



Columbia City Council Meeting Recap
Council Chamber, Columbia City Hall
7:00 PM
Monday, November 20, 2017

Pledge of Allegiance
Roll Call

INTRODUCTORY ITEMS

(Recited as indicated.)

(Present: Treece, Trapp, Pitzer, Skala, Thomas, Peters
Absent: Ruffin.)

Approval of Minutes
Adjustment of Agenda

(Minutes from November 6, 2017 approved.)

(R155-17 moved from Consent to New Business. Pitzer abstains from Airport Advisory Board appointment vote. Changes approved by vote of council.)

SPECIAL ITEMS

SI10-17 Strategic Plan Annual Update 2017.

Attachments: [2017 Strategic Plan Annual Report](#)

(Action: An expansive report was presented by city staff and included milestones achieved, areas where goals have not been achieved, and areas where funding or policy initiatives have precluded achievement of the general goals outlined in the Strategic Plan. A variety of speakers from various city departments addressed the five pillars of the Strategic Plan including Infrastructure, Social Equity and Community Outreach, Economic Development, Public Safety and Operational Excellence. The entire report is included in the link provided above. In general, implementation of the strategic plan has been initiated, and in many cases, achieved, but funding is a key in many areas. Refer to the [2017 Strategic Plan Annual Report](#) link for details.

Skala believed that the plan was a crowning achievement of the council, and believes that social equity is the driving force behind these initiatives. Skala indicated that some aspects of achievement are lacking in the Third Ward including some street and lighting programs, but that he applauds the location of a new police station in that area. Further indicated that he is sharing information from the National League of Cities meeting that he just attended, and likes the idea of a dashboard itemizing achievement.

Thomas indicated that he agreed with Skala's comments and wants to continue the focus on social equity. Believes it is important to have neighborhood leadership and that that drives outcomes. Wants more investment in human capital in challenged neighborhoods.

No further comment or formal action.)

[CLICK HERE FOR AN EARLY REPORT FROM THE COLUMBIA DAILY TRIBUNE ON THIS SECTION OF THE MEETING](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

BC11-17 Board and Commission Applicants.

Airport Advisory Board – *Citizen At Large*: Mark Winter

Board of Adjustment – *Alternate*: John Clark was only applicant. Skala asked to reopen advertising on this item to attract more applicants since this is such an important board. Thomas dissented from that idea. The motion to readvertise was defeated. **Clark was appointed by unanimous vote.**

Columbia Vision Commission: Jeff Hickerson

Community Land Trust Organization Board: *Community Business Leader* – Jerry Dowell; *CDBG Neighborhood Rep* – Shirley Rhoades. Trapp will continue as the Council liaison to this board.

Mayor's Council on Physical Fitness and Health – Karen Reider, Ryan Schaal

SCHEDULED PUBLIC COMMENT

SPC65-17 Lea Langdon, Hawthorn Native Plant Society - Changes to the city weed ordinance.

(Action: Presentation occurred as scheduled. This item refers to a report presented to the City Council during the worksession held prior to the regular council meeting. Speaker indicated that she supports changes to the current native plants ordinance. She has noticed that many places become bare when non-native plants do not thrive. Believed that native plants are homes to butterflies, birds and pollinators and help us reduce our carbon footprint. A healthy habitat supports the ecology and does not require as much water or chemical applications. Also believed that many native plants provide beauty and can last throughout many seasons. Wants native plants to be added to ordinance, even if they grow above 12 inches in height. Speaker addressed invasive species and encouraged that honeysuckle and Bradford Pear trees should not be encouraged.

PUBLIC HEARINGS

PH40-17 Proposed installation of a fire suppression system in the office and storeroom areas at the Municipal Power Plant.

[See B339-17/Mayor Memo]

(Action: Staff presented a report indicating that the City of Columbia's property insurance carrier, FM Global, has recommended that a fire suppression system be installed in the office and storeroom portions of the Municipal Power Plant (MPP). The fire suppression system will consist of standard fire sprinklers and related equipment. A similar system is already in place at the MPP protecting the steam turbine generators. Cost is \$63,000.00.

Public hearing was opened. No public comment was received.

B339-17 Authorizing the installation of a fire suppression system in the office and storeroom areas at the Municipal Power Plant; calling for bids through the Purchasing Division.

(Action: This action is based on testimony presented for the previous item.

Bill was approved unanimously.)

OLD BUSINESS

B214-17 Amending Chapter 24 of the City Code to add a new Article X pertaining to

public utility rights-of-way management.
(Tabled at the October 16, 2017 Council Meeting.)

(Action: City staff presented a report. This proposed ordinance will ensure that utility work cannot be completed within the public rights-of-way without proper notification, required permits and a city approved traffic control plan. Many of the local utility companies believe they are working under Franchise agreements that allow them to work and perform closures within the rights-of-way without proper notification, required permits, and city approved traffic control plans. These Franchise agreements, in most cases, have expired. Council directed staff to work with local utility companies and bring back a draft ordinance for Council consideration. This proposed ordinance follows the current standards as identified in the Manual on Uniform Traffic Control Devices (MUTCD), providing for better oversight and accountability for work completed within the public rights-of-way and to ensure that any damaged infrastructure would be required to be repaired to City specifications in order to maintain a safe right-of-way for the public.

In order for staff to fully implement and enforce this ordinance as written, BSD is requesting an additional Engineering Technician (site inspector) position and a reclassification of an existing Engineering Technician position to a Right of Way Technician. If Council passes the ordinance to amend Chapter 24 of the City Code to include a new Article X, "Public Utility Rights-of-Way Users", Sections 160 through 172, staff estimates a minimum of \$84,000 in additional revenue related to permit fees; and approximately \$68,097 in added personnel costs so there would be no negative impact to the budget.

Trapp asked if this item could be tabled once again. City legal counsel advised hearing from utility representatives at tonight's meeting and addressing any outstanding issues.

Public hearing was opened.

