



Columbia City Council Meeting Recap
Council Chamber, Columbia City Hall
7:00 PM
Monday, December 3, 2018

Pledge of Allegiance
Roll Call

INTRODUCTORY ITEMS

(Recited as indicated.)

(Present: Treece, Peters, Ruffin, Thomas, Pitzer, Skala, Trapp)
(Absent: None.)

Approval of Minutes
Adjustment of Agenda

(Minutes from November 5, 2018 approved.)

(B297-18 moved to Old Business by Treece. B310-18 moved to Old Business by Pitzer.)

SPECIAL ITEMS

(None.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

The Mayor appointed Malcom Bragg to the Mayor's Climate Change Task Force. This appointment did not appear on the advertised agenda.

(See item R193-18 for the appointment of Associate Municipal Judges in the Consent section of the agenda.)

SCHEDULED PUBLIC COMMENT

(Action: The speaker indicated that they are an interfaith organization. They believe that oppositional policing makes everyone less safe. They believe that people of color are more likely to have encounters with the police. We believe that there needs to be a wholesale mindset change among the police before true change will occur. We know this will be difficult. We know this has been affirmed, but we are miles and miles away from addressing this situation. It is a matter of morality and dignity. At the last meeting, Chief Burton addressed questions, but we were disturbed about the language he used, and we believe that he does not have a full understanding of the issue. He took issue with the idea that police do not have enough "actual police work" to do. Community policing is actual police work. We believe his language disqualifies him from leadership of the police. This is terrifying. We rely on a positive relationship with the police. This attitude comes from the top down and we urge the council to take action to replace this chief. This will make us all safer. Burton has been given a chance and he has failed. It is time for him to move on.

SPC70-18 Dawn Zeterberg - Public transit.

(Action: The speaker indicated that under the current public transit system people cannot depend on the system. People now have to leave earlier just to find a connection to go to work and it has become more inconvenient. Last time she came to the council meeting she had to leave early just to have a ride home. She knows that everyone does everything they can and that they are good people, but we still need more work in this area. But people who are working are counting on public transportation and we need to improve the system.

The Mayor asked if this time there was a bus available and the speaker indicated that there was one available, but it is cold outside. She thanked the council

SPC71-18 Timothy Love - The importance of forming a continuous bond between Columbia police and the community via empirical data.

(Action: I understand that my words will not result in real policy changes, but I want you to hear what is really going on in this community. I believe that racism and police bias are important issues. Maybe that's the problem itself. Maybe we are only talking to a white city council, a white Mayor and a white Police chief. Maybe that's the problem. There seems to be no urgency. Maybe that's because you have not experienced what we have. You are not directly affected by racial profiling and over-policing. This is really a matter of life and death and more than just 5 minutes of the city's time. Maybe we should reexamine what our job descriptions are. You hold the poser to curb this problem and create strong bonds between the police and the community. If we fail to build constructive relationships, we will fall to indifference. This is what happens when leaders don't know too much about the people they represent. If we are not invested in the system, we run the risk of not addressing problems. I teach English composition at MU. I get to know my students first. I cannot be indifferent. So, I create a bond first and then I adjust the way I approach my students. I do not stereotype my students – and the police cannot do that either. If the police got to know more black people, they may not be as swift to stop those same individuals. If you just ride around in your cars all day, it is simply more isolation. There are great stories about successful community policing. We need to adopt those models. Camden New Jersey is a good example. Crime rates fall when police reach out into the community and the speaker provided several statistics from new reports. Traditional policing leads to worse outcomes. A lack of transparency in this community makes the problem worse. He cited the case of a young man who was alleged to have been shot during a robbery. The only comments from the Sheriff's department were that the young man who died was involved in a crime and the family did not accept that description of the case. The community who knew the young man knew more information than law enforcement – and that is a problem. The young man was a pillar of the community and that should be known. The sheriff's department trampled his reputation.

PUBLIC HEARINGS

(These two items are being considered in tandem.)

PH47-18 Consider adoption of the Columbia Wastewater and Stormwater Integrated Management Plan Final Report.

