easy way to avoid doing the hard work. She felt Columbia was a city of thinkers, doers, and dreamers, and questioned the government giving them more excuses than solutions.

V. PUBLIC HEARINGS

PH39-18 Proposed construction of a traffic calming device on Walnut Street between Melbourne Street and College Avenue.

PH39-18 was read by the Clerk.

Mr. Nichols provided a staff report.

Mr. Thomas asked if this project was a part of the Neighborhood Traffic Management program or if it was separate from that. Mr. Nichols replied it was a safety enhancement due to people getting hit. Mr. Thomas understood it was an urgent need. Mr. Nichols stated they found it needed more immediate attention due to students getting hit.

Mr. Pitzer asked Mr. Nichols if he had noticed any change since the one crosswalk had been removed. Mr. Stone replied the students were using the one consolidated crosswalk, and thought Stephens College had done a really good job of promoting it internally. He commented that the roadway was 20 mph, but there were speeds over that. As a result, they were trying for a better profile over the roadway.

Mr. Pitzer asked if they had considered anything other than a speed hump. Mr. Stone replied they had looked at several different options, and this was the one the school thought would be the best overall option. He noted a major maintenance project was scheduled for Walnut Street toward the end of the ballot initiative. As a result, they did not want to make massive changes in the area. This solution was relatively low in cost and would be very effective. He stated they would continue to look at long-term options, potentially at the signal. Currently, this was the best option. Mr. Nichols agreed a major maintenance project was scheduled for 2023 or 2024, which might include bulb outs and other measures. In the meantime, this interim step was the best solution.

Mr. Pitzer asked how staff had decided to put the speed hump in the proposed location. In his experience on that stretch, he had seen a lot of traffic speeding up to get to College Avenue going eastbound from the downtown area, and this would not address that issue. Mr. Stone replied they did not feel something closer to the signal would be effective. They also thought this direction was more important at this time. Everyone coming through the light seemed to be yielding at the rapid rectangular beacons.

Mr. Skala asked if there was any contact with those involved with Vision Zero and/or the Benton Stephens Neighborhood Association with respect to any informational meeting or if this had been an independent decision based on the staff recommendation. Mr. Stone replied an interested parties meeting had been held and the project had gone through the public improvement process in terms of that meeting and notification. Mr. Skala asked if there had been participants from either Vision Zero or the Benton Stephens neighborhood. Mr. Stone replied very few people had attended the interested parties meeting.

Mayor Treece opened the public hearing.

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

Mr. Trapp explained he used to live in the Benton Stephens neighborhood so he had traveled through that area by foot and by car. He noted he had been hit once walking down Walnut Street when the sidewalks were covered with snow. He commented that he thought it was appropriate to try to slow traffic through there, and believed speed humps worked well. He was also glad to hear they would consider bulb outs and other improvements when they did the intersection improvement. He appreciated the ability of staff to move forward and respond to an emergent safety issue. He stated he planned to support it.

Mr. Skala commented that he appreciated the consolidation of the crosswalk, and felt this was a bargain speed table at \$5,000. He believed something had been needed in this area for quite some time.

Mr. Skala made a motion directing staff to move forward with the installation of a speed hump on Walnut Street between Melbourne Street and College Avenue. The motion was seconded by Mayor Treece and approved unanimously by voice vote.

PH40-18

Proposed construction of the Country Club sanitary sewer relocation project located generally east of Old 63 and north of Walnut Street.

PH40-18 was read by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Skala understood consideration had been given to relining some of these, but it had been a more expensive alternative. He assumed the people in the Country Club area had provided the necessary easements, and asked if that was correct. Mr. Sorrell replied yes.

Mayor Treece opened the public hearing.

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

Mr. Skala made a motion directing staff to proceed with the Country Club

sanitary sewer relocation project. The motion was seconded by Mayor Treece and approved unanimously by voice vote.

PH41-18 Proposed construction of Phase 2 improvements to the digester complex at the Columbia Regional Wastewater Treatment Plant.

Discussion shown with B273-18.

B273-18 Authorizing construction of Phase 2 improvements to the digester complex at the Columbia Regional Wastewater Treatment Plant; authorizing the Purchasing Agent to request qualifications for a construction manager-at-risk for the improvement project.

PH41-18 was read by the Clerk, and B273-18 was given second reading by the Clerk.

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

Mr. Skala understood this project had been listed at \$4.1 million in 2013, and asked if that was now \$7 million. Mr. Sorrell replied that estimate had been for the replacement of the covers on the digester and the mixers. He explained they had found other items for operational efficiency improvements and pointed out masonry repair was needed as well. He noted the skylights in the roof were not rated so an employee could potentially fall right into the building. He stated there were a lot of things they could do annually as part of operations, but felt it would be more cost-effective to do it all as one project with one contractor. Mr. Skala understood this was not just a function of inflation. It was a function of additional needed improvements. Mr. Sorrell stated that was correct.

Mayor Treece understood staff would use enterprise and other funds to supplement the \$4.2 million the voters had approved. Mr. Sorrell explained the \$4.2 million in bond funds had been intended for the covers and the mixers, and the rest would come from sewer enterprise funds.

Mayor Treece asked Mr. Sorrell to walk him through the construction manager-at-risk scheme again. He wondered if that person would work for the engineering firm, the construction firm, or the City. Mr. Sorrell replied the construction manager-at-risk would work for the City. The contract would be with the City, but they would work with the design team and City staff. Mayor Treece understood their client would be the City, and asked if there was an owner's representative. Mr. Sorrell replied the construction manager-at-risk would work with the City and would help City staff work with the engineers on the final design of the plans. Mayor Treece asked to whom the construction manager-at-risk had an obligation. Mr. Sorrell replied the City. Mayor Treece asked if that person was paid a percentage of the project or a flat rate. Mr. Sorrell replied the pre-construction portion was negotiated upfront when they were selected based on qualifications, and they also provided a guaranteed maximum price to complete the project. He noted they would also hire the subcontractors. He pointed out they could bid it, and subcontractor could indicate a higher cost than had been guaranteed. Mayor Treece understood the construction manager-at-risk would be a prime vendor who would then hire the subcontractors or the construction company to complete the project. Mr. Sorrell stated that was correct, and pointed out they could also bid on it themselves.

Mayor Treece asked why a City employee was not already performing this responsibility. Mr. Sorrell replied they were performing the responsibility, but they would also gain a contractor that had much more experience in phasing, staging, and doing different types of valuations that could lower the cost. He pointed out they also had the complexity of keeping the digester running while they were working on pieces of it. He commented that they had great experienced staff, but he was not sure any of them had the experience needed for a complex project such as this.

Mayor Treece asked if the construction manager-at-risk would be paid a flat fee or if they would get the entire \$6.995 million to administer how they needed, and if it went over that amount, they would be responsible, and if it came in at below that amount, it was their profit as they had built in their margin. Mr. Sorrell replied he thought that was correct.

Mayor Treece asked how they had come up with the \$7 million estimate. Mr. Sorrell replied they had worked with Black & Veatch to come up with the \$7 million estimate.

Mr. Skala understood this was unusual from the usual way due to the complexity. Mr. Sorrell stated that was part of it. He explained that the wastewater treatment plant expansion had involved the typical design, bid, and build process where the low bid was awarded, and it had been a complex project. A different approach had been authorized by the State Legislature, and they thought this might be a good project to determine how it would work for the City. If the results were good, it could then be used for other projects. He believed there was value in a contractor participating in the design process up front to identify things that might not be identified and would then result in change orders and schedule difficulties.

Mr. Pitzer asked if there was more of a qualitative evaluation as part of this process than the traditional bid call. Mr. Sorrell replied yes. He explained they would make the selection based on the qualifications and experience of the contractor. The City would put out a proposal and contractors would respond with their qualifications and experiences. There would be an interview process and a fee schedule for the pre-construction portion. The City would select the contractor on their ability to do the job versus selecting only the low bid.

Mr. Pitzer asked if most contractors would bid under both approaches or if there was a smaller subset that would bid under the construction manager-at-risk process. Mr. Sorrell replied he thought a smaller subset would bid under this approach, but he did not know for sure. Mr. Pitzer wondered if they were limiting themselves to the number of applicants who would put in a bid for this project. Mr. Sorrell replied that was a potential, but noted he anticipated they would receive a fair number of qualified applicants.

Mr. Pitzer asked if there were any firms known for this approach in the State. Mr. Sorrell replied he did not know.

Derek Cambridge explained he was with Black & Veatch and noted they had seen a pretty aggressive use of this approach during the past couple of years. He understood Missouri law had allowed for this 2016, but it had been allowed in Kansas a little longer. He commented that this was a qualifications based selection, but there was also a fee component to it as they would ask for a construction fee, which might be a mark-up of direct costs, general conditions, bonds, insurance, etc. There was a weighted evaluation in the selection process. It allowed for a best value selection versus relying on a low bid process. He pointed out there was always an off ramp to go to the traditional design, bid, and build process if they were not comfortable with where they ended up in that guaranteed maximum price provided.

Mr. Skala asked Mr. Cambridge if he had followed some of the projects since this had been enabled and if they had all worked well or if there had been any issues. Mr. Cambridge replied he was currently involved in two that were ongoing. One involved Johnson County Wastewater, which was the wastewater service provider for Johnson County in Kansas. Mayor Treece asked if Black and Veatch was the consulting engineer. Mr. Cambridge replied yes. Mayor Treece asked for the construction manager-at-risk. Mr. Cambridge replied the construction manager-at-risk was McCarthy Construction. Mayor Treece asked about the contractor. Mr. Cambridge replied it was the same entity. Mayor Treece understood the construction manager-at-risk was also the contractor. Mr. Cambridge stated that was correct, and explained what they would likely see as interested parties were general contractors providing a construction manager-at-risk role.

Mr. Pitzer asked about the other project. Mr. Cambridge replied the second one was with Olathe, Kansas, and involved a water treatment plant with multiple projects ongoing on the site. The owner had decided to combine the projects from a value engineering perspective. The goal was to have the construction manager-at-risk on board through the development of the design to help with the value engineering process and the scheduling to drive the costs down to what had been budgeted, and they had been successful in

getting to that point.

Mayor Treece asked what guarantee the City would have that they were receiving the best cost for their construction dollars if they were bringing in the contractor before the bids went out. Mr. Cambridge replied that once they had the construction manager-at-risk on board, they would work with them as a team to develop work or bid packages. He explained they could develop 20 packages, some equipment and some subcontractor work, and could then establish a bid day with them to bid out the project to the market. They would work with the construction manager-at-risk to develop their guaranteed maximum price with that information. He stated they would bid out to the market, but work with the construction manager-at-risk to develop the bid packages. For this particular project, he noted he would not envision a lot of interest from them in self-performance, which included a mechanical process, piping, concrete, equipment setting, etc. This project involved a lot of masonry, roof and electrical work, and they would likely utilize a subcontractor for it. He thought they might do some of the equipment installation, but for this project, it was anticipated they would fabricate large metal lids on-site so they would likely have a subcontractor. Depending on who they hired, there might be some things they would like to self-perform, but he thought most of it would be bid out.

Mayor Treece opened the public hearing.