The first speaker indicated that this ordinance would increase operating costs and will present a barrier to better service. Indicated that a permit will be required for EVERY project, even service drops to homes. Wants de minimus projects to be exempted. Believes this prohibits connections from poles to homes in favor of underground placements. Waivers would be required for overhead connections. Poles are owned by Water and Light and Boone Electric. Wants to be able to attach to existing poles. Wants this to be amended to say that aerial construction is allowed automatically when attaching to existing poles. Third area of concern was a restriction on time limits for work. Wants this idea to be eliminated and simply require that traffic will not be obstructed during work during the cited times. Finally, wants the rules to be enforced equally among all utility providers.

City responded that if a utility is allowed to have an aerial connection, then the city could be responsible for future burying of connections once allowed. Believed that they could change the overhead rule if utilities would grant a future promise to bear the expense if a project came along that would bury other utilities. Staff indicated that they believe utilities should be required to notify the city if they are working in areas during peak traffic times.

Speaker continued that he is not covered by bulk permits because different customers sign up for service at different times and so permits would have to be issued house-by-house. Staff said they NEED to know of ALL activity in the right-of-way. Speaker indicated that each permit costs an additional \$50 and it is not necessary. Believes that they are not being treated the same way as some other utilities, particularly where there is existing infrastructure.

Next speaker indicated that tonight is a productive dialogue, but wants this kind of discussion to continue outside of the council hearing. Believes that they are about 80% there, but this needs some more work. This speaker indicated that some utilities have been described as monopolies. He disputed that characterization since they are a cooperative and as such do not have a typical profit motive. Recognizes the legitimate reasons for this ordinance, but wants us to proceed with care. If some changes are not made, Boone Electric may have to have two classes of consumers due to new imposed costs. The for-profit companies believe this has too much uncertainty. Believes that that uncertainty can be worked out now and would ask for tabling at this point. Mayor asked if the utility was at an impasse with the staff. Speaker indicated that they were not quite there, and that there was some room for negotiation left. Wants a month or two. Mayor wants an hour or two, not a month.

Skala asked if this is tabled, would the speaker be amenable to tabling to a time certain even if they could not come to agreement with city staff. Speaker agreed.

An attorney appeared on behalf of an area utility. Thought that earlier meetings were productive, but that there was still work to do. Let's have a good, sit down work session and hammer out some remaining issues if possible. Four areas of disagreement. Proposed language does not cover circuits, just neighborhoods. Wants an additional option for method of submission of forms to city. Believes that this new language will affect the design of our systems and this is not the intent of the city nor a desired outcome and the city should NOT have control of that. Wants additional provisions relating to tree trimming since the new ordinance is contradictory about when and how trimming is allowed. Finally, relocation of services that already exist in a right of way should not have to be moved at the discretion of the city and should be allowed to remain in place when functional due to great associated costs.

Staff indicated that they do not want to micromanage design, but they want to be able to accommodate all users in a right of way. Staff calls it oversight, not really design. Any objection to the tree trimming portion. What about description of circuits as service areas not just neighborhoods. Staff agreed. Peters indicated that tree-trimming rule was probably related to some of the clear cutting that occurred on a scenic roadway. About submission of permits and payment online, mayor asked if city could speed this up. Staff indicated that this could be addressed. Mayor asked if instead of tabling they could pass this and give it a dry run to do this as a trial period. Legal counsel indicated that the council could amend these rules if they were not working out.

Next speaker indicated that he negotiates with the city a lot and believes it is difficult. Encouraged utilities to try to work out details before enactment. Believes that you should not create barriers to hanging utilities on existing poles. Believes city staff really just wants to get a handle on what is going on, not prohibit people from doing sensible work. The planning, permitting and coordination is what is desirable, not prohibiting companies from doing good work. Asked council to talk to staff about multiple agendas. Undergrounding in some areas may not be realistically required in some built out areas for a long time.

Next speaker believed he did not understand why some people don't want language about design parameters being mentioned in the ordinance. If staff's assertion that it was not the intent to enforce all design standards, then he wants that in writing. Speaker asked about the requirement to move easements subject to the whim of Public Works, and that could cost our utility significant expense with no clear goal or rationale in mind in advance. We need to protect our investments in the future and sometimes cannot co-locate just because the city would prefer that. Our utility has significant overhead lines. We continue to bury our lines and prefer in most cases to have underground lines. But, we cannot

have a mandate that says unless we can get a waiver, we have to bury it. This is short-sighted and is an injustice. Finally, on Rock Quarry Road there was some tree cutting and we have addressed that issue.

Skala asked about the intentions of both the staff and the utilities. We can't do this here, but I want to know what is the intention of the city utility and the other utilities. What if private utilities squeeze out some other utilities by using up all the space just because your design standards require it? Utility indicated that they interpret the new rule differently than city legal staff. That's why we are asking for clarification. City legal stated that there IS an impasse on this issue and we just don't agree. Indicated that staff must be reasonable and that there are remedies for utilities if they don't get a permit. We are trying to protect the public right of way. We believe the utilities should have to demonstrate that they have a need to be there. There has to be a legitimate reason for any denial and must provide alternative methods for achieving a goal. Attorney believes that there are checks and balances built in. We have to have permit denial to make this effective, but we have to have a good reason to deny.

Next speaker indicated that she believed the digital application process is insufficient. Wants to delay implementation of this until that is established in a functional manner. Otherwise, they do not oppose the ordinance.

Public hearing was closed.

Pitzer asked if we now have someone to fill the slot that would provide oversight for this program. Staff indicated that one position was filled and another had not. Can you handle this if we pass this now? Staff said it will depend on workload. Pitzer does not want to micromanage, but he wants to force both sides to come back to the table after some period of time. Mayor believes we own the right of way and we have to protect it and manage the build out. Also, believes that this can be worked out. Wants to pass something but delay implementation. Skala is more inclined to support tabling of the issue to adopt it as is since we are close. Then revisit it rather than pass it wrong from the outset. I don't want it to be too open-ended because I think we need something in place.

Mayor thought this could be worked out and unified in a short period of time. From a staff point of view. City manager said we would prefer to pass this tonight but delay implementation. We have been at this for two years. We have great work in the field, but we need to look at this from our perspective and we believe the city is at a big disadvantage.