[See R198-18/Mayor Memo]

(Action: This is the formal public hearing relating to the adoption of "Our Columbia Waters – Wastewater and Stormwater Integrated Management Plan (IMP)". A link to that plan is included here:

[LINK TO PLAN](#)

[SUMMARY 5-YEAR ACTION PLAN](#)

In 2011, the City received notification from the Missouri Department of Natural Resources (MDNR) of a potential Administrative Order on Consent (AOC) to address wet weather sanitary sewer overflows. In

2011, the City also became a party to the Hinkson Creek Collaborative Adaptive Management (CAM) process to address the Total Maximum Daily Load (TMDL) for water quality impairments based on macroinvertebrate sampling. In 2012, the United States Environmental Protection Agency (EPA) released a new framework to help local governments meet Clean Water Act obligations. This framework is titled “Integrated Municipal Stormwater and Wastewater Planning Approach Framework” (IMP). The IMP framework assists EPA regional offices, states and local governments with developing voluntary storm and wastewater management plans and implementing effective integrated approaches by reducing overflows from wastewater systems and pollution from urban storm water runoff.

In December 2016 the City agreed to develop an IMP for the wastewater and stormwater systems and MDNR agreed to use the plan as a basis for future regulatory decisions and compliance schedules in future operating permits. The IMP includes alternatives and timelines that identify efficiencies and resolve competing regulatory requirements from separate wastewater and storm water programs. The IMP will help the City meet regulatory obligations while continuing to address related challenges in operating and maintaining existing infrastructure investments. An affordability analysis was performed to inform a long-term plan that allows the Utilities to maintain affordable user fees and leverage expenses to meet multiple goals.

Several high priority, early actions will be implemented in the near term to directly and expeditiously reduce significant public health risks, improve water quality, provide sustainable services, and address regulatory compliance. These early actions include the following:

- Wet Weather Improvements and planning to reduce wet weather overflows and backups, addressing regulatory compliance and improving water quality by developing a hydraulic model of the collection system and installing storage improvements at the wastewater treatment plant.
- Digester Rehabilitation to address aging infrastructure and provide sustainable services for the future by upgrading facilities.
- Collection System Renewal to more proactively maintain the existing system by collecting and analyzing critical data to more appropriately identify and address system needs.
- Private Common Collector Elimination to improve public health and water quality by continuing to fund replacement of deteriorated private systems.
- Building Backup Reduction to improve public health through participation in reimbursement programs.
- System Capacity Enhancements and Inflow and Infiltration Reduction to address regulatory compliance and protect water quality by continued funding of sewer main and manhole rehabilitation and the identification and reduction of hydraulic restrictions in the collection system.
- Municipal Separate Storm Sewer System Program Enhancements to improve water quality by increasing efforts to identify illicit discharges and updating construction erosion and sediment control guidelines.

Approval of the plan will most likely result in a memorandum of understanding between the City and MDNR where both entities agree to follow the timelines included in the final plan for the initial five-year period and require evaluating and updating the plan at regular intervals.

The five-year action plan identifies additional costs of approximately \$5.4 million for the Storm Water Utility over the initial five-year period. The five-year plan identifies additional costs of approximately \$17.6 million for the Sewer Utility over the initial five-year period.

Both city staff and private consultants appeared to explain the plan and to answer questions.

A consultant indicated that communities throughout the nation are facing similar problems, and that this plan provides a reasonable framework to address the management of resources and how to balance the costs involved. Aging infrastructure is a key issue and new regulations affect how we respond. We have reached out to stakeholders and we have taken that input into account in the creation of this plan. We took social, economic and environmental factors into account. The consultant indicated that a 6% increase in stormwater and wastewater rates is normal across the US. He said that this approach moderates that impact, but that there are some compliance issues that require improvement in underlying systems. Many cities have asked for more time to comply. 2% of household income is a standard amount for rates on stormwater and wastewater. We looked at different census tracts and then looked at water usage. Then we evaluated what the water bills would look like. We think our program is reasonable for average households. What you have is a 20-year strategic plan with a 5-year tactical plan. He referred back to the 5-year plan (linked earlier in this report). Sewer back ups were identified as major problems, so we prioritized those in our 5-year plan and addresses that problem. The Mayor asked how our rates compare to other communities. The consultant indicated that in some areas we are in line with averages. He indicated to the Mayor that they did try to address the problems of back-ups, backflow and I and I.