Chris Kelly, 2706 Bristol Lake Drive, commented that he thought Mayor Treece was asking precisely the correct question. He asked if this construction manager-at-risk had a fiduciary obligation to the City, and wondered about the difference between the construction manager-at-risk and the general contractor. He explained he tended to get nervous when not understanding things, but acknowledged the Council might understand the process.

Eugene Elkin, 3406 Range Line Street, asked if they would be based in Kansas and use Missouri labor. He wondered if they would be told the cost would be at the cap of \$7 million when it would really only cost \$5 million.

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

Mr. Pitzer asked if the general contractor and the construction manager-at-risk were two terms for the same party or if they were two different parties that would be involved in the process. Mr. Sorrell replied he thought it was fair to say that was the same term for the two parties.

Ms. Peters understood this was Phase 2 and asked if other phases were planned. Mr. Sorrell replied there were additional phases within the Master Plan, such as a fine screen facility or if they wanted to go to a Class A biosolids process with heat drying equipment. He commented that the current method of biosolids disposal involved land application for agricultural purposes, which he thought was working well, and noted he did not anticipate the need for heat drying in the near future as it would be expensive. Unless they began to have issues with the wipes, he also did not anticipate the need for the fine screen facility. Ms. Peters asked if there was a length of time when it would need to be done, such as ten years from now. Mr. Sorrell replied there was nothing scheduled at this time on a ten-year or other frequency. It would take an issue with the disposal of biosolids or a regulatory change to drive them to the Class A process, and only operational issues would cause a need for the fine screen facility.

Mr. Skala understood the difference was that there would be a collaborative effort and oversight through the design and construction process. Mr. Sorrell stated that was correct.

Mayor Treece asked how they could ensure the taxpayer was getting the best deal and about the competitive process. He wondered why they could not execute a contract for the lowest and best bid and hold that contractor to that cost. Mr. Sorrell replied they could do that. Staff had suggested this process to determine if they received a better value by having a contractor on board during the final stages of design. It would allow for value engineering up front. The other process sometimes led to change orders, and not

necessarily cost savings. He pointed out they would bid the different components of the project, and there would be some cost assurances when they got to the guaranteed maximum price as they were based on bids. There would still be a lower bid component to the project.

Ms. Thompson explained this would be a two-step process. The first step was to bid the construction manager-at-risk services through an RFQ, and it was done under a scope of services that was identified for the construction manager-at-risk. She did not know if staff was far along in the process to know how much of the design would be included in that portion of the scope of services, but pointed out the idea was to bring them on early enough in the process so they could impact the design. This would also impact what packages would be bid as a part of the construction process. The construction manager-at-risk would be involved in that selection and the development of the scope of services for the bid packages for the subcontractors. The second phase would be to bid out all of those subcontracts or subcomponents in a competitive manner, and those would have to be published bids under State Law. Under the traditional bid-build process, a general contractor would obtain bids from subcontractors, but that was not a public process. The City only received a bid from the general contractor. The construction manager-at-risk process would allow them to bid the subcontracts in a public fashion, and that information would be used to determine the guaranteed price. She stated they would not receive the entire amount of the City's budget to spend. It was a two-step process.

Mayor Treece asked how they evaluated whether it was cost-effective or if the City had saved money. The reality was that the estimate was \$7 million, and anyone could provide a bid just slightly less than \$7 million. He wondered how they would know if they received a better deal with a construction manager-at-risk than with the traditional process. Mr. Cambridge replied they always had that option. He commented that if they had 20 bid packages, but only received one bid on ten of those and three bids on the other ten, he was not sure they would be comfortable. He thought they would want multiple bids on each bid package to understand it was a competitive process. He reiterated they had that option if they felt they had not received a competitive number.

Mr. Trapp commented that he thought there was some potential with the design-build aspect, and felt it was worth trying. They could then evaluate it to determine if it might be something they want to do in the future or if they should go back to the traditional process. He understood issues had been identified in terms of contract management as part of the Missouri Quality Awards process. This took a step toward addressing that in a new way. He noted he was supportive of it.

Mayor Treece stated he was willing to take a step in this process.

Mr. Skala commented that the saying was that the low bid won, but sometimes the low bid was a function of lower quality. In addition, as a two-step process, there appeared to be some protections, so he was willing to go along with this proposal.

B273-18 was given third reading with the vote recorded as follows: VOTING YES:

PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

ABSENT: RUFFIN. Bill declared enacted, reading as follows:

PH42-18 Proposed construction of a playground, fitness trail, second outdoor classroom and amphitheater at the Clary-Shy Community Park.

Discussion shown with B268-18.

B268-18 Authorizing construction of a playground, fitness trail, second outdoor classroom and amphitheater at the Clary-Shy Community Park; calling for bids for a portion of the project through the Purchasing Division; authorizing a financial assistance agreement with the Missouri Department of Natural Resources; appropriating funds.

PH42-18 was read by the Clerk, and B268-18 was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mr. Trapp asked if the perimeter trail would connect with the school administration building parking lot. Mr. Griggs replied yes. He described how it would occur using the diagram displayed.

Mr. Thomas understood the thought was that this would reduce the demand for more parking in the Clary-Shy area. Mr. Griggs explained that when the shelter was constructed, this would be closer parking.

Mayor Treece opened the public hearing.

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

Mr. Skala stated he had been provided the privilege of participating in a groundbreaking event last Thursday, and noted all of the rotary clubs had joined together to make a contribution to fund the playground at the Clary-Shy Park. Representatives of the Columbia Center for Urban Agriculture and the Columbia Chamber of Commerce had also been in attendance. It had been done in the spirit of a true collaborative effort. He stated he was happy to support this project.

B268-18 was given third reading with the vote recorded as follows: VOTING YES:

PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

ABSENT: RUFFIN. Bill declared enacted, reading as follows:

VI. OLD BUSINESS

B147-18 Authorizing an agreement for professional engineering services with TPR Enterprises, LLC, a/k/a EcoEngineers, for a feasibility study analyzing the potential for the City to upgrade its landfill gas to produce renewable natural gas to be sold as transportation fuel.

The bill was given fourth reading by the Mayor.

Mayor Treece understood staff was recommending this be withdrawn. Mr. Johnsen stated that was correct.

Mayor Treece noted this bill would be withdrawn unless there was an objection, and there was not an objection.

B240-18 Approving the "Discovery Park - Landmark Hospital" PD Plan located on the east side of Nocona Parkway and the west side of Ponderosa Street (Case No. 18-165).

Discussion shown with B241-18.

B241-18 Approving the Final Plat of "Discovery Park Subdivision Plat 5" located on the east side of Nocona Parkway and the west side of Ponderosa Street; authorizing a performance contract (Case No. 18-164).

The bills were given second reading by the Mayor.

Mayor Treece understood the applicant had requested these items be tabled to the December 17, 2018 Council Meeting.

Mr. Pitzer made a motion to table B240-18 and B241-18 to the December 17, 2018 Council Meeting. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

B249-18 Voluntary annexation of property located on the east side of Bearfield Road, approximately 1,400 feet north of Gans Road; establishing permanent R-1 zoning (Case No. 18-109).

Discussion shown with B251-18.

B250-18 Rezoning property located on the northwest corner of the Baxley Court and Bradington Drive intersection (4705 Bradington Drive) from District PD (Planned Development District) to District R-1 (One-Family Dwelling District) (Case No. 18-128).

Discussion shown with B251-18.

B251-18 Approving the Preliminary Plat for "Bristol Ridge" located on the east side of Bearfield Road, approximately 1,400 feet north of Gans Road; granting design adjustments relating to street connections to undeveloped land and subdivision block lengths; setting forth a condition for approval (Case No. 18-30).

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala understood this was within the urban service area. Mr. Teddy stated that was correct. Mr. Skala understood a portion of this was subject to karst topography. Mr. Teddy commented that the Comprehensive Plan had this general area identified as having some sensitive resources. He did not believe they had pinpointed or identified any sinkholes or losing streams on the site, but as a general characteristic, it was in that general sensitive area.

Ms. Peters asked how the Bonne Femme Creek watershed would be protected if this was not left as ten acre sites.

Tim Crockett, 1000 W. Nifong Boulevard, explained this development would be in full conformance with the City of Columbia's stormwater regulations, which handled both detention and water quality.

Ms. Peters asked if the requirements of the Department of Natural Resources (DNR) overlapped with those of the City. Mr. Crockett replied the requirements of DNR were much less stringent than that of the City.

Mr. Trapp asked if the offsite improvements on Bearfield Road involved only grading for a potential shoulder in the future or if it would include constructing the shoulder. Mr. Teddy replied it was really just the grading. The developer would dedicate the right-of-way and build a sidewalk. It was right-of-way improvements to prepare it for a future road improvement. He thought the plat showed some flared out pavement and that might be considered a shoulder to the extent there was pavement around the entrance that was wider than the 22-feet that was available with the two lanes now. He stated they did not have a really long frontage on Bearfield Road so there would not be a lot of continuity to the right-of-way improvements.

Ms. Peters commented that Bearfield Road and Gans Road were both fairly narrow and asked if that would be a problem when this area was developed. Mr. Crockett replied they had discussed that with the Public Works Department in terms of whether they wanted a roadway improvement project or if they preferred the grading to be addressed for when the road was improved. The response was to grade the right-of-way so the City did not have to tear out streets, side yards, landscaping, etc. when a road project was done due to the amount of frontage they had. The City has also asked that they increase the ability to handle stormwater by extending the pipes further so they could place a safe sidewalk across it and build on top of it. He commented that they felt the roadway that was out there was sufficient for what was proposed, but the City had asked for the expanded right-of-way and the grading that was being proposed.

Mr. Crockett explained they were proposing 59 single-family lots on roughly 31 acres. The property was currently zoned County A-1 and City PD, and they were requesting R-1 zoning. He displayed a diagram of the property they were requesting be annexed. He noted a sanitary sewer line, which was connected to the Clear Creek pump station, was located on the property, and that the pump station had been constructed by the City for