Amendment sheet was brought up. Amendment to the amendment sheet was suggested to change effective date of ordinance to May 1, 2018. **Amendment passed unanimously.**

Tree trimming amendment was suggested striking a tree trimming sentence. Utilities would still have to submit a plan for trimming, but the written permit requirement could be eliminated because it is somewhat redundant. This will not affect emergency rights. Motion to change tree trimming language was made. **Amendment to the main amendment sheet was made and passed unanimously.**

Mayor moved the adoption of the amendment sheet as amended. Passed unanimously.

No further discussion.

Motion to adopt the bill as amended was adopted unanimously.)

B346-17 Authorizing an agreement for professional services with Cascadia Consulting

Group, Inc. for the development of a climate action and adaptation plan; appropriating funds.

(Action: Staff presented an overview of the intent of the contract. The consultant(s) will work with staff and community partners to develop a comprehensive, robust and innovative Climate Action and Adaptation plan that will:

- Define the community's climate challenges, and the challenges and opportunities it faces in meeting ambitious climate and GHG reduction goals;
- Serve as a mechanism to tie together the City's existing and developing adaptation initiatives, strategies and plans with the community's goals;
- Establish a set of climate action and adaptation strategies, implementation plans and metrics for measuring progress, lowering community-wide greenhouse emissions and activating and engaging residents, businesses and institutions with positive actions and tangible benefits; and
- Analyze implementation strategies using an equity toolkit in order to ensure benefits for all members of the community.

Cascadia Consulting will receive \$118,000 for their services. The plan will be presented in an online format that is visually appealing, easy to understand, and can easily be exported and/or translated to a variety of media for different audiences. Most importantly, the creation of the plan is intended to mobilize the community towards change and create strategies and metrics to measure its success.

Public hearing was opened.

First speaker thought it was unusual that there were no subcontractors in this contract. Speaker was concerned that there was no public involvement in this process because staff decided what they were going to do and simply did it. Thought it was ironic that there would be a public engagement plan, but there was no public engagement leading up to this. Worried about who would be on the advisory committee, but thought there should be more specific discussion of this before passage. Thought there needed to be more input on adaptation strategies. For instance, flooding will be an issue and this consultant seems to have little expertise in this specific area. Also asked how you are going to get this done by April with only one meeting that is held after a draft plan is presented in December with no input. We should do this in the right order with appropriate input.

Next speaker indicated that he is appreciative of moving forward on this plan. We do have some concerns about the goal of this initiative. We want 100% elimination of greenhouse gasses by 2050 as the goal. Wants to aim high. Make it 100% vs. 80%. Why is that in the contract since there was no debate on this at any level. The process should determine the goal, not the other way around.

Next speaker indicated that he had spent a lot of time on citizen participation. He thinks that the staff getting together with the consultants is a bad formula. Doesn't think most people at the city really understand the concept of citizen participation. Why not have citizens meet with the consultants and let staff monitor that? You can address that right up front. If people have a voice early, it will energize the process. I know you do not like for me to bad mouth the staff, but you are understaffed, and some staff is not well-trained in this regard necessarily. This is like the water task force. They engaged citizens early. Appoint an advisory commission first, then adopt the plan with their input.

Staff responded that there will be ongoing advisory committee meetings and that those people will be appointed by the council. They will provide direction and creation of strategies and goals. We want buy-

in. Pre-council worksession on December 4 relates to this topic. The reason we chose this faster time frame is because the public asked for that earlier this year. We have built in some time between the creation of a draft and adoption of a final plan.

Thomas asked who reviewed the contract submissions. Staff indicated that it was primarily staff and two people from the University. Environment and Energy Commission members looked at this but did not vote on it.

Trapp thinks the expedited schedule is fine. Thinks it is OK.

Motion to approve. Bill passed unanimously.)

B347-17 Approving the Final Minor Plat of McGary Subdivision Plat 2 located on the northwest corner of the St. Charles Road and Tower Drive intersection; granting a waiver and design adjustment relating to sidewalk construction along St. Charles Road (Case No. 17-190).

(Requires approval by 2/3 of Council.)

(Action: Staff presented a report regarding this proposal. The requested plat would subdivide currently unplatted property into a legal lot, which would allow for the development of the site. Additional right of way is being granted for St. Charles Road as a major collector. The property was also granted a variance by the Board of Adjustment to allow A-zoned lots less than the minimum 2.5 acres. As part of the requested plat, the applicant is also requesting a design adjustment to waive the requirement to construct sidewalks along the site's approximate 214 feet of St. Charles Road frontage.

At its October 5, 2017 meeting, the Planning and Zoning Commission considered this request. Commissioners questioned staff about the current development status of surrounding properties, and if the City would be responsible for constructing the sidewalk and driveways with a road project. Staff responded that should a capital project be proposed prior to private development the City would be responsible for sidewalk and driveway construction. To the east of the site there has been a recently approved preliminary plat in which the developer would be responsible for sidewalks only the St. Charles frontage. Commissioners also asked the applicant what the cost would be to build the sidewalk. They were informed potentially \$20,000 or more due to grading and fill. Following additional discussion, the **Planning and Zoning Commission voted (5-3) to recommend approval of the final plat and deny the design adjustment to waive sidewalks.** In arriving at its recommendation of denial on the sidewalk waiver, Commission expressed concern with waiving sidewalk construction in an area that could potentially develop in the near future, and with setting a precedent along St. Charles of granting design adjustments for sidewalks. Policy Resolution 48-06A provides that Council, as an alternative, can accept a fee-in-lieu for the sidewalk. No specific estimate for a fee-in-lieu has been prepared at this time. If a fee-in-lieu to be considered as an option by the applicant and Council, an estimate will need to be prepared for Public Works consideration. A new provision in the zoning code requires that if a design waiver is NOT recommended by Planning & Zoning, it requires a 2/3 majority vote of the council to grant such a waiver.