Skala wanted to know if our biggest problem was the interaction between stormwater and sanitary sewer lines? The consultant indicated that the impervious area runoff into the sanitary system was a key element and when that occurs, it is not developed land. But, if you segregate that, you have to find another place for it to go. The consultant responded to Skala's question about a three-tiered approach and explained that each approach showed how much bang the city gets for its buck. He explained that the Optimized version between Level 1 and Level 2 was the best.

The Mayor asked how we know if this is truly a balance or if this is an evaluation of over-engineering. The consultant indicated that all of these improvements are needed, but we tried to balance cost against need or requirement. The Mayor asked how we guard against over optimization. The consultant indicated that all of the recommendations are legitimate, but a balance always needs to be examined. He further explained that they examine the capacity of the system, then look at ways both inside and outside the pipes to find a solution. Thomas asked if most storm water was routed toward natural waterways? The consultant concurred that that was the preferred model and that we do use accurate models to evaluate our systems here.

Thomas noted that this plan does not always dictate financing options. The consultant indicated that the five-year plan does identify resources, but the longer-term answers will need council action to fund continuing projects and expanded projects. We can't provide that level of detail at this point and that is always at the discretion of the council. Thomas said we should view this a ramping up program, but a not a cure-all for all challenges that will face us in the future. The staff indicated that they are looking at a variety of financing sources.

Thomas asked about a part of the report that detailed existing allocation of funds. He asked if I and I is a part of the "renewal" category or if expansion of capacity is in that category. Thomas then asked about the case of the city taking over lines in the rights-of-way or easements. What does that mean? Staff indicated that currently the city is NOT responsible for that part of the line, but it would cost \$40 million to claim that portion of line. It would add 250 miles of pipe. It may be a good idea, but it is not realistic within the next 5 years. Maybe in 20 years. Overall it could cost a quarter of a billion dollars. Thomas thought that this might reduce our overall liability in the long run. Staff thought that was not realistic.

Thomas asked about just taking over laterals when they fail? Staff said that would put the city in a reactionary mode and that would not be good policy.

Trapp asked about taking over laterals in the Flat Branch area where they did not achieve sufficient I and I reduction. Staff indicated that they had not considered that option. Peters asked if currently the city is responsible for the main line, but homeowners are responsible for the line from the mainline to the house. Staff said that if you have a bad lateral from the house to the main sewer, the city will pay a portion of that to reduce I and I. If it's just a crummy line, the program doesn't kick in. Pitzer asked if adopting this plan automatically makes us eligible for other funding sources, or does it just help us avoid being fined by the government for non-compliance. Staff said that we do not gain automatic eligibility for new funding programs.

Skala asked what happens when they find big I and I problems that are the responsibility of the homeowner? Do they confront the resident and tell them they have to clear up the problem? Staff said they do interact with property owners on a regular basis to eliminate such problems. There is also a city program that helps finance some of that process.

The consultant showed a 20-year timeline that showed some regulatory and other anticipated problems that could occur so that we prioritize properly as we go forward. The Mayor asked the staff how much current funding would go toward funding the overall plan. The overall plan is over \$1 billion. Staff thought that at current rates, we would be \$450 million short over 20 years. If we submit this plan, it gives us time to comply, but we are obligated to meet regulatory goals at some point, although some are pushed out for some years. This provides a strategic approach that is acceptable to the government.

The Mayor asked what if new technology comes on line? Can we adopt new approaches and reduce our compliance costs in the future? The consultant indicated that that was possible and that there could be new private/public solutions adopted. With respect to the Hancock amendment, would it be necessary to raise rates without invoking Hancock and without a public vote – for instance a surcharge? Staff indicated that rates have to be approved, but there are some operational pieces that could be adopted if it was pay as you go. They suggested incorporating some costs into the rate for continual replacement. Skala noted that a significant part of the last bond issue was dedicated to I and I reduction.