about \$4 million and was currently at about 17 percent capacity. He stated it had been constructed to serve areas such as this. The development fee would help to pay some of that \$4 million. He commented that the property was within the City's water service territory as everything north of Gans Road was within the City's water territory. The property was also within the City's electric service territory. He described the property that would be rezoned using the diagram displayed and explained it had been a remnant of the original Bristol development that was zoned PD. He explained they were requesting two design adjustments for street connectivity and block length. He noted a requirement of the Unified Development Code (UDC) was to stub to the neighboring property, but that would create problems for this development. Although there was no known karst topography on this property, it was still sensitive since it was within the Clear Creek watershed. Using the diagram displayed, he described the property as having two streams running through or adjacent to it and mentioned the steep slopes, the FEMA regulated floodway, the FEMA 100-year floodplain, the climax forest, the stream buffers, the future trail, and the grading limits for a stub connection. He stated all of that would require them to extend a street through a sensitive area that they should instead try to preserve. He commented that the UDC had criteria that must be met in order to ask for a design adjustment, and that included whether the design adjustment was consistent with the City's adopted Comprehensive Plan and the policy guidance issued to the Community Development Department by the Council, and they believed it was because they wanted stay out of and preserve the sensitive areas. He stated the design adjustment could also not create significant adverse impacts on any lands abutting the proposed plat or to the owners or occupants of those lands, and noted it would not. He believed adverse impacts would be prevented through the preservation of the sensitive areas. He also pointed out the design adjustment would not make it significantly more difficult or dangerous for automobiles, bicyclists, or pedestrians. He explained they would cut off vehicular access with the stub street, but they would have pedestrians and bicycle connectivity through the proposed trail connection. He understood the design adjustment had to be requested due to a unique feature, and they believed that was met by them trying to preserve sensitive areas. He stated the Council had denied a preliminary plat not too long ago because the road extension had been proposed to go through sensitive areas. He pointed out the design adjustment would not create adverse impacts on public health and safety. He commented that the UDC indicated that when a new subdivision adjoined unplatted or undeveloped land, the new street should be carried to the boundaries of such land unless vehicular access was unnecessary or inappropriate due to existing or proposed development with incompatible traffic generation on the adjacent platted or unplatted lands or designation of sensitive areas. He thought the UDC specifically stated why a design adjustment would be allowed in this specific instance. He noted staff had indicated that if the connection impacted a sensitive area that should be taken into account when determining when a connection was appropriate in the staff report. He commented that the other design adjustment they were requesting was for the block length, and they felt by not having a connection there, they would increase public safety by eliminating the number of intersections, eliminating the amount of cut-through traffic, and making it more pedestrian friendly by having slower traffic. He also noted staff had indicated in its report that although the request did not appear to address the unique feature to the site, the request also did not appear to significantly impact surrounding property owners or the safety of the site. He pointed out this project would include a development agreement which discussed improvements to Bearfield Road, and stated they would also have to spend about \$186,000 for an offsite water extension. He agreed it would serve this site, but noted it would also serve the area. He explained there were some low flows in the area, which staff felt needed to be increased. This connection to a 12-inch line further up Bearfield Road would allow for better water flows and pressures for the whole area. He stated he believed the annexation was appropriate, compact, and contiguous, the preliminary plat was in conformance with the UDC and other city policies,

the design adjustments were justified and appropriate for this site, the project would provide substantial external improvements benefitting the public and not just this development, and the rezoning and zoning was consistent with all plans and fit within this area.

Mr. Skala asked if the reduction in block length would have any impact on emergency vehicles. Mr. Crockett replied no, and explained the emergency vehicles would travel down Bearfield Road from the north. If they were discussing response time, it would be 1-3 seconds and not 30-45 seconds. He thought the Fire Department had reviewed and approved it.

Ms. Peters asked if Mr. Teddy if the Fire Department had reviewed this and had indicated that it was okay. Mr. Teddy replied they had not received any negative comment. Ms. Peters asked if they had looked at it. Mr. Teddy replied they always looked at subdivisions, and pointed out he would have mentioned any objection that had been raised.

Mr. Teddy commented that the 600-foot block standard was new with the UDC and was a fairly aggressive effort to shrink block sizes throughout Columbia to make them a little more pedestrian friendly and maneuverable. It was not a one size fits all standard. He stated this would not be an unusual outlier within Columbia subdivisions. If they conducted an inventory of all blocks, they would likely be 800+ feet up to 1,000 feet. With that said, he also thought there should be some consideration of the UDC and some of the values it was trying to promote.

Mayor Treece asked how these lots sizes compared to the existing lots at Bristol Lake. Mr. Crockett replied they were slightly smaller and they would involve a different price point than what they had in the exiting Bristol subdivision, which had single-family residential and the PD development that included attached single-family condominiums or villas. This would be in between the two. It would be detached single-family in nature. Mayor Treece understood the attached single-family structures had not yet been developed. Mr. Crockett stated that was correct, but pointed out they had been approved and it was moving forward with a new developer. Mayor Treece asked how many lots were in the existing Bristol subdivision. Mr. Crockett replied he did not know, but would guess about 50 single-family lots. Mayor Treece asked how many acres were involved. He wondered if it was about the same or not. Mr. Crockett replied he thought it was about the same. Mayor Treece understood this proposed development would include 59 lots, and asked if they would all be usable. Mr. Crockett stated it would include 59 usable lots and the remaining 8-10 lots would be common lots. Mayor Treece asked for the price point of these homes. Mr. Crockett replied that was hard to say as the market was changing all of the time. Mayor Treece asked if it would be in the low \$200,000 range. Mr. Crockett replied no, and stated he thought it would be higher at the mid-\$200,000 or over the \$300,000 range.

Mayor Treece asked if the proposed property was contiguous to the city limits. Mr. Crockett replied yes. Mayor Treece asked if the developer was paying a premium for connecting to the City's utilities. Mr. Crockett replied yes. He noted the sewer connection cost was based on the study the City had. He was not sure about the other utilities, but that fee covered all costs associated with the sewer.

Mr. Teddy provided a staff report on the plat.

Mr. Crockett pointed out they had presented the preliminary plat to the CATSO Technical Committee to discuss whether there were any issues based on what was on the CATSO Plan, and at that meeting, there had been discussion with regard to the east-west road that was north of this proposed site. He explained the road would go through property owned by the Boys and Girls Club and described the topography as extremely steep. He noted it also crossed the main waterway, which was Clear Creek. As a result, the discussion involved swinging the roadway further north. He stated another engineering consultant representing owners in the area had also attended the meeting and had expressed interest in swinging the road further north so it could be built with less impact

to the environment. He believed the CATSO Technical Committee had taken that into consideration as something they might be able to support. He commented that the roadway network there would potentially move further north. In order to have access to that road, traffic from this proposed development would go through more residential neighborhoods, which was not necessarily desirable. He noted they had considered placing the road at the north location based on staff comments. The PZC had asked that it be slid further down, but they still had to deal with steep slopes, blue line waterways, climax forests, etc. There was just not a great location for the road without some impact to the environment.

Mr. Skala asked if there had been discussion as to the difficulty due to the sensitive areas. Mr. Crockett replied that had been exactly what had been discussed. He noted the CATSO Plan included an east-west road, which he believed was referred to as Philips Farm Road. It came out of the park property and traveled due west. In addition, it was a straight line on the CATSO Plan. He thought the CATSO Technical Committee now felt it might not be a straight line, and that an offset intersection was needed at Bearfield Road. They had looked at the sensitive areas and the crossing of Clear Creek.

Abigail Bridgeman, 4807 S. Bearfield Road, explained she planned to speak about the sensitive areas that surrounded the Clear Creek. She pointed out Clear Creek led into Rock Bridge State Park and Devil's Ice Box, which was where a small population of grey bats lived. She noted the bats were already under threat from the White Nose Syndrome, which was a fungus that grew on the bare skins of bats causing them to come out of hibernation early, burn up their reserves for hibernation, and die. This had been detected in 2012 in Boone County and had since been officially recognized to have entered Boone County. Due to the White Nose Syndrome, which could be carried on clothing and other items, the DNR had suspended tours of the Devil's Ice Box cave and other caves in Missouri. She commented that the grey bats were the first endangered bat recognized by the U.S. Fish and Wildlife Service, and it was only one of two endangered bats affected by the White Nose Syndrome. She pointed out the Missouri Department of Conservation had indicated it was a new and grave threat to the survival of the species. She referred to the Mammoth Cave Environmental Study and noted it had indicated that runoff from surrounding properties had caused many problems to include saltation and petroleum poisoning, which was detrimental to the health of bats as it had caused 90 percent of the bats living in the caves to die. This was of concern because only five percent of all caves were available and suitable for grey bats to live. She explained a 2011 study of grey bats in Boone County showed that bats helped farmers by saving them \$110,000-\$140,000 per year. She stated the grey bats were important and needed to be protected from this threat and the White Nose Syndrome.

Mr. Thomas understood this developer would do a number of offsite improvements as a part of this project, and asked for a summary. He thought it had to do with a waterline and stormwater. Mr. Teddy replied it primarily involved water offsite, but the development agreement also included an obligation to grade within a larger right-of-way, the installation of sidewalks, and to provide utility easements. Mr. Thomas asked if the developer would actually install the waterline. Mr. Teddy replied the developer would have to bring water to the site. Mr. Crockett clarified that they had water on the property, but would close the loop. As a result, they would extend it from the Bristol Development and go north on Bearfield Road to tie into an existing waterline offsite to provide for a loop system. They would extend the waterline through the development and further on. Mr. Thomas asked if this was something the developer had volunteered to do or if it was a request of staff. Mr. Crockett replied it had been requested by staff. He pointed out there were some substantial stormwater improvements with regard to extending existing culverts along with the grading of Bearfield Road per the development agreement. Currently, the culverts were relatively short and at the edge of the pavement, and they would be extended significantly so they could grade over the top of it and the road network in the future could be built at an appropriate width. This would also make it safer in the meantime. Mr.

Teddy pointed out the loop water system was key to water quality and reliability.

Mr. Thomas asked about the negotiations with regards to these types of offsite improvements that had a fiscal impact on the project. He wondered if they had a set of specific guidelines that had been written into ordinance. He asked how that was approached by staff. Mr. Teddy replied staff looked at the equivalent of improving a lane width of Bearfield Road with regard to transportation improvements. The cost estimate of the work they would do was about \$130,000, and it was felt that was a proportionate share for the 59 lots being added to the Bearfield Road system. Since the development would connect to Bradington Drive, there would be an outlet to Gans Road, and as a result, the trips generated would not exclusively use Bearfield Road. He thought the water main was an issue of proper standards as they wanted to avoid dead end water mains while promoting water quality. That was more of a qualitative negotiation. They had looked at the system as it was found and had asked them to do the right thing as far as a system improvement.

Mr. Thomas asked Mr. Teddy if he found himself engaging in these types of negotiations on most large development projects. Mr. Teddy replied he thought it was fairly common to have an area that was developed in a rural style. Bearfield Road was a rural road, and Gans Road, until it met Discovery Parkway was also a rural style road. He noted the challenge was upgrading in fair increments to ultimately get to more of a city standard in terms of right-of-way and associated improvements.

Mr. Thomas asked if the offsite improvements along with their value were tracked. Mr. Teddy replied they had not completed a study of offsite or adjacent-site improvements in terms of value. Mr. Thomas understood they could go back and look at all of the agreements. Mr. Teddy replied they could, but noted not all of the development agreements specified costs. Sometimes they only specified a desired outcome, such as an intersection improvement. The goal was to not let the development get ahead of the carrying capacity of the infrastructure system.

Ms. Peters understood a number of the lots would be impacted by the 100-year floodplain, and asked if there was any plan to try to not impact the bats at the Devil's Ice Box. Mr. Crockett displayed a diagram showing the 100-year floodplain and the floodway, and explained the floodway was the extremely regulated area while the floodplain was not quite as regulated. He noted both would be located on common lots, and would not be on buildable lots. He pointed out a majority of the trees were located in the stream buffers and the low areas they were trying to preserve. He explained the grey bats did not roost in trees, unlike the Indiana bats. He noted some trees were further to south along another creek, and there were also some in the buildable area, but they were trying to preserve most of the trees on the site.

Ms. Peters asked if the flow of the water headed toward the Devil's Ice Box. Mr. Crockett replied yes. He explained they would have water quality and quantity measures on the property before the water was discharged.

Mr. Pitzer understood the State standards for stormwater runoff were much lower than that of the City's standards, and asked about the County's standards. Mr. Crockett replied he viewed the City and the County standards as being similar to a PC and a Mac in that they were incompatible, but served the same purpose. The calculations and how the site was designed were different, but the outcomes were similar.