Thomas asked staff if the developer had met the criteria for the variance. Staff indicated they did not believe they had and that there should be more costs included in case there was a payment in lieu of. The sidewalk could be constructed in a location where it would allow for future road expansion. Noted that there is other development in the area so this could become connective.

Skala indicated that he had read the P&Z discussion and talked to the developer. Wanted to inquire more about payments in lieu of. Wants to know what the time limit is on in lieu of payments. Staff indicated that it is generally a 7-year time frame, but there are other limitations on platting timeframes.

Public hearing was opened.

Engineer appeared for the applicant. Indicated that the terrain in the area was challenging and that the exhibits the staff presented did not really show the true location of the sidewalk due to granting of additional easements. Provide some history on ownership of the property and how it had been assembled. Speaker indicated that he did not believe that sidewalks in this area would really benefit the public. This project started as a way to get the property correctly subdivided for heirs and has wound up with additional requirements. Pointed out that that city had the obligation to match the requirement for a whole new sidewalk with the use of the property. This will be sued for one additional house and the sidewalk will be 15 to 20 feet off the main road, so it will not be well-used. We have now had another contractor evaluate cost on this sidewalk. It could be \$28,000. Sale price of the lot would only be \$40,000 so this would be prohibitive. St. Charles is not on the ten-year CIP plan. The city can tax bill for construction if they want to, even if they don't frequently don't do it. Why not use that mechanism instead? If we are not going to build out the street within seven years, the in lieu of payment would revert to the property owner, so why take it from him now? This seems to be in line with other recent variances and we ask you to grant this request.

Property owner appeared and indicated that if they have to build this sidewalk, it will prevent them from being able to sell this lot. Is willing to discuss some sort of payment in the future.

No further public comment.

Skala indicated that he does not believe in the notion of sidewalks to nowhere. He likes connectivity. Also recognized that he has had a hard time getting money for road improvements in this area. Skala believes the area is dangerous in its current condition. Wants the owners to contribute to any building in the future but recognizes that there is a seven-year time limit on using any such funds. I am inclined to consider a variance at this time.

Mayor is concerned about granting so many variances that it becomes the rule instead of the exception. Thomas indicated that he thought some earlier variances had good alternatives. Indicated that he is reluctant to waive the requirement. Someone has to be first. Asked about a \$28,000 cost to build the sidewalk. Staff indicated that there will be fill required and a lot of concrete. Thomas thought there was a significant mismatch in terms of sidewalk cost vs. value of the underlying land. There is no actual plan for a payment in lieu of in front of the council tonight.

Trapp thought this was a lot of money and it doesn't match the value of the land. Will support the variance. Pitzer thinks there should be a fee in lieu of paid and believes it should be for the actual cost. Skala believed that a payment in lieu of is fine, but it will probably expire before we use it. Plus, it is so expensive in relationship to the value of the lot. Why not just charge the \$6 per square foot? Actual cost of the sidewalk materials would be about \$13,000 which represents the city's average cost of \$60.91 per running linear foot. Mayor argued that he believed that the city gives up too much since some lots are undevelopable and this could cost the city a lot for future improvements.

City staff also indicated that payments in lieu of are NOT site specific, but must be located within about a half a mile of the primary project. Cited one development at Old Hawthorne. Peters asked if we as a city ever put sidewalks in places where there are not new subdivisions? Staff said yes, they do but that there are miles and miles of streets that have never had sidewalks and won't in the near future. Maybe this is a bad ordinance to keep. P&Z keeps sticking to the rule, but the council keeps giving the exemption. Maybe we should change the rule.

Thomas asked again about the payment in lieu of. Does that money go into a bank account somewhere and staff monitors it? Yes, there is a system to flag such monies and there are requirements to build out.

Motion by Mayor to approve the final minor plat but DENY the design adjustment. Motion Not seconded. **Thomas made a motion to approve the plat and waiver, but make a payment in lieu of in the amount of \$13,047.00 to be used within one mile of the property and within seven years, at such time unused funds would revert to the property owner.**

Motion to accept a payment in lieu of and grant the plat was approved unanimously.

Motion to grant sidewalk waiver was granted unanimously.

Motion to approve the entire bill was agreed to unanimously.)

CONSENT AGENDA

(All items remaining on Consent Agenda approved unanimously.)

B325-17 Voluntary annexation of property located on the west side of Old Plank Road and north of Glasgow Drive (1001 W. Old Plank Road); establishing permanent R-1 zoning (Case No. 17-212).

B327-17 Approving the Gadbois Professional Offices PD Plan located on the northwest corner of the Nifong Boulevard and Santiago Drive intersection (Case No. 17-228).

B328-17 Approving the Major Plat of Stoney Creek Plat No. 2, a Replat of Lot 2A Stoney Creek Subdivision, located on the west side of Providence Road (Case No. 17-159).

B329-17 Approving the Final Plat of Somerset Village Plat 5 located at the western terminus of Armstrong Road and northwest of the intersection of Battle Avenue and St. Charles Road; authorizing a performance contract (Case No. 17-189).

B330-17 Approving the Final Plat of The Park at Somerset Village Plat 2 located on the west side of Lawton Drive and northwest of the intersection of Battle Avenue and St. Charles Road; authorizing a performance contract (Case No. 17-191).

B331-17 Changing the name of "Hackerry Boulevard" to "Hackberry Boulevard" (Case No. 17-246).

B332-17 Vacating a right of access easement located on the northwest corner of the Smith Drive and Louisville Drive intersection, approximately 3,000 feet west of Scott Boulevard (Case No. 17-241).

B333-17 Authorizing a program services contract with the Missouri Department of Health and Senior Services for maternal child health services.

B334-17 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation services.

B335-17 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for HIV Prevention

services.

B336-17 Authorizing a memorandum of understanding with the Cape Girardeau County Public Health Center Rural Health Clinic and the Missouri Department of Health and Senior Services relating to deputizing and oversight of local public health agencies to provide vaccines for underinsured children.

B337-17 Accepting conveyances for sewer and temporary construction purposes.

B338-17 Accepting a limited partnership general warranty deed from Partnership for Kelly Farms of Columbia, L.P.