The public hearing was opened.

No one appeared.

Peters noted that she thought this proposal was comprehensive and that it should be adopted. Trapp thought clean water and this kind of investment was important and that he liked the optimized level solution.

Thomas thought it was a strong process and that community priorities were well-incorporated. He thought there is a lesson here and that is that we have a lot of catching up to do. We have subsidized new development for too long and we need to address that problem. We are going to have a new impact study and we will see if we need to increase impact fees. Skala indicated that there is another group called the Collaborative Adaptive Management Group that is still ongoing and thinks that this long process was appropriate. This provides some flexibility for how to pay for some of those problems we have identified.

The public hearing was closed and the council moved to a vote on this issue under the next item.)

R198-18 Adopting the Columbia Wastewater and Stormwater Integrated Management Plan Final Report.

(Action: The bill was approved unanimously by the council.)

B302-18 Authorizing construction of improvements at the Oakwood Hills Park to include replacement of the existing playground structure, park benches, retaining wall, and the Lynnwood Drive park sign and entry gate, installation of a climbing structure and swings, renovation of the basketball court and hiking trail, and extension of the existing ADA walkway from Burrwood Drive to the basketball court and playground structure; calling for bids for a portion of the project through the Purchasing Division.

(Action: The 9.9-acre Oakwood Hills Park is located at 2421 Lynnwood Drive and includes a 0.33-mile trail, playground, basketball court, and exercise equipment. The proposed improvements at the park will include replacement of the existing playground, adding new swings and a new climbing structure, basketball court improvements, retaining wall renovations, replacement of three benches, a new park sign, and extending the ADA walkway from Burrwood Drive to the playground.

The \$125,000 improvement project at Oakwood Hills Park is funded by the 2015 Park Sales Tax and is included in the City's FY19 Capital Improvement Program budget. Portions of the project will be bid through the City's Purchasing Department, and the proposed improvements will be completed using a combination of contract and force account labor. Construction of the improvements is anticipated to begin winter 2018, and staff anticipates the park improvements will be completed by fall 2019.

Pitzer asked about the ADA access currently. Staff said it was a gravel drive and it is steep. We need to come in off Burrwood to make this work.

No public comments were made.

Thomas asked about the lack of access from Vista View and if they ever tried to purchase a home and subdivide the lot and create an access point? Staff said they did not consider that and had not been asked to. Pitzer thanked the staff for their work.

The bill passed unanimously.)

OLD BUSINESS

R185-18 Authorizing an agreement with Nora Stewart Early Learning Center for the Creating Lasting Family Connections program; transferring funds.

(Tabled at the November 19, 2018 Council Meeting.)

(Action: At the October 15, 2018 Council meeting, Council member Ruffin made a motion directing staff to prepare a resolution authorizing an agreement with Nora Stewart Early Learning Center; and, transferring \$33,855.00 from Council contingency to fund the program. It was recently brought to staff's attention that there could be a potential conflict of interest since Judy Hubbard and Glenn Cobbins currently serve on the Nora Stewart Early Learning Center Board and are also city employees. That being said, this is a volunteer board position. They will not financially benefit from this contract in any way. Staff was unaware at the time this was brought forward to Council that a potential conflict could exist.

This item was withdrawn by the applicant with consent of council. No further action occurred.)

B296-18 Amending Chapter 2 of the City Code to establish a Tree Board.

(Action: In 2017 a Community Tree Task Force appointed by the City Council issued its final report. The report included a recommendation that the City Council appoint a permanent tree board to assist the city in its stewardship of urban forest resources.

The board shall have the following duties and responsibilities:

- (1) Provide guidance to the city council on ordinances related to the management of the urban forest; (2) Assist in the development, review and revision of an urban forest master plan;
- (2) Educate the public on the proper care and management of trees and the importance of the urban forest to the environment;
- (3) Act as liaison between the public and city staff on tree-related issues;
- (4) Promote the integration of urban forestry in the city organization; and
- (5) Advise the city council on any other urban forestry matters referred to the board by the city council.