Mr. Skala asked about the bats. Mr. Crockett replied it was a concern and something they had looked into. He explained one of their resources was a gentleman with the Army Corp of Engineers in terms of what trees were suitable for the Indiana bat, and they then tried to protect those to the extent possible.

Mr. Trapp commented that protecting Clear Creek was more of a reason to not have the stub street, and noted there would be less impervious surface with the connector street.

Mr. Skala felt there was a lot to recommend with this project, some of which involved street standards in terms of block lengths, cul-de-sacs, and curvilinear streets. He commented that curvilinear streets were favored due to the inherent problems with

straightaways and speeds. He understood the development was also within the urban service area. He explained he was reluctant to support additional large annexations beyond the urban service area, but this was within it, contiguous, and would make the area more compact by removing another County island. He stated he planned to vote in favor of it.

B249-18 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B250-18 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B251-18 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B256-18 Authorizing an agreement with Boone County, Missouri relating to ongoing maintenance responsibilities of roads along the geographic boundary of the Columbia city limits.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mayor Treece commented that this appeared to be a good idea.

Jeff McCann stated he was the Chief Engineer at Boone County and noted the County was supportive of this. He explained the goal was to ensure they knew which jurisdiction needed to respond due to a call of a tree being down, a pothole, etc. In addition, it helped them plan for long-range maintenance projects since they did not have small sections. They had longer pieces that made sense to maintain. He commented that this had been a long process of about 2.5 years, and noted he would appreciate the support of Council.

B256-18 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B257-18 Amending Chapters 11, 22 and 24 of the City Code relating to the storage, disposal and cleanup of fats, oils and greases by food establishments.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Pitzer understood this ordinance would not allow these items to be stored in the public right-of-way or disposed of in the garbage, and asked if there was a requirement for an establishment to have an onsite collection and storage system. Mr. Nichols replied there was not a requirement for it to be stored onsite. Ms. Browning clarified there was not that requirement within the Downtown Community Improvement District (CID). A facility outside of the downtown area would have its own private right-of-way, and would not have to rely on public right-of-way, so those facilities could use the systems they were currently using for pick-up. Mr. Pitzer understood they would be required to have some kind of storage. Ms. Browning stated that was correct. She explained in some cases people used food grade containers to store liquid in until it could be disposed of elsewhere. The most efficient systems were the ones that were inside facilities. Mr. Nichols commented that it was also possible for someone to work with another restaurant to store it at another location. It was not required to be stored on the site. They just did not want it stored in the public right-of-way. He thought the ordinance required a plan for how they would dispose of these items, and for that plan to be reported to the Health

Department. Ms. Browning stated that was correct, and explained they would look at how waste was handled during the environmental health inspection of a facility. The food code did not differentiate the types of waste. Those differentiations, such as not being able to place liquids in the regular dumpster, were within other City ordinances. The inspector would review whether it was water-tight, coverable, clean, etc. Mr. Pitzer understood it was a requirement to have a system before an establishment could open. Ms. Browning stated that was correct. She reiterated the issue here was really the public right-of-way.

Mr. Pitzer asked how a business within the downtown area would store this waste if they were currently using the public right-of-way. Ms. Browning replied that the business would need to come up with another solution. Previously the Downtown CID had made grant funds available. She understood that had ended in September and she was not sure it would be available again to encourage businesses in the Downtown CID to have an internal storage unit. Mr. Nichols stated he knew of one business that had used the grant money.

Mr. Pitzer asked for the number of private collectors. Ms. Browning replied she thought there were about fifteen. Mr. Pitzer asked if they were regulated in any way. Ms. Browning replied they were not regulated by the City. Mr. Pitzer understood the City did not know how they were handling the waste in terms of whether they were doing a good job. Mr. Nichols stated that was correct. He explained he understood there were probably three different companies that would set out containers in the alleys at the request of restaurants. Nothing had come through the City in terms of a right of use permit or other authorization to place the containers in a City right-of-way. He noted they had received complaints from those owning private apartments of grease dispensers being placed at their back doors. The reason it had taken so long to bring something forward was that they had tried to work with the establishments. If they had moved forward without some discussion or plan, they would not know where the waste would be placed. They did not want it in the trash, storm system, or sanitary sewer system.

Mr. Pitzer asked if the City had ever considered or taken on the role of collecting the grease itself. Mr. Nichols replied he thought the Solid Waste Division had considered looking at what the investment might be to do that as it would take a special type of vehicle, but was not sure they had vetted a full business plan in terms of what they would do with it if it was collected. He understood they had concerns now of having enough bodies to collect the downtown waste and recycling. Mr. Pitzer commented that presumably there could be a fee associated with it. Mr. Nichols agreed.

Mr. Pitzer understood there used to be a number of different private trash collectors with different standards, but Columbia wanted a centralized system and that was the reason they now had a City-owned solid waste utility, and asked if that was a fair statement. Mr. Nichols replied yes.

Ms. Peters asked about the proper way to dispose of greases and oils. Mr. Nichols replied if it was semi-solid, he thought it could be placed in a bag and then into a dumpster. Liquids were the issue. Mr. Matthes understood liquids had a value in the market, such as biofuel, so most restaurants would sell it. Mr. Nichols noted semi-solid and solid waste could go into the landfill.

Ms. Peters asked if it was a problem for grease, i.e., semi-solids, to be placed in the compactors. Mr. Nichols replied he did not believe grease was the problem. He thought it was the liquids. He believed the practice in the past had been to put it in a container with a lid and place it in a dumpster.

Ms. Peters asked how this would be enforced. Mr. Nichols replied restaurants would have to have a plan at the time of inspection documenting how it would be handled. Ms. Browning agreed, and pointed out they would keep those records on hand for the year so inspectors could go back to look at them.

Mayor Treece asked how they would enforce situations where they had the overflowing dumpsters of grease, such as in the alley north of Sake. He wondered how they would

know who deposited that grease. Mr. Nichols replied they had not been able to determine who was dumping the grease. Ms. Browning explained they would receive a complaint, but multiple restaurants and businesses were using the dumpster so there was no way of knowing who placed the grease in there. By saying it could not go into the dumpsters or in the public right-of-way and that they had to plan for another method of collection and disposal, they hoped it would lead to better enforcement.

Ms. Peters asked about the responsibility of restaurants in terms of knowing what their employees were doing and where their oil and grease was going. Ms. Browning replied she hated to speak for the owners of the restaurants, but thought those that were actively managed knew where the oils, greases, and solids were going, but an employee, who was not making much and was trying to close up the restaurant around midnight, would likely not be cautious handling the waste, especially if they had to haul it several blocks or deal with a full dumpster.

Mr. Trapp understood this ordinance would go into effect as soon as it was passed, and asked if the annual inspection would be the point of contact in terms of education and negotiation to bring people into compliance. Mr. Nichols replied it could be phased. Ms. Browning agreed, and noted it could be a hardship for some. Mr. Nichols explained the City could work with businesses to phase this in if Council felt that was reasonable and chose to do that. Ms. Browning commented that they had the necessary contact information to start the education phase right away by sending them the necessary information as had been done in the past when they had changes in the Code involving food facilities. In addition, since the Downtown CID was a smaller confined space, it was easier to make contact.

Mr. Skala commented that he had received a few complaints, and understood some of the commercial establishments that were following the rules and had onsite capacity had complained about some of the others that were abusing the privilege. He stated he believed the correct approach would be to phase this in along with having a deadline date.

Mr. Thomas understood there were some communal collectors that were emptied by service providers that presumably had a contract with several restaurants, and this would be out of compliance under this proposed ordinance. Ms. Browning stated that was correct if it was located in the public right-of-way. Mr. Thomas asked if it was in compliance if in the yard of a private property. Mr. Nichols replied he thought so. Mr. Thomas thought that could be considered a nuisance. Ms. Browning stated that was correct, but it was easy to write a violation of a nuisance when on private property because the private property owner would be responsible for the nuisance. Currently, if there was a violation, the notice would go to the City of Columbia because it was within the public right-of-way. Mr. Nichols explained that was the case because they would not know who had created the problem. Mr. Thomas asked how this ordinance would address the issue if these communal grease collectors persisted in the public right-of-way. Mr. Nichols replied they would have the collectors removed. Mr. Thomas understood they would determine which service provider was contravening the law. Mr. Nichols noted the company name would be on the bins. In addition, they had spoken with at least one or two of those companies so they were well aware of the issue. He commented that he was not sure those companies even knew which businesses were dumping into those collectors. They only received a request to place them at a certain location. Mr. Thomas thought someone would be paying for the service. Ms. Thompson explained some of the services made money off of the oil. Mr. Thomas understood there might not be any cash transaction. Ms. Thompson stated that was correct, and noted they would set out the grease container at no cost to the restaurant. Once the ordinance was put into place, the City would have the ability to require the company to move it or prosecute them for leaving them in the public right-of-way. Mr. Thomas asked if that could be done now. Ms. Thompson replied yes, but pointed out there was not another solution in place at this time so it would be counterproductive to do that. Mr. Thomas understood this ordinance would push a good solution so the City could then enforce the

other problem because there was an alternative being promoted. Ms. Thompson stated that was correct, and explained the service provider would also know they were subject to prosecution for failure to remove the containers once they received notice. She commented that staff had discussed this and felt it was premature to start the process of prosecution until they had another solution or obligation in place for it to be onsite. Mr. Thomas understood those companies would need to determine how to collect the grease within a building if they wanted to continue collecting it. Mr. Nichols noted the Council could also grant a right of use permit, but the company would have to come to Council for permission and the staff would likely not support it.

David Maxwell explained he was with the Mid-Missouri Restaurant Association and appreciated the consideration everyone had given to the problem of grease in the rights-of-way. He noted everyone agreed it was a problem, to include the restaurant operators. He volunteered his services in contacting the operators, and believed having the time of implementation phased was a good idea since it would create a hardship for some of the smaller restaurants.

Eugene Elkin, 3406 Range Line Street, understood some companies placed items for collection because they made good money. He wondered if a hole could be made in the wall of businesses along with two stainless steel devices for oil and grease that were gravity fed or allowed a company to suction that oil and grease. Each business would need to be assessed to determine how often the company would need to come by to collect the waste. He thought that would address the situation.

Mayor Treece asked if the ordinance reflected some type of phased implementation or if it would take time to get things moving. Mr. Nichols replied they did not have a date and had been open to public comment offering a timeline. City staff had been working on this for over two years, and asked if 3-6 months would be reasonable.

Mayor Treece asked Mr. Maxwell if 3-6 months sounded okay. Mr. Maxwell replied he thought 3-6 months was reasonable and believed the restaurant owners had been given the opportunity to participate. He noted he had only received feedback from Adam Dushoff of Addison's.

Mr. Trapp asked if a motion would be needed for an implementation phase. Ms. Thompson replied she viewed the ordinance as a phase out of the common collector oil containers currently within the rights-of-way rather than a phase in of the implementation of the ordinance. As a result, she did not believe an amendment to the ordinance was necessary.