B340-17 Authorizing the City Manager to execute a temporary construction easement for highway purposes to the Missouri Highways and Transportation Commission for property located on the east and west sides of Route 763 and adjacent to Columbia Terminal Railroad (COLT) right-of-way.

B341-17 Authorizing a master end user license agreement with Schneider Electric, Inc. for software for supervisory control and data acquisition (SCADA) at the Water Treatment Plant.

B342-17 Amending Chapter 19 of the City Code as it relates to unclassified service.

B343-17 Amending Chapter 19 of the City Code as it relates to unclassified service; amending the FY 2018 Annual Budget by adding and deleting positions in the Municipal Court; amending the FY 2018 Classification and Pay Plan by adding and closing classifications; appropriating funds.

B344-17 Amending the FY 2018 Annual Budget by adding and deleting positions in the Human Resources Department; amending the FY 2018 Classification and Pay Plan by adding a classification and a union affiliation designation to a classification.

B345-17 Amending the FY 2018 Annual Budget by adding and deleting positions in the Community Development Department - Planning & Development - CDBG/HOME Division.

R155-17 Setting a public hearing: proposed construction of the Ballenger Lane improvement project, from Ria Street to Mexico Gravel Road.

(Item moved from Consent Agenda to New Business for consideration)

R156-17 Setting a public hearing: proposed construction of the Police Precinct/Municipal Service Center North facility to be located on the south side of International Drive in the Auburn Hills Subdivision.

R157-17 Setting a public hearing: proposed construction of the College Avenue sewer replacement project, between Rollins Street and Bouchelle Avenue.

R158-17 Setting a public hearing: voluntary annexation of property located on the north side of State Route WW, approximately 900 feet west of Rolling Hills Road (Case No. 17-76).

R159-17 Authorizing the temporary closure of portions of sidewalks on Sixth Street, Seventh Street, Elm Street and Locust Street, and a single parking space located on Locust Street, to allow for the construction of a new State Historical Society Building located at 605 Elm Street.

R160-17 Authorizing a business associates agreement with Inova Health Care Services, d/b/a Inova Employee Assistance, for employee assistance program services.

R161-17 Authorizing agreements for FY 2018 Signature Series Funding under the Tourism Development Program.

R162-17 Declaring the results of the special election held on November 7, 2017 to impose a local use tax on out-of-state purchases.

R163-17 Authorizing a services agreement with Benevate, Inc. for software to manage housing and community development programs.

NEW BUSINESS

R164-17 Approving the Preliminary Plat of CPS Middle School Subdivision located east of Sinclair Road and south of Chesterfield Drive (Case No. 17-226).

(Action: The applicant is seeking approval of a 1-lot preliminary plat on approximately 63 acres located east of Sinclair Road, just south of Chesterfield Drive. The site is proposed to be improved with a new CPS middle school. Site development (access points and construction) will be concentrated at the southern end of the parcel. This placement is due to the northern portions of the site containing a number of sensitive site features such as climax forest, stream buffer, and a set of utility easements that cut across the property from the northeast property corner, to Sinclair Road about 850' south of the northern boundary. Sinclair Road is currently an unimproved major collector roadway. The plat depicts dedication of an additional 40' of right of way for Sinclair Road to meet required half-width standards. This additional right of way will be dedication at the time of final plat approval. A Traffic Impact Analysis (TIS) was required for this development since the future improvements will generate more than 100 trips in the peak hour. The study indicated the need for a southbound left turn lane into the site as well as a left turn lane at the intersection of Route K and Sinclair Road.

In regard to the required turn lane at the intersection of Route K and Sinclair Road, it is anticipated that this intersection will be improved as a roundabout in the future. The Traffic Division is currently negotiating with MoDOT on a cost-sharing arrangement for these improvements and believe the installation of the required left turn lane, by the applicant, would be an inappropriate expenditure of public funds. Given this conclusion, a payment in lieu of the construction is considered a more appropriate option. The details of this payment would need to be identified either as a condition of the future final plat approval for this site or in a separate development agreement executed concurrently with the future final plat.

The Planning and Zoning Commission considered this proposal at its October 19, 2017 meeting. Commissioners expressed concerns regarding a general lack of pedestrian and vehicular improvements on Sinclair Road. After a detailed discussion, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the preliminary plat.

Staff enumerated some of the road, drainage projects and other infrastructure improvements that would be required. Peters asked specifically about Sinclair Road. Staff indicated that Sinclair was not in the 10-year plan, but that the school would pay for turn lanes. What about sidewalks? That was not explained. City was not specifically consulted about the location of this school. It was announced. Pitzer asked how much frontage was long Sinclair Road where the school owns property and how the connectivity is in that area? Staff indicated that this tract has no connectivity and that students would have to use sidewalks on the other side of the street or internal sidewalks or the sidewalks they will build along their property. Pitzer further asked if development usually spurs or inhibits development. Staff indicated that it usually spurs development.

Skala believed that there should be emergency shelters along this route and allow for some short-term safety improvements. Skala is beginning to become a fiscal conservative in terms of annexation and extension of additional services. Thomas said this is not just about infrastructure, it is about collecting adequate funds to address the true costs of growth.

Public hearing was opened.

Speaker appeared on behalf of heritage Woods Neighborhood Association. They are concerned about new school on Sinclair Road. They believe it needs more improvement. The property across the road from the school is 535 acres and it is for sale. The turn lane will only address people getting into the school for people heading south, but does not address the overall problem. It would be in the city's interest to build a four-lane road. We know it costs a lot, but it would be worth it. In the P&Z report Sinclair is listed as a major collector and should also be called a pedway. Eventually, Southampton will cross Sinclair and that will increase traffic. This is the time to do it.

Next speaker was an engineer representing the project. Indicated that construction will start next spring and could take 4 years.