The proposed ordinance does not create a regulatory role for the Tree Board and it does not provide for ongoing review of all variance requests. Staff understands that the review would be as directed by City Council, or as an interested party in Planning & Zoning or Board of Adjustment cases. The draft ordinance proposes duties and responsibilities that are an adaptation of the roles recommended by the Task Force. A membership of seven is proposed with meetings to occur at least quarterly or at the call of the chairperson. Qualifications are stated in general terms as persons with "interest and experience" in arboriculture or related fields. Council may add qualifications that ensure jurisdictional or institutional representation as it may see fit. Some additional staff time will be required to assist in the proper functioning of the board. The city arborist would provide staff support. No new specific costs were identified, but additional staff time, publication costs and materials might be required.

No public comment was received.

Skala indicated that former Mayor Hindman has suggested this type of board earlier, but that it became quite a bit of work. The task force has recommended a better approach. The Mayor asked if this is passed shall it be immediately advertised? Yes.

The bill passed unanimously.)

B301-18 Amending Chapter 27 of the City Code as it relates to a renewable energy standard.

(Action: At the October 3, 2018 Water & Light Advisory Board meeting, the board approved a proposal to change Sec 27-106 Renewable Energy Standard of the City Code of Ordinances by replacing "electric retail sales" with "electric retail usage" and "electricity purchased" with "electricity produced". The proposed language change was suggested by Council member Pitzer to help account for the amount of renewable energy actually produced and consumed that was not currently being captured by regular metering systems and methods. Members of the Advisory Board suggested that providing this information would be helpful to individuals and businesses that generate rooftop energy and could also help adjust calculations for energy use and demand in the future.

To capture actual production figures, new meters would be required since right now renewable energy numbers are simply "estimates". Actual production of energy numbers could be significantly higher than simply the amount of renewable energy that ends up going to the utility. Boone Electric has such meters available, but they would need to be installed by a regular contractor.

Staff indicated that production would still be estimated and that this would change the report to users of how much renewable energy they used. The Sustainability office indicated that the intent is to help measure and report accurately actual production numbers about local renewables. Pitzer indicated that he would like to identify how much was really used. He wanted to know how the staff estimates power generated behind the meter. Staff said they do not meter it accurately, but that Boone Electric does a good job and has installed meters. Years ago, we tried to make it easy for people to install production capacity without additional cost, so there were no meters required. Pitzer noted that there was one board abstention on this item and he asked why that abstention occurred? Staff said some board members were present.

The public hearing was opened.

A member of the board appeared and explained that the board voted 3 to 1 in support of the motion. The “no” vote was cast because he did not believe that this was the intent of voters years ago. The speaker continued and stated that renewable energy credits are generated when customers put devices on their roofs. The utility makes a deal with those producers to get credit for using renewables. Until a few years ago, the utilities used all of those credits. But, recently, the utility decided they weren’t going to use them so there were some unused credits on the table due to cost pressures. This creates an extra expense on all rate payers. Maybe the total cost is only \$10,000, but we should do this to make it right even if it is not a significant amount. We think the original intent was to allow locally produced renewables to be used for credits.

The next speaker believed that back in time, the voters believed that passage of this change would end up making the city buy LESS renewable energy since it will be counting locally produced sources that are immediately concerned. Why not just change the definition of net metering? Don’t provide a credit for non-metered energy>

Another speaker stated that there is a new company in town that wants to charge for different rates and fees for the solar concept. The speaker wants to know if there is a plan to charge people for creating solar energy, but that he didn’t have any names to provide.

Thomas said he would support this move and believed this matched the intent of the voters years ago. If this does not work out correctly, we could simply up the goal to insure that the utility continues to purchase renewables. Skala was interested in knowing the nature of the contract that the utility has to honor renewable credits. The staff indicated that the utility has rights to the credits, but they are not always verified, credits are not used against our purchasing requirements and that we don’t meter what is claimed. Skala asked if the city would move toward metering? Staff said that would be a good idea, but we would need to move toward metering. We can have that conversation. Pitzer said that if we have a problem with credits changing our energy portfolio, we could simply change the target goal.