B257-18 was given third reading with the vote recorded as follows: VOTING YES:

PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B272-18 Amending Chapters 13, 14, 16, 17 and 28 of the City Code as it relates to pedal trolleys.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mayor Treece asked if a business license had been issued. Mr. Glascock replied not to his knowledge.

Mayor Treece understood the ordinance was written so a pedal car could have no more than fourteen passengers plus the driver. Mr. Glascock agreed. Mayor Treece understood a pedal pub company had been advertising for rides starting tomorrow in Columbia for up to sixteen passengers, and a situation with sixteen passengers plus the driver would require a Class E license. Mr. Glascock stated that was the way he read it as well.

Mayor Treece asked if there was a reason they had gone with the sovereign immunity limit in terms of insurance requirements as that was typically reserved for a political

subdivision, not a private enterprise. Ms. Thompson replied the City only required sovereign immunity based upon the potential liability. The company could have more insurance than that to ensure its private interests. This was only what they had to show to the City. Mayor Treece understood sovereign immunity limits were currently \$420,000 for any individual case, and no more than \$2.8 million for any claims arising from a single incident. He commented that it did not seem like much of liability requirement for an accident with fourteen people on a pedal trolley.

Mayor Treece asked if this would be like Bird scooters in that there might be more than one operator. Mr. Glascock replied that was the way this was written. The City had been asked about a pedal trolley three times to date, and as a result, staff felt it would be best for an ordinance to be drafted in case others wanted to do it as well.

Mr. Skala commented that the last time he was in Charlotte, North Carolina for a meeting, a pedal trolley company had allowed for a keg to be placed on the trolley. He wondered if there was the potential for that type of mission creep or the proscription for that kind of thing in the ordinance. Mr. Glascock replied passengers would have to supply their own drinks. He pointed out the pedal trolley would have a motor assist as well.

Ms. Peters stated this seemed like it would be a bar on wheels. Mr. Glascock noted the passengers would have to bring their own drinks. Ms. Peters understood they could pedal around town while drinking out of a bottle or can of beer. Ms. Schneider explained those participating would rent the trolley and bring their own beverages on to the trolley. While they were on the trolley, the passengers would be able to drink, but they could not take it off of the trolley with them. The engineer piloted the bike while the passengers pedaled and the passengers could not get off of the trolley with their open container. It had to be kept on the trolley the entire time. Ms. Peters understood a cooler could be brought on to the pedal trolley so it was not just one drink.

Ms. Peters asked for the advantage of this. Ms. Schneider replied there were pedal pubs throughout Missouri and they were popular attractions to those visiting. She explained she had spoken with Brian Ash, who was a former council member and business owner in Columbia, as he owned a pedal pub in Springfield, Missouri. She stated she had asked about any problems with alcohol consumption, open containers, overconsumption, the positive or negative impacts on the City of Springfield, its effects on traffic, the typical rider, the months it operated, etc. She understood it operated year-round, but there were not a lot of riders in December, January, February, or March. The typical rider would likely be of college age or slightly older in Columbia. Ms. Peters asked if that was the typical rider in Springfield. Ms. Schneider replied it was 35-60 there, but Mr. Ash had assumed that because Columbia had a larger college student population it would have more college-aged riders. She commented that most tours were two hours even when looking at Ann Arbor, Kansas City, and Springfield. She was not sure about St. Louis, but understood they had looser rules than what had been proposed by ordinance for Columbia. Since the tours were only two hours, they did not have a problem with overconsumption. Ms. Peters asked about traffic. Ms. Schneider replied that had not been a problem because they did not allow it to operate on the main streets. She noted Columbia would ask for it to be kept on side streets as well. In addition, there were time limits in that it could not run past a certain time at night and did not start until late morning. Mr. Glascock stated staff would try to keep it off of Broadway. In addition, the trolleys could pull into alleys to let any cars by if needed. This would allow some relief at about every half-block.

Ms. Schneider reiterated this was a popular attraction in many cities across the United States and was one more thing for people to do when traveling to Columbia.

Mr. Skala asked if there was a reason staff was calling this a pedal trolley instead of a pedal pub. Ms. Thompson replied alcohol was not served on the vehicles so it really was not a pub. Mr. Skala asked if that was what everyone just called them. Ms. Thompson noted it was called a trolley bike in Springfield. Ms. Schneider understood Pedal Pub

was the name of a company and she assumed they would not want to name it that in the ordinance.

Mr. Skala asked if anyone had spoken with the Police Department with respect to the potential for this. Ms. Schneider replied the Police Department had participated in the conversation when they had first met on it along with other interested parties within the City. She understood the Police Department thought this would be fine with the parameters placed in the ordinance.

Mayor Treece commented that he did not begrudge anyone having a good time. He only wanted people to be safe. He noted he would feel more comfortable if there was minimum liability coverage of \$5 million. He understood a catastrophic accident with sixteen people on board would result in only \$200,000 in liability coverage, which he did not feel was enough. He explained he would also like to offer a twelve-month sunset clause so it could be revisited after seeing how it worked.

Mr. Glascock suggested fourteen months for better information so they were able to get through the next football season. Mayor Treece asked if a sunset clause of December 31, 2019 would be acceptable. Mr. Glascock replied yes.

Mayor Treece made a motion to amend B272-18 by changing Section 6 so it would read "This ordinance shall be in full force and effect from and after its passage until December 31, 2019." The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mayor Treece asked if anyone felt strongly about the insurance requirements. Mr. Skala replied he would like to bulk it up as well. Mayor Treece stated he did not believe it would be cost prohibitive to require an increase coverage.

Mr. Pitzer asked about the limits for other businesses transporting people. Mayor Treece replied he thought it was more than the amount in the ordinance. He commented that sovereign immunity limits were usually reserved for political subdivisions to cap their exposure. He had never heard of a situation of extending that benefit to a private enterprise. Ms. Thompson stated the intent of that was to ensure the City would be covered if the City was included in any type of suit because it involved the licensing of a business to use the right-of-way, but noted it could be changed. She noted the question would be whether or not a \$5 million umbrella policy would be acceptable. Usually a business would write a \$1-\$2 million policy and an umbrella policy on top of that.

Mr. Pitzer asked what kind of liability coverage a shuttle bus transporting fourteen people would be required to hold. Ms. Thompson replied she did not believe the City currently had a requirement for \$5 million for buses, taxis, etc. She stated the closest thing they had in the City Code involved vehicles for hire, and she was not sure what the insurance requirement was for those businesses.

Mr. Skala commented that people on shuttles were not bringing coolers. Mr. Pitzer understood non-drivers in vehicles were allowed to consume alcohol in the State of Missouri. Ms. Thompson stated that was correct. She pointed out some municipalities prohibited open containers in vehicles for drivers and passengers, but Columbia did not have an open container law for passengers in a vehicle.

Ms. Peters asked if they would need to run the insurance limits by Risk Management for review. Ms. Thompson replied that might be helpful. She noted she was trying to research whether there was a particular insurance requirement for vehicles for hire in the City Code.

Mayor Treece asked if they agreed this company could not begin offering tours tomorrow morning. Ms. Schneider replied the company had an open calendar for whenever this passed and for whenever they had the ability to obtain a license.

Ms. Thompson suggested a break or moving this item to later on the agenda if they wanted a definite number.

Mayor Treece stated they would come back to B272-18, as amended, after they were finished with the items under new business.

VII. CONSENT AGENDA

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

- B252-18 Rezoning property located on the south side of Heriford Road and west of Burlington Street from District R-1 (One-Family Dwelling District) to District M-OF (Mixed-Use Office District) (Case No. 18-173).
- B253-18 Approving a major amendment to the MBS South Site Development O-P Development Plan located on the south side of Ash Street and approximately 400 feet east of Fairview Road by repealing Ordinance No. 022316; approving the "Boone County Family Resources" PD Plan; approving a statement of intent; granting design adjustments relating to parking lot landscaping and entry door placement (Case No. 18-175).
- B254-18 Approving the Final Plat of "The Brooks, Plat No. 2," located on the north side of Highway WW and approximately 900 feet west of Rolling Hills Road; authorizing a performance contract; authorizing Amendment No. 1 to the development agreement with The Brooks at Columbia, LLC (Case No. 18-78).
- B255-18 Approving the Final Plat of "Creeks Edge, Plat No. 4," located on the west side of Scott Boulevard and at the western terminus of Sawgrass Drive; authorizing a performance contract (Case No. 18-154).
- B258-18 Amending Chapter 14 of the City Code relating to parking limitations on a portion of Waugh Street to update the elementary school name.
- B259-18 Amending Chapter 22 of the City Code to eliminate the "Fast Passes" as a fixed route bus transportation fare option.
- B260-18 Authorizing construction of two (2) roundabouts on Nifong Boulevard at the intersections of Nifong Boulevard and Sinclair Road and Nifong Boulevard/Vawter School Road and Old Mill Creek Road/Country Woods Road; calling for bids through the Purchasing Division.
- B261-18 Authorizing the acquisition of easements for construction of two (2) roundabouts on Nifong Boulevard at the intersections of Nifong Boulevard and Sinclair Road and Nifong Boulevard/Vawter School Road and Old Mill Creek Road/Country Woods Road.

- B262-18 Authorizing a contract with the Missouri Department of Transportation - Highway Safety and Traffic Division for a DWI enforcement unit; appropriating funds.
- B263-18 Authorizing a contract with the Missouri Department of Transportation - Highway Safety and Traffic Division for DWI enforcement relating to sobriety checkpoints and saturation patrols; appropriating funds.
- B264-18 Authorizing a subrecipient monitoring agreement with Boone County, Missouri relating to acceptance of the FY 2017 Justice Assistance Grant (JAG) Program Award to purchase equipment for the Police Department; appropriating funds.
- B265-18 Authorizing an intergovernmental agreement with the County of Boone, Missouri relating to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the allocation of FY 2018 funding.
- B266-18 Authorizing a member agency agreement with the Missouri Department of Public Safety - Missouri Interoperability Center for access to the Missouri Statewide Interoperable Network (MOSWIN) radio network for public safety agencies.
- B267-18 Authorizing acceptance of sixteen (16) MorphoTrack Rapid ID units from the Missouri Police Chiefs Charitable Foundation.
- B269-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services for WIC local agency nutrition services.
- B270-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services relating to the Teen Outreach Program (TOP).
- B271-18 Accepting donated funds from the Community Foundation of Central Missouri to supplement the funding for the trust specialist position in the City Manager's Office; appropriating funds.
- R165-18 Setting a public hearing: proposed construction of improvements at the Lions-Stephens Park to include replacement of the existing shelter and playground structures, installation of a sidewalk along Ann Street, installation of concrete pads for trash and recycling receptacles,

construction of ADA walkways and the installation of additional amenities as funding allows.