Next speaker indicated that they will start site clearing in December, if approved, and actual construction will begin in June. We are on a rushed schedule since our schools are already full. We will put a new sidewalk along the entire frontage and will create turn lanes. That's what the traffic study called for. This is a tight budget. We did look at sidewalk connections from over 40 sites. Our number 1 site was not available. This was the only site that met our needs and the city did get to review this plan. We reviewed all needs and almost all sites require some infrastructure improvements. There is the hope that we may be able to house a new park and facility at this general site. That's why we bought the extra acreage. We don't have the money to build out all of this infrastructure, but some nearby development will fill in some gaps. There will be a decel lane on Route K. We will grant that property as our contribution. If a roundabout is built instead, we will contribute our part instead of building a decel lane now. This school will house 650 kids. Another issue is at Mill Creek. There will be another roundabout at Nifong and Mill Creek and the school is sharing in that project in return for changes to the parking lot.

Thomas asked about bus service to the school. Wanted to know the rules. Speaker believed it was outside of a 1-mile radius for elementary. 2 miles for secondary schools. We also provide for transportation to kids who have to cross unsafe roads. Thomas suggested that the school might want to charge a drop-off fee for students who don't ride the bus. Speaker indicate that might require a change in state law. Cascades will get bus service.

Skala asked about the preliminary plat stage vs the final plat stage. Don't we have more flexibility here now? Legal staff indicated that this is really about the layout. Final plat is when public improvements have to be installed. The final plat will be submitted soon. Sometimes, on larger projects, development agreements come in along with the plans.

Mayor asked if a similar project came in for a commercial development, what offsite improvements would be required? Staff indicated that schools can be located in any zoning, so the requirements may not be the same for schools as for commercial developments.

Peters asked if we have a south area plan for development? No. We use the Comprehensive Plan for guidance. Pitzer indicated that there are some stormwater projects planned and money is there – and a roundabout on the north end of Sinclair. Now we will have to do something on the south end. Peters surmised that this seems to be all cobbled together.

Next speaker appeared on behalf of the Cascades. Claimed that Sinclair has a lot of hills and turns and you often encounter bike riders and joggers. There are no shoulders on most of this area. Please table

this proposal until a comprehensive road plan is adopted for this area. Get the infrastructure planned before the school is built. Mentioned that there is flooding at both ends of Sinclair. We understand that the school will provide busing to the Cascades. But kids are going to walk, so it needs to be safe. Cascades has sidewalks, but there is no connection to the school. It's probably a half mile gap.

Next speaker called for someone within the city to take on the issue of building sidewalks. Also, is there some rule that says we can't stack our children in schools? Every time we build a new school we get into this problem.

Next speaker objected to the idea of tabling this project. Indicated that we are behind on schools. We have too many trailers right now and we need more space for kids. Also, clarification that there is an alternate route along Southampton in case of flooding on Sinclair.

Pitzer indicated that he was conflicted on this because he believes we need the school, but he feels strongly that we need better road improvements. Suggests tabling this for two months and think about what we are doing on Sinclair. I want to look at all the area road projects comprehensively. There are other properties along here that are prime for development. We need to get ahead of this. There are people coming to this site from three directions, not just one. Is there a way to fund some of this and recover costs later? School needs to look at the costs they lay off on the city when they build these new schools. We need to maintain safety for schools. It is not just to create the problem without sharing in the costs of fixing it. Take a breath for a moment and figure out a plan to address this.

Motion to table until second meeting in January made by Pitzer.

Skala opposed this idea. Said he wanted great improvements in the Third Ward and that he would be dead waiting for that to happen perfectly. Claimed that the people "on your side of town" seem to think it is OK to demand these great improvements. Expressed frustration. Suggested coming up with a long-term plan and in the short term, don't do a whole-hog plan. Do something less that protects kids.

Thomas will not support this plat due to the Vision Zero plan. Will support the tabling. We don't charge enough transportation impact fees. We need a pedway in the short term. Trapp spoke against tabling. Believes school is on a tight timeline and budget. Does not want to delay further. Let's address the needs for the new school now and continue to look for other sources and funds to build needed infrastructure. Don't put all of the pressures of planning on this one project.

Mayor thinks more cooperation is needed between governments. Wants to consider some short-term improvements.

Motion to table until second meeting in January PASSED 4 to 2. No further action was taken.)

R155-17 Setting a public hearing: proposed construction of the Ballenger Lane improvement project, from Ria Street to Mexico Gravel Road.

(Item moved from Consent Agenda to New Business for consideration)

(Action: Item was moved to New Business at the request of Skala. The proposed Ballenger Lane improvement project was identified in the 10-year plan for the 0.25% Capital Improvement Sales Tax ballot. The project includes constructing 6-ft. wide shoulders on each side of the road beginning near Ria Street to the south, and continuing north to the roundabout at Mexico Gravel Road; an approximate total length of 6,800 ft. (1.3 miles). Along the proposed corridor, 12 residential streets connect to

Ballenger Lane from the east and the west. Sidewalks at the roundabout located at Mexico Gravel Road link several subdivisions north of Ballenger Lane to the Ballenger Lane corridor.

Ballenger Lane currently has two 11-ft. wide lanes with a stormwater ditch on each side of the road. Non-motorized use of Ballenger Lane prompts the construction of shoulders on both sides of the road. Currently, pedestrians and bicyclists that live along the corridor have no place to walk or ride other than on the street or in the grass. This project includes constructing shoulders on both sides of Ballenger Lane and a 1-1/2-inch asphalt overlay. Existing subdivision sidewalks will tie into the proposed shoulders and 15 residential and three (3) commercial drive approaches will be reconstructed. The roadway will be slightly realigned, and a retaining wall will be constructed near the northern end of the project in order to minimize impacts to property owners. Stormwater improvements will be made and the road will be restriped.

The total cost estimate for the project is \$2,200,000 which includes design, easement acquisition, utility relocation and construction. MoDOT will contribute \$1,800,000 towards the project cost.

Skala removed this from Consent Agenda to highlight this worthy project on the north side. Wanted to know the timeframe for start and completion of this project. Staff indicated that it would most likely occur in 2019, depending on right of way acquisition. Also want to get some culverts improved in this area before the road goes in. Indicated that he would like this road to be underway before he runs for re-election.

Formal public hearing will be held on December 18.
Item approved unanimously.)