Trapp said that avoiding metering, we reduce costs. So, now we estimate the production, and I understand the reluctance to rely on estimated data. I don’t think that by not accounting for it we do the program justice. I think estimates work fine right now. We will do the same with our carbon footprint profiles – which will all be estimated. The Mayor thought that voters thought some renewable energy would be homegrown, and we can have a blend. Right now, renewable energy is cheaper than traditional source electricity.

The bill passed unanimously.)

B297-18 Authorizing 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; calling for bids through the Purchasing Division.

(This item was moved to Old Business by Mayor Treece.)

(Action: The Mayor asked for this facility to be named the Molly Bowden facility instead of simply calling it the North Precinct. The family has agreed.

Trapp seconded the amendment and indicated that he thought the motion and name was appropriate. The Mayor thought this had the possibility to be regenerative. Skala thought this emphasized community policing.

The amendment passed unanimously.

The motion, as amended, passed unanimously.)

B310-18 Authorizing a grant of easement for gas pipeline purposes with Union Electric Company, d/b/a Ameren Missouri, for the installation of a natural gas line to be located parallel to Schwabe Road on the east and I-70 Drive Southwest on the south within Columbia Cosmopolitan Recreation Area; appropriating funds.

(This item was moved from Consent to Old Business by Pitzer.)

(Action: Staff indicated that Ameren had asked for access years ago to get gas to the other side of the park. An existing easement across the park would not work. Some other routes were looked at. Staff asked for Ameren to settle on a price. There was some land downtown that could have been traded for, but that didn't work. An offer of \$200,000 was made and is up for consideration tonight.

Pitzer asked what a real estate fund was? Staff indicated that this would create a new fund that would create a pot of money that could be used to acquire other properties, but it is not a specific park fund. The Mayor chimed in and said having such a fund and having the city get rid of some remnant properties could make these monies more readily available. The Strawn Road property is a good example of such a sale of excess property that could be redirected to other uses. This would create a pool of money to use that way.

Pitzer asked if we should have that discussion first before we just establish this fund by this action. The Mayor agreed, but did not think that this action actually created such a fund.

Pitzer made an amendment to put this money in the general fund instead of creating a real estate fund until we have that discussion.

Skala said he thought there was a public perception that the city is using general fund money for special purposes that were not pre-identified. Skala asked if there was a way to earmark this money in a different way? The city manager indicated only the council can appropriate money, regardless of what fund it resides in. The Mayor argued against the amendment by saying that if a real estate fund existed it could be used to close the gap on potential purchases. Pitzer said he still wanted to form this fund first with specific guidelines. The Mayor said he would rather put some money in it first, then figure out what to do with it, but make sure it does not appear as simply general funds.

Skala thought a discussion of having parameters on this fund was a reasonable request. Pitzer does not want to put any money into a fund that has not even been created. The Mayor asked what would happen to the money if the money was not dedicated at all? He thought this provide more protection. Pitzer stuck to his argument and insisted that a real estate fund be created before we put money into it.

City legal staff indicated that these funds would automatically go into a miscellaneous real estate fund in the budget, then these monies would be allocated to the new fund specified. If you leave that part out of this bill, but accept the money, the funds will go into the miscellaneous real-estate fund until such a new fund is defined.

Pitzer withdrew his original amendment. He then offered a new amendment to strike part 3 from the original bill. No second was received so the amendment died. Trapp though it was good to accept the new money from Ameren and thought in the future some parameters could be created. The Mayor agreed.

The motion to accept the bill as proposed passed unanimously.)

CONSENT AGENDA

(All items remaining on the Consent Agenda were approved unanimously.)

B293-18 Approving the Final Plat of “Nanny’s Neighborhood Plat 1” located on the east side of McBaine Avenue and south of Lincoln Drive (Case No. 18-191).

B294-18 Approving a major amendment to the Lake George PD Plan located on the south side of Richland Road approximately 700 feet west of Bay