- R166-18 Setting a public hearing: consider adoption of the Columbia Wastewater and Stormwater Integrated Management Plan Final Report.
- R167-18 Setting a public hearing: consider approval of the design concept proposed by artist David Spear for the Columbia Sports Fieldhouse Percent for Art Project.
- R168-18 Setting a public hearing: voluntary annexation of property located on the northwest corner of the Prathersville Road and Oakland Gravel Road intersection (Case No. 18-166).
- R169-18 Setting a public hearing: consider the FY 2020-2024 Consolidated Plan for CDBG and HOME funds in accordance with the City's Citizen Participation Plan.
- R171-18 Authorizing an extension of the temporary closure of three (3) parking spaces on the north side of Walnut Street, between Eighth Street and Ninth Street, to facilitate the construction of tenant finishes within the office building located at 807 E. Walnut Street.
- R172-18 Authorizing an agreement with Missouri Farmer Association Inc., Missouri Farmer Association Oil, Shelter Mutual Insurance Company, Missouri Farmer Association Foundation, and the Fred V. and Dorothy H. Heinkel Charitable Foundation for the naming and sponsorship of the pedestrian plaza located within the Clary-Shy Community Park at 1701 W. Ash Street.
- R173-18 Authorizing an agreement with Columbia Access Television (CAT) for operation of a public access channel in FY 2019.
- R174-18 Authorizing a community housing development organization (CHDO) agreement with Columbia Missouri Community Housing Development Organization, d/b/a Job Point, to transfer title to City-owned property located at 7 Third Avenue and 9 Third Avenue to facilitate the construction of two (2) owner-occupied affordable and energy efficient housing units.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PITZER (except R172-18 on which he abstained), PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE.

ABSENT: RUFFIN. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

R170-18 Authorizing an agreement with Green Valley Rifle & Pistol Club, Inc. for range facility access and use by the Columbia Police Department for training purposes.

The resolution was read by the Clerk.

Deputy Chief Schlude provided a staff report.

Dale Roberts, 1301 Vandiver Drive, stated he was representing the Columbia Police Officers Association (CPOA) and noted they were not critical of the work of the Police Department with regard to this. He understood there was a budget they had to accommodate. He explained he had been contacted by CPOA members with concerns about the passes for SWAT being eliminated. In addition, he had been told that certified firearms instructors had also had passes in the past. This meant about 25-30 passes were eliminated. He explained the Police Department previously had its own firearms range with an obstacle course on City-owned property, and officers could use it any time they wanted. In the late 1990's, the land was taken from the Police Department as it was needed for the landfill. He thought the City had contracted with Green Valley Rifle & Pistol Club ever since the Police Department had lost its dedicated range. He commented that the new contract eliminated anytime access for SWAT members and potentially certified firearms instructors, and they had to be skilled to implement their weapons at any given time. He suggested eliminating almost anything else before eliminating firearms training for officers as he believed it was a liability issue. He was not sure if it was too late to renegotiate or look into the situation. He understood some of the training could be done at Target Masters at potentially a cheaper price which would allow SWAT members to have access to the range. He felt the critical training for SWAT members should be maintained.

Mr. Skala understood Mr. Roberts believed this would significantly reduce the amount of time available for SWAT members and instructors in addition to the issue of flexibility in terms of time and scheduling. Mr. Roberts stated he could not quantify it in terms of significance, but noted several SWAT members had indicated they were concerned about this reduction. He pointed out the proposed contract had ten passes that someone could check out, but the SWAT members would have to compete with others for those passes. In addition, one would have to plan to check out the pass, go to the range to practice, and then return the pass. Previously, the SWAT members could go to the range and practice when they had time without planning ahead.

Mr. Pitzer asked if a potential solution would be for SWAT to have a couple of passes to share amongst themselves. He wondered if they all went to the range at the same time. Mr. Roberts replied they did not go at the same time, but would have to figure out how to pass those back and forth in order to access the range. Mayor Treece noted they could also go to the Police Department to pick up a pass, practice, and return the pass.

Mayor Treece asked if anything was within the collective bargaining agreement with regard to firearms training. Mr. Roberts replied there was not anything that addressed this situation.

Mr. Pitzer understood two eight-hour blocks per month were set aside for SWAT training, and asked how long the SWAT members were training above and beyond those sixteen hours per month. Mr. Roberts replied he did not have that information. He understood those two days that were set aside might not always be used.

Deputy Chief Schlude explained there were 24 days of SWAT training per year, and it did not necessarily result in two days per month because there were months that they did not do any training, such as those months with many special events like October. They

did 10-hour training days since they were on a 10-hour schedule so they received 20 hours of training per month. One of the reasons they did 20 hours per month was to continue having a Tier 1 SWAT operations and the National Tactical Officers Association (NTOA) required so many hours of training per month to keep a team at the Tier 1 level. Of the 20 hours per month, the SWAT member decided how much of that involved firearms versus the various other things they did. The main change was that they would no longer have their own range passes to shoot beyond the SWAT training. They would have to share the ten they had with others.

Mr. Skala asked if it was possible to set aside a couple of the ten passes specifically for SWAT. Deputy Chief Schlude replied she had personally never seen all ten passes checked out at once since it was voluntary, but it was something they could discuss internally.

Mayor Treece asked if there were any other suggestions as to how to accommodate the potential demand. Deputy Chief Schlude replied they had discussed using Target Masters, but they would need to determine if they could accommodate the type of training needed because it was more than purely standing and shooting at a target. She noted she had spoken with Mr. Roberts and indicated it was something they could look into if they received a better price. The problem was that Green Valley Rifle & Pistol Club really was the only establishment that could accommodate their needs. She referred to the chart that outlined all of the training and costs, and pointed out there were some things for which the City was not charged. The cost was about \$2,650 to provide all the SWAT members a range pass for the year that some might or might not use. She thought it might best to give them a couple passes in the absence of being able to give them all a pass.

Mr. Skala asked if the SWAT members could still exercise their prerogatives with respect to automatic weapons or other special equipment. Deputy Chief Schlude replied yes.

Mayor Treece asked Mr. Matthes if he had any suggestions. Mr. Matthes replied he thought they could sort through the issue.

The vote on R170-18 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: RUFFIN.

Resolution declared adopted, reading as follows:

B272-18 Amending Chapters 13, 14, 16, 17 and 28 of the City Code as it relates to pedal trolleys.

This bill had previously been discussed under the old business portion of the agenda and had been continued to after the new business portion of the agenda to allow time to research insurance requirements.

Mayor Treece asked Ms. Thompson if she had an update. Ms. Thompson commented that there was a great deal of inconsistency in the insurance requirement set out in the City Code as some had not been updated since 1964. She recommended the Council keep the ordinance as it was, and to have staff review the insurance requirements for all types of vehicles for hire. Currently, the insurance requirement for motorbuses was \$100,000 per person and \$300,000 per accident, which really was not sufficient. The insurance requirement in the proposed ordinance for pedal trolleys was greater than that, but might not be adequate either. She reiterated her suggestion to allow staff to look at all of the insurance requirements and come back to Council with a recommendation on what other amendments would need to be made.

Mayor Treece stated he was okay with that, and asked if anyone objected. No one objected.

B272-18, as amended, was given third reading with the vote recorded as follows:

VOTING YES: PITZER, TREECE, TRAPP, SKALA, THOMAS. VOTING NO: PETERS.

ABSENT: RUFFIN. Bill declared enacted, reading as follows:

IX. INTRODUCTION AND FIRST READING

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

- B274-18 Granting a waiver and design adjustment relating to sidewalk construction along a portion of the west side of Ballenger Lane (1705 N. Ballenger Lane) (Case No. 18-181)
- B275-18 Rezoning property located on the west side of Eighth Street and south of North Boulevard from District R-MF (Multi-Family Residential District) to District PD (Planned District); approving the PD Plan for "Cullimore Cottages" (Case No. 18-180).
- B276-18 Authorizing construction of the Carter Lane sidewalk project between Huntridge Drive and Foxfire Drive; calling for bids through the Purchasing Division.
- B277-18 Authorizing construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane and construction of the Forum Boulevard improvement project between Green Meadows Road and Nifong Boulevard; calling for bids through the Purchasing Division.
- B278-18 Authorizing the acquisition of easements for the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane and construction of the Forum Boulevard improvement project between Green Meadows Road and Nifong Boulevard.
- B279-18 Authorizing construction of the Keene Street and I-70 Drive Southeast intersection improvement project; calling for bids through the Purchasing Division.
- B280-18 Authorizing the acquisition of easements for construction of the Keene Street and I-70 Drive Southeast intersection improvement project.
- B281-18 Authorizing a right of use license permit with Shelter Mutual Insurance Company for the construction, installation, maintenance and operation of a private decorative wrought iron fence with gates and stone columns within a portion of the right-of way on the south side of Ash Street, east of Stadium Boulevard.

- B282-18 Appropriating funds received from Boone County, Missouri per the terms of a cost allocation agreement relating to a traffic flow and proposed alignment study for a portion of Grace Lane located between Richland Road and St. Charles Road.
- B283-18 Amending Chapter 14 of the City Code to establish a 10-hour parking zone for an off-street municipal parking lot located on the southeast corner of the Broadway and Providence Road intersection.
- B284-18 Authorizing the construction of improvements at the Lions-Stephens Park to include replacement of the existing shelter and playground structures, installation of a sidewalk along Ann Street, installation of concrete pads for trash and recycling receptacles, construction of ADA walkways and the installation of additional amenities as funding allows; calling for bids for a portion of the project through the Purchasing Division.
- B285-18 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant to provide advanced forestry training and education for Parks and Recreation Department employees; appropriating funds.
- B286-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services for maternal child health services; appropriating funds.
- B287-18 Accepting a donation from Central Bank of Boone County for the 2019 Fair Housing and Lending Seminar; appropriating funds.
- B288-18 Amending Chapters 11, 14 and 17 of the City Code relating to motor propelled scooters and electric assist bicycles.
- B289-18 Authorizing interim operating agreements with Bird Rides, Inc. and Pony Scooter, Inc. for implementation of a shared active transportation operation.
- B290-18 Repealing Ordinance No. 022853 which established affordable housing fee waiver and rebate programs and enacting new provisions related thereto.

- B291-18 Authorizing a memorandum of understanding with PedNet Coalition relating to the disbursement of funds received from a Missouri Foundation for Health Grant for a Vision Zero Smart Road User scholarship program; appropriating funds.

X. REPORTS

- REP91-18 Correspondence from the Board of Health regarding licensing of tobacco retailers.

Ms. Browning provided a staff report.

Mr. Trapp stated he would like to see them move forward with tobacco retail licensing as he believed it was an important issue. He thought it was best to bring in the regulatory framework as a staged process. If they had Hancock Amendment issues with charging an administrative fee, it would be easier if they just had the fee piece rather than having to approve a regulatory regime at the same time as it would make it more complicated and open it up to hypothetical arguments and misinterpretation. He reiterated he thought they should bring the regulatory regime forward even if they were not able to enforce it with current resources. If they were able to do some enforcement, they would then be in the position to have the funds to do more enforcement.

Mr. Skala stated he concurred with Mr. Trapp.

Mayor Treece explained his concern was with enforcement. He understood the concept of having a license that could then be revoked to take away the ability to sell tobacco, but wondered how it would be enforced. Ms. Browning replied currently there were not any financial resources within the Police Department to do enforcement. She pointed out that was one of the problems when they had passed Tobacco 21. They knew enforcement would be a challenge because the Police Department could not take that on. She stated they had talked to some of the stakeholders to determine if there ways to obtain grant funding for some enforcement activities, and noted an issue was that they did not know the extent of the problem. They did not know how many people were selling tobacco to minors. If they were able to create some sort of enforcement mechanism through a grant, they could at least potentially quantify the problem.