INTRODUCTION AND FIRST READING

B348-17* Authorizing construction of the Vandiver Drive and Parker Street roundabout improvement project; calling for bids through the Purchasing Division.

B349-17* Authorizing the acquisition of certain interests in real property for construction of the Vandiver Drive and Parker Street roundabout improvement project.

B350-17* Authorizing a non-federal limited design and implementation reimbursable agreement with the Department of Transportation Federal Aviation Administration relating to additional work associated with the rehabilitation and extension of Runway 13-31 at the Columbia Regional Airport.

B351-17 Amending Chapter 22 of the City Code to update requirements relating to the inflow and infiltration reduction program.

B352-17* Accepting conveyances for sewer, drainage and utility purposes; accepting Stormwater Management/BMP Facilities Covenants.

B353-17* Accepting conveyances for underground electric, water utility and utility purposes.

B354-17* Amending Chapter 19 of the City Code relating to employment discrimination.

B355-17* Amending Chapter 19 of the City Code as it relates to employee incentive programs.

B356-17* Adopting the Choice Plus \$750 Plan, the Choice Plus \$1,500 Plan and the Choice Plus \$2,700 High Deductible Health Plan for the City of Columbia.

B357-17* Authorizing a first amendment to the agreement with The Curators of the University of Missouri, on behalf of its Office of Social and Economic Data Analysis, for data collection and analysis services relating to socio-economic,

housing, health and education community indicators.

B358-17* Authorizing an agreement with Columbia Center for Urban Agriculture, Inc. for the development and operation of an agriculture park at Clary-Shy Community Park.

B359-17* Authorizing an agreement with Columbia Farmers Market, Inc. for the operation of a farmers' market at the Clary-Shy Community Park.

B360-17 Designating a portion of the City of Columbia as a redevelopment area; approving the Broadway Hotel Phase Two Redevelopment Plan and project; adopting tax increment financing (TIF) within the redevelopment area.

(Will require approval by 2/3 of Council when vote occurs at a future meeting.)

(This is the Council's First Reading of this bill, so no public discussion or comment was received on this item during this meeting.)

REPORTS

REP92-17 Definition of Hotel and Motel.

(Action: Currently, a "hotel" and "motel" are defined in our code of ordinances as having more than twelve (12) bedrooms. The Convention & Visitors Bureau is requesting the Council consider reviewing Chapter 26 of the Code of Ordinance to change the definition of a hotel, motel or tourist court to a place that rents any number of rooms. The current definition captures traditional guest lodging; however, online rentals such as Airbnb, VRBO, Flipkey, HomeAway and many others are becoming more prevalent in Columbia and can provide alternate lodging opportunities for transient guests.

At any given time, each site can have 100 rentals available and more on event weekends. Because these sites are only renting one room, or a house is renting with less than (12) bedrooms, they do not meet the current definition of a hotel, motel or tourist court. Additionally, bed & breakfasts located in the city limits of Columbia have historically been exempt from the lodging tax due to this definition even though they rent rooms to transient guests. Some have chosen to collect the lodging tax and others have not. At this time, there are only two B&Bs operating in Columbia and one of these is scheduled to close in November.

The CVB Advisory Board has requested the Council consider changing the current definition of a hotel, motel or tourist court to "...having any bedrooms furnished for the accommodation of such guests". This change would then allow the city to approach online rental companies and begin discussion on developing agreements to collect the lodging tax, as well as any other applicable taxes. Staff believes this change would have significant economic impact for Columbia and level the playing field for all in this industry.

Mayor asked if this were to pass would there be additional regulation of Air BnB or B and B's or just the application of the lodging tax. Staff indicated that they want the tax to apply. Mayor asked if they pay the tax will they now get marketing support from CVB. Have not spoken to the Air BnB community yet. Pitzer asked about legal status. City legal indicated that this could change where different businesses could be located in terms of zoning designations, use, size and regulation. That discussion has not yet occurred. Skala encouraged this to be vetted through P&Z and other commissions and groups. Noted that there are conflicts arising right now.

Mayor wants this to be legally vetted first. Trapp indicated that he believes a solution can be found.

No formal action taken.)

REP93-17 Vision Zero Action Plan - Enforcement Critical Action #2, Initiative B.

(Action: In the Vision Zero Action Plan, Enforcement Critical Action #2, Initiative B states, “The Enforcement Team will introduce an ordinance to amend Ch. 14 to ban texting and driving in the City of Columbia for all drivers.” The purpose of this council memo is to address that initiative by proposing to amend the current ordinance on careful, prudent driving (Sec. 14- 236) to include language which would prohibit distracted driving for all drivers.

The following statistics from the Missouri Department of Transportation, Highway Safety and Traffic Division³ illustrates the dangers of distracted driving in the City of Columbia from 2012 to 2016:

- There were 7,714 crashes in the City of Columbia from 2012-2016 resulting in 31 fatalities and 3,447 injuries.
- Distracted driving was involved in 404 crashes, 1 fatality and 574 injuries in the City of Columbia between 2012 and 2016.
- Drivers using communication

It is believed that the instance of distracted driving is underreported. It is also important to point out that distracted driving encompasses a variety of situations, not just cell phone use or texting. Other behaviors could include the use of audio equipment, use of headphones, smoking, grooming, drawing or writing, reading, etc. As a result of this information, rather than just address a specific piece of the distracted driving issue by banning texting and driving for all drivers in the City of Columbia, the Vision Zero Enforcement Team recommends that the City address the whole distracted driving issue by amending the current ordinance on careful, prudent driving (Sec. 14-236) to include a subsection specifically targeting distracted driving behaviors. The proposed ordinance contains the following language:

A. Every person operating or driving a motor vehicle shall drive and operate the same in a careful and prudent manner and shall exercise at all time the highest degree of care in the operation of the same.