Mayor Treece asked if it would be a no-fee business license for tobacco retailers. Ms. Browning replied they could not charge a fee at this time due to the Hancock Amendment. As a result, they would be asking for a no-fee license so they could identify who was selling tobacco within the City of Columbia.

Mayor Treece understood the penalty was recommended to be not less than \$1,000 and asked how that compared to selling alcohol to a minor. Ms. Browning understood that the judge would set the fine. The Board of Health felt \$200 was inconsequential, and that it should be a heavier fine, like \$1,000. Ms. Thompson explained prosecutorial discretion worked well when it came to enforcement as every case was not the same. They might have a sale to a 20 year old or to a 14 year old. Those really were not the same if the seller thought the age one could purchase tobacco was 18 years old. It would not excuse it, but there was a clear egregiousness in the type of behavior. She commented that having a minimum penalty on every violation took away the prosecutorial discretion to actually impose a greater penalty for cases of egregious behavior.

Ms. Thompson stated she thought alcohol violations could be penalized up to a maximum of \$1,000, and understood the Board of Health had suggested a minimum of \$1,000 for tobacco sales violations. Ms. Browning agreed as they felt that would get someone's attention quickly. They did not feel \$200 would get the attention of the business owner given the profit being made off of the product. Mayor Treece stated he was curious with the parity with the sale of alcohol to a minor. It seemed like the

potential for impairment and harm to others was greater on the sale of alcohol, but the fine was only up to \$1,000. Ms. Thompson commented that the penalty for a violation for the sale of alcohol had a minimum of a \$75 fine and a maximum of a \$1,000 fine. Ms. Browning noted the long term harm from tobacco might be worse.

Mr. Thomas understood the Police Department enforced the alcohol age limit and thought it would be simple enough to do tobacco enforcement in the same way and as part of the same program. Ms. Browning stated she understood the Police Department received funding from the State of Missouri to do special alcohol enforcement activities. In addition, they would be enforcing federal and state law, and Tobacco 21 was a local ordinance. She was not sure if it could be done in tandem.

Mr. Pitzer commented that they had previously discussed centralizing some enforcement activities that did not necessarily require a police presence, and asked if there had been any more discussion or development of that concept. Ms. Browning replied not to her knowledge. She understood other municipalities, such as Kansas City, had an enforcement mechanism under one department that was not law enforcement. Mr. Pitzer asked if it was a matter of funding. Ms. Browning replied yes.

Mayor Treece pointed out that at this meeting alone they had added enforcement of pedal trolleys, new houses, and grease bins.

REP92-18

Affordable housing fees and incentives.

Mr. Teddy provided a staff report.

Mr. Thomas understood the system equity fee terminology had been adopted in 2015, and asked if that had been for a particular utility. Mr. Teddy replied it had been for the water connection charge. He explained it had been renamed system equity as part of the ordinance change. At some point, there had been a differentiation of what had been referred to as just a connection charge to a connection charge and tap fee, and the system equity term came later to refer to the connection charge. Mr. Thomas understood there was a particular way to calculate it and that it had been adopted as a term for water, but not wastewater. Mr. Teddy replied it was still referred to as a connection charge. Mr. Thomas understood it did not make a difference in terms of how things were calculated. It was just new terminology in 2015. Mr. Teddy stated he thought it had been done at the suggestion of Mr. Thomas.

Mr. Thomas explained the report had indicated the building permit fees had been raised in 2015 and a more objective basis for calculating those fees had been instituted based on the value of the property. The report later indicated building permit fees were increased in 2012 to ensure recovery of 75 percent of the City's cost to do the administrative inspections, etc. He asked for clarification on those two statements. Mr. Teddy replied the previous system for calculating building permit fees was based on the valuations the builders would put on the application. In 2012, the basis was changed to system that was more objective and generated the valuation figure based on the type of construction and a cost factor per square foot. He noted this was updated annually. Mr. Thomas understood that strategy had been adopted in 2015. Mr. Teddy stated he thought it had happened in 2012. Mr. Thomas noted the report indicated 2015. Mr. Teddy apologized if he had made a mistake. Mr. Thomas thought both changes might have occurred in 2012. Mr. Teddy explained they had also simplified the fee structure to \$2.25 per \$1,000 of value as the base building fee. In addition to that fee, there were some other component fees.

Mr. Thomas understood the building permit fees had been set to recover 75 percent of the actual City staff cost of operation, which meant the general taxpayer was subsidizing the other 25 percent. He suggested they reset the fees so they recovered 100 percent in order to bring in extra revenue that could be used to offset the waivers they wanted to provide for affordable housing. Ms. Thompson stated an analysis was required in order to adjust fees to determine whether or not there was a violation of the Hancock Amendment. Mayor Treece pointed out they could not recover more than the cost of providing the service. Ms. Thompson agreed. In addition, if in the past they had a voter approved fee

that only recovered a certain percent, they would have to continue using that calculation as the basis without voter approval. She noted staff had the ability to look at which fees might have Hancock limitations and which ones did not.

Mr. Thomas understood the fees had been set to recover 75 percent in 2012, and asked what it was before then. Ms. Thompson replied she did not know as she had not written the memo. She noted this was a memo on the fee waivers for purposes of the affordable housing program and did not know why that information had been included other than to provide background information. Mr. Thomas stated he thought it was relevant because the problem with providing fee waivers was that they would lose revenue. He felt they wanted to do that to encourage affordable housing, and if they were giving a subsidy to market-rate housing, which they could stop, they would then have addition revenue.

Mr. Skala stated they could discuss the issue, but it would ultimately have to be decided by the voters. Mr. Thomas asked if that was definite or if research would need to be done to determine if that would be required. Ms. Thompson replied her recollection was that it would have to go to the voters.

Mayor Treece understood staff was recommending the agency be asked to justify the subsidy was necessary to complete the project and how it would benefit a low and medium income buyer if Council wanted to expand the waivers. Mr. Teddy stated that was correct. He stated he did not feel it should just be given due to the status of the agency. Mayor Treece asked if staff had the existing discretion to do this or if an ordinance was needed. Mr. Teddy replied it would be included in ordinance language.

Mr. Skala understood this was background information to prepare for that eventuality. Mr. Teddy stated that was correct. Ms. Thompson pointed out the ordinance had been introduced tonight so they would be able to vote on it at the next meeting.

Mr. Thomas asked if they had the funds to be able to afford to give those waivers without harming the Community Development Department budget. Mr. Teddy replied there would be a monitoring procedure that had been recommended by the Law Department. Staff would provide an annual report with regard to the fees that had been waived. Council could then decide whether to modify the program. If they had an unusual amount of activity, there would definitely be some fiscal ramifications.

Mr. Thomas stated he had heard Habitat for Humanity wanted to build 300 units. Mr. Teddy explained they would have to qualify the units. In addition, he did not believe their capacity was at that number in a short period of time. He thought they typically built about ten units per year. If there was a situation where a lot of affordable housing was constructed, a conversation would likely be needed.

Mr. Thomas asked Ms. Thompson if the Council would be able to raise the 75 percent calculation to 100 percent without a public vote. Ms. Thompson replied that would take a financial analysis based upon the history of the fees. It was not just a legal analysis. It was also a financial analysis. Mr. Thomas stated he thought that had already been done because it had already been set at 75 percent. He asked if they could just use that figure. Ms. Thompson replied she could not answer that question as she did not know if that had been an accurate reflection of what had occurred over time based on what the Hancock Amendment would allow or require. She stated she did not have the capability to calculate it. It had to be done by the Finance Department and the Community Development Department. Mr. Thomas asked if that was an unreasonable project to ask the Finance Department and Community Development Department to do. Mr. Matthes replied they would look at the file to determine if there was anything in there from the last time it had been discussed. He stated they would bring forward what they had. He commented that 75 percent had been a goal, and costs tended to change over time. In addition, they did not have much control over the revenue since they did not know how many permits would be requested. It was their best guess in determining the 75 percent, and not a precise science.

Mr. Skala stated his recollection was that these were goals. He thought the recovery of fees had been set at about 75 percent for recreation fees as well. He noted he would like

staff to pursue the research necessary to clarify the issue.

Mr. Thomas commented that they could decide as a Council whether the philosophy would be to set the goal at 100 percent. Mr. Skala stated he thought that had been the exercise when it had been set at 75 percent. Mr. Thomas understood and felt it might be time for that goal to be updated. Mr. Matthes thought the 75 percent might have been a result of the Hancock Amendment. He stated they would look into it and come back to Council with that information.

REP93-18 Status of the cost reimbursement program for the installation of pressure sewers and backflow prevention devices or the removal of plumbing fixtures.

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

REP94-18 Status of 2013 sewer bond projects.

Ms. Peters thanked staff for this report as she had requested it, and asked how it related to the inflow and infiltration work being done. Mr. Sorrell replied it was included as part of the sewer rehabilitation work identified by the fiscal years. It was the largest portion of funding, and they had been working in the oldest areas of town. As a result, the First and Fourth Wards had received the most funding. They had the oldest sewers, the highest number of sewer backups, and the most private common collectors.

Ms. Peters recalled receiving reports in the past as to which watersheds had been completed. Mr. Sorrell stated he had not provided an update recently. Ms. Peters thought that might be helpful after seeing this report. Mr. Sorrell explained that due to the relatively low amount of rainfall recently, they had not been able to conduct flow monitoring on the County House Branch watershed. He noted they had pretty much rehabilitated the entire sewer main system in that watershed, but were unable to see the results on the effectiveness of it until there were rain storms to monitor the flow. He stated he would be happy to provide the report once they received the data. Ms. Peters noted commented that she would appreciate it.

Mr. Pitzer asked if there was a central location where they could find the status of all voter-approved projects. Mr. Sorrell replied he thought a CIP report was provided to Council once a month. Mr. Matthes agreed the management fellows provided an e-mail that contained updates, but it was not exactly what Mr. Pitzer had described. Mr. Pitzer explained he would like for anyone to be able to go on the website to determine exactly what happened with a particular bond. Mayor Treece commented that he had recently gone through this exercise, and pointed out the Parks and Recreation Department actually did a very good job of this on the website. It had every voter approved project, and where it was in terms of progress. He noted the Chamber of Commerce had asked, and he had asked again, and had received a spreadsheet of all of the projects. He commented that the GIS system on the City's website allowed one to see every CIP project by geographic location and its status, but one would need to want to look at what was happening in the neighborhood, on the way to work, etc. Mr. Pitzer stated it sounded as though the City did not have what he had described. Mr. Matthes commented that the CIP was the document, but it was an annual document so it was not as up to date as what Mr. Pitzer might like. Mr. Skala noted it was not as user-friendly. Mr. Pitzer agreed. He understood setting something up would create some work, but did not feel keeping it up to date would be a challenge. He felt it would be good to allow people to determine where they were with regard to the status of all bond projects, not just sewer bond projects. It would allow Council to be able to respond to constituents as well. He asked if that could be done as he would like to see it. Ms. Peters agreed. She thought it would be nice for the citizens to view the status of the projects. Mr. Skala agreed as well. Mr. Matthes stated they would put some thought into that. He commented that they communicated it in about four different ways, but it was not hitting the mark. Mr. Skala pointed out the Council received some of the information, but the

public did not necessarily receive it, and it would be nice to make it available to everyone.

REP95-18 Timeline related to the establishment of the Columbia Residential Parking by Permit Only (RPPO) program.

Mr. Nichols provided a staff report.

Mr. Skala commented that he was anxious for this to move forward as it had been in the pipeline for quite some time.

Mr. Nichols stated they had received a proposal and he and the new Transit and Parking Manager were negotiating it with them now.

Mr. Skala understood the reason this had taken a while in the past when they had tried to address it in-house was because each area was unique, and that they would now have a consultant to drive the project and iron out the differences so they could have a one size fits all solution. He was not sure that was possible because there would still be individual differences that had already been established for the different areas due to different needs. Mr. Nichols explained he thought that was the reason the consultant would be crucial. They would bring a lot of expertise. He believed they had a methodology that would guide them to consensus. He noted there could be some specific issues as well, and referred to Benton Elementary School as it was unique to the neighborhood. He stated he was excited to have a consultant on board as they had already shown a lot of past experience.

Mr. Skala asked if it would be a 4-6 month timeline. Mr. Nichols replied the contract was close to being finalized. He noted the consultant had thought it might take 6-8 weeks, but staff felt it would take longer and had included a timeline of 4-6 months to get everyone together and to reach a consensus.

REP96-18 Winter weather response for 2018/2019 winter season.

Mr. Nichols provided a staff report.

Ms. Peters left the meeting.

Mr. Pitzer explained he had asked staff to look into the issue of certain neighborhoods contracting with private companies to plow their own streets at the end of the last snow season because a few people had approached him. He understood staff had indicated they might be interested in conducting a pilot project whereby they would meet with a group that was interested and set some parameters. Mr. Nichols stated that was the goal. He noted staff really needed to establish the expectations in terms of the type of event, the types of material used, etc.

Mr. Skala understood one of the problems was the City's liability in terms of public streets and private entities operating in public streets. Mr. Nichols commented that an e-mail from Ms. Thompson had indicated she did not have an issue with that. Ms. Thompson pointed out there were issues, but it was a liability the City could choose to accept. She reiterated there were potential issues in terms of damaging the streets, who would be responsible, how to equitably divide the services, etc. She noted they were things that could be managed at some level. Mr. Pitzer understood the liability was in terms of deterioration of the street, and not if it was not treated properly and an accident occurred. Ms. Thompson stated that was correct, and noted it could be damage to the streets or private property from plows as well.

Mr. Pitzer stated he envisioned a program with parameters of what might be acceptable, and as long as someone agreed to those parameters, they might be able to do something. Ms. Thompson agreed there should be some insurance requirements, etc. to protect against the potential risk. Mr. Pitzer understood they could stipulate what was allowed and what was not allowed in terms of what was placed on the streets. Mr. Nichols agreed, and noted they would need to work out those details for any pilot program.

Mr. Pitzer asked if he could send some people were interested in this to the City. Mr. Matthes replied yes.

Mr. Matthes asked Council to make a point to look at the maps as this was the time for Council to comment if they felt a change was needed in first, second, and third priority streets.

Mr. Pitzer asked if staff needed more personnel or more equipment to help clear streets. Mr. Matthes replied both were needed. Mr. Stone explained personnel was the major issue, but without the equipment they would not be able to complete the function. If Council wanted to increase the level of service, both would be needed. Mr. Pitzer asked if they would have something to do with them if they had more people. Mr. Stone replied they would need more equipment as well. Mr. Matthes explained that depending on the event, they pulled help from other departments. Mr. Nichols stated that was correct. The higher the level of intensity, the more they tapped into support from other departments. Mr. Stone explained they involved other people for the more major events. Assistance would be needed in terms of personnel and equipment if the level of service was to increase for the more routine events.

REP97-18 Update on Vision Commission public engagement process for Strategic Plan.

Ms. Messina provided a staff report.

Mr. Thomas asked if the participants in the focus groups would be Vision Commission members and other handpicked stakeholders that represented certain sectors. Ms. Messina replied they would look for representatives from various populations, i.e., low income persons, seniors, persons with disabilities, youth, and businesses. The Vision Commission members could participate as they wished, whether they wanted to be there to welcome and close the meeting, if they wanted to facilitate or be recorders at the meetings, or if they wanted to act in another capacity. They were really hosting the meetings.

REP98-18 Intra-departmental transfer of funds request.

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

Mr. Trapp commented that the last transfer under the capital transfer of funds appeared to repeat the account names of the previous transfer. Mr. Matthes agreed that was a typographical error, and noted it would be fixed. He stated the account numbers were correct.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ginny Chadwick, 305 Alexander Avenue, thanked Ms. Thompson for drafting the policy for the tobacco retail license, and noted the Board of Health had taken a long time to thoughtfully provide the Council a recommendation. She stated she was speaking on behalf of the Preventing Tobacco Addiction Foundation, tobacco21.org, as the Western Regional Director, which meant she served every state west of the Mississippi River. She commented that policies had been passed in 365 communities across the country, which was equivalent to about 30 percent of the population, and Columbia had been the 31st community to enact policy. Since Columbia was one of the first to pass policy not as much was known then as was known now. She noted youth use rates of e-cigarettes were up by 77 percent in high school students and 50 percent in middle school students. She showed the Council an e-cigarette device and noted it looked similar to a thumb drive. She pointed out they were easily accessible by youth and came in fruity flavors. She commented that the clerk that sold one to her at a location across the street from a middle school had indicated the flavor that came with it did not taste good, and had given her a fruity flavor instead. She explained she wanted to see Health Department enforcement as they understood the Police Department was busy with public safety. She felt a code inspector or a food inspector could enforce the policy, and that the penalties could be civil instead of criminal. She did not believe it was necessary for this to go before a judge. She noted most convenience stores had about \$360,000 a year in

tobacco sales, so a fine would not be substantial. There needed to be a suspension and revocation penalty of a license for those that continued to violate the law. She understood a budget of about \$20,000 could allow for inspections for retailers two times per year, and if Tobacco 21 was properly enforced in Columbia, 388 kids would not die of a tobacco-related illness. She believed there were ways to measure this, and explained that when they first adopted Tobacco 21, the FDA had indicated compliance rates were at 10.9 percent, and after adoption, the rates had dropped whereby the violations were at seven percent. Since the policy had not been enforced in 2017, the violation rate had increased to 11.8 percent. Retailers were selling to 17 year olds. She commented that a retailer near Rock Bridge High School had a no sale order due to a compliance check of the FDA where there had been seven violations. The retailer had paid an \$11,000 fee and received a no sale order. She stated they knew retailers in the community were selling to youth because when the FDA had conducted its check, five of the retailers not in compliance were within Columbia. Tobacco was being sold to 17 year olds so they were not following the Tobacco 21 policy. She asked the Council to act due to e-cigarette use rates skyrocketing, and noted she believed it was a true epidemic that could not wait to be addressed any longer.

Chad McLaurin, 1807 Jackson Street, thanked the Council for the long hours they served. He commented that Traci Wilson-Kleekamp had spoken a couple of months ago and had delivered an f-bomb, and at that time, Mayor Treece had asked for decorum to be established. He asked how the underlying issues factored into the equation, and wondered if other terms were okay to say and provided some examples. Mayor Treece indicated they were not, and asked Mr. McLaurin to maintain decorum as well. Mr. McLaurin stated he understood and asked for consistency in the enforcement of decorum. He stated he was concerned, and hoped their relationship from this point forward would not be adversarial. He noted he was also concerned about wanting to maintain decorum or civility over the actual grievances as he believed their priorities were then misplaced. He challenged the Council to analyze the situation to determine what they were deliberating and governing. He thought it needed to be more than just civility and decorum as there were some serious issues that needed to be addressed. Mayor Treece thanked Mr. McLaurin for the feedback.

Eugene Elkin, 3406 Range Line Street, commented that he had been asking for a homeless shelter for the last ten years and that there might be the needed for four facilities, i.e., one for men, one for women, one for men with children, and one for women with children. There were more and more homeless people all the time.

Mr. Elkin noted Rustic Meadows had recently hooked to City water, and it would cause more people to be poor. He explained they had experienced a \$25 increase in January, and in the spring, they had new management. He thought the cost of water would increase. He pointed out he had only received a \$1 increase in social security, and he was not sure what they would receive in 2019 or what would happen with Medicare. He was not sure how he or some others would pay any increases in rates and fees.

Mr. Elkin commented that scooters needed to be parked at an angle, and noted they created another liability.

Mr. Elkin also thought the liability insurance related to police officers would increase due to less experience of the workforce.

Michael Kelly, 3107 Green Meadows Way, Apt. 103, stated he had interned with Ms. Chadwick at the Preventing Tobacco Addiction Foundation and was a student at the University of Missouri in the Masters in Public Health program. He noted part of his work included being an ambassador through the University of Missouri Wellness Center in terms of administering enforcement of the new tobacco-free policy that had become effective at the University on August 20. He commented that with enforcement, they had

been able to make some really great improvements. He explained the ambassadors approached people to inform them of the policy, and at first people had tended to be upset, but as the semester had continued, they had seen a decrease in the use of tobacco products. He believed that was the reason enforcement was needed. He commented that any initial investment to the Health Department to fund compliance checks could be offset with a minimum fine of \$1,000 for violations. He reiterated they had been able to make an impact on campus, specifically with e-cigarette use, and he encouraged something similar be done in Columbia.

Mr. Thomas commented that it sounded as though the ambassadors were performing more of an educational role than an enforcement role, and asked if the smokers were punished in any way when informing them of the policy. Mr. Kelly replied he would not call it punishment. If they had repeat offenders, they would attempt to obtain their information and follow up with them. Mr. Thomas understood the first time was a warning. Mr. Kelly replied yes, and noted they would also ask them to extinguish their tobacco product. Most people responded well in extinguishing it or putting it away. Mr. Thomas felt it showed engagement without actual punishment could be effective. Mr. Kelly agreed.

Mr. Skala stated he and Mr. Thomas would be attending the Nation League of Cities Summit in Los Angeles this week. A few weeks ago, he had spoken with Leon Andrews, the Director Racial Equity and Leadership (REAL) Council, by phone and noted he would continue those discussions to determine if they might be able to assist in the review the City's ordinances in terms of equity issues. He commented that he could be reached by e-mail if anyone wanted him to ask about any particular issue while he was at the Summit.

Mr. Skala commented that speed tables had been installed on Rice Road, west of Ballenger Lane, and subsequently the road had been chipped and sealed, which had made the speed tables less effective. He asked staff to look at the situation and remediate it.

Mr. Skala asked everyone to vote tomorrow.

Mayor Treece commented that he wanted to follow up on the comments of Julie Ryan to ensure they were on track to receive the water rates by the end of this year. Mr. Matthes stated they were. Mr. Thomas asked if that was to receive the recommendation back by then. Mayor Treece explained they had asked for the water rates before they had approved moving forward with the bond, but the contract had not been done. The rate changes had then come forward during the budget, and staff had asked for it to be withdrawn. He understood the plan was to get the rate structure back to Council, and asked if it would be provided at the last meeting in December. Mr. Thomas understood these would presumably go into effect in 2019. Mr. Pitzer pointed out the interested parties meeting would be held Wednesday evening at 6:00 p.m.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 11:07 p.m.