B. It shall be prima facie evidence that vehicle operator is not exercising the highest degree of care if the operator of a moving vehicle engages in any conduct that causes his or her vision or attention to be obscured, diminished or directed elsewhere than the path of travel or attention of the vehicle, including, but not limited to, by using a mirror to engage in grooming; reading anything located in the vehicle other than the operation information displayed on vehicle gauges and equipment; writing; drawing; manually inputting information into a GPS or mapping device; or turning one's head substantially away from the path of travel to observe things in the vehicle or outside the vehicle but contrary to the path of travel.

No provision regarding enforcement or penalties is contained in this amendment.

Legal staff indicated that it is difficult to enforce this rule under state law. Police indicated that trying to enforce a law against people under 21 means you must have some probable cause to say that they are under age. Thomas indicated that we should adopt language similar to Chesterfield’s ordinance and provide education at the same time. We should add Columbia to the list of cities who disagree with state law. Police indicated that municipal judges can set fines for this secondary infraction in addition to any other infraction that occurs. Don’t focus on just texting, since there is a large range of distractions. If we pass a law like we have written, we can enforce it by bringing an infraction to the attention of a judge. If we just focus on texting it might be unconstitutional.

Skala indicated that maybe there could be a blend that enforces this against under-21 drivers, like the state, and ban the use of cellular devices. Staff said then we have a problem with probable cause. Why not add a rule for people over-21 as well as a political statement even if we don't enforce it? Staff indicated that that would be awkward since we are bound by oath to enforce all laws.

So, staff recommends the language provided would stand up to a challenge and if we eliminate the age requirement and apply it to everyone we can avoid one other problem, even if it is more stringent than state law. This is a secondary offense so usually you will have some other violation that triggers enforcement.

Thomas asked if there was an education campaign that goes along with this. Staff indicated that there is a rough draft and that we will participate with the state in their program that focuses on under 21 distracted driving. Legal indicated that if drivers are found to be under 21 then it would be a primary infraction.

General consensus to bring forward a final ordinance.)

REP94-17 Discussion of changes to Chapter 11 - Weeds.

(Action: Currently, any vegetation other than "recognized trees, decorative shrubs and ornamental grasses" that exceed 12 inches is in violation of our weed ordinance. As written, native plants may be in violation of our weed ordinance because they often exceed 12 inches. In FY17, ONS staff handled 1,520 weed cases; nearly 500 of which were from citizen complaints. Of these cases, staff estimate that fewer than 2% relate to properties with native plantings.

Native plants benefit the environment because they have adapted to our local climate and coevolved with native wildlife. Overall, native plants are low maintenance, reduce the amount of chemicals used in residential areas, and support essential ecosystem goods and services (i.e. clean air and water, pollination, healthy soil, flood mitigation, etc.) that we use every day.

Challenges to modifying our weed ordinance include citizen perception about landscaping, and property owners who do not maintain their property by stating they have native vegetation. Additional staff training may be required to enforce a modified ordinance that specifies noxious weeds and nuisance plants. Staff has reviewed ordinances from other communities both in and outside of Missouri. Many communities have modified their weed ordinances to allow for native plantings. Regulations vary by community but may include additional approvals by the municipality or neighborhood organization, setbacks from property boundaries, border requirements, or limits on the lot area that can be dedicated to native plantings.

If the Council and public comment support doing so, staff would return to Council with legislation in February or early March with changes to go in effect with the growing season.

Peters indicated support for this idea. Skala believed that there may be some resistance to this concept and wants to have some full and robust discussion early on.

No further action taken. An ordinance will be brought forward.)

REP95-17 Proposed terms for Wheelchair Accessible Vehicle (WAV) taxi grant program.

(Action: In September of 2017, City Council allocated \$50,000 towards the development of a Wheelchair Accessible Vehicle (WAV) Taxi Grant Program. The proposed program would provide funding to local taxi providers to purchase, and put into service, WAVs as an additional form of on-demand transportation for people in our community that use wheelchairs. The funds would be divided into 3 grants of \$15,000

each for use in outfitting vans with accessibility features, with \$5,000 to be used for administrative and marketing purposes. The grants would be available to licensed taxi companies in Columbia, and applications would be reviewed by the city's Disabilities Commission. The Commission supports this program. Vehicles purchased under the terms of this grant must be used for taxi purposes and may not be used for rides reimbursed by Medicare or Medicaid programs.

No specific action taken.)

REP96-17 Business Loop Community Improvement District - End of Fiscal Year Report.

(Action: The Director of the Business Loop CID submitted a report detailing the activity and financial condition of the CID during the past year, including copies of all resolutions and expenditures. A copy of the Annual Report for The Loop CID is [linked here](#).)

No public comment.

Report accepted.)

REP97-17 Administrative Public Improvement Project: ARC Security Camera System Replacement.

(Action: The City Manager is required to report to the City Council any public improvement project that the Manager has determined meets the eligibility requirements of the Code and should follow the administrative public improvement process. Unless the Council determines that the project should follow the standard public improvement process, the Manager may proceed with the administrative process. This project to replace security cameras would cost approximately \$35,000 and would be subject to a bid process.

Report accepted after brief questions about capacity of cameras.)

REP98-17 Intra-Departmental Transfer of Funds Request.

(Action: This is a report of the intra-departmental Transfer of Funds request for the period ending November 10, 2017. These intra-departmental transfers are made only within departments and do not include inter-departmental transfers between departments.

No action other than acceptance of the report is required.)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

Speaker indicated that he liked the presentation on the Strategic Plan and that he appreciates outreach to homeless people. Further indicated that he believed you could use nuts and shells to generate energy so why not add waste to concrete to stretch our concrete budget. Asked for more help with an elevator for church elevator used by homeless.

Next speaker indicated that she represents the CID and is recommending adding 3 new food trucks in the downtown area. Will ask for formal permission to add those. They have talked to permanent restaurants and the Missouri Restaurant Association and have received pretty good support.

Council

Pitzer asked about Henderson Branch sewer proposal. Legal staff indicated that they had worked on language for a pre-annexation agreement and that that should be forthcoming soon.

Skala indicated that he had attended a National League of Cities Conference and thought the information about racial profiling and community policing was good. He will share that with the rest of the council.

Staff
(None.)

ADJOURNMENT
(Time: 11:50 PM)

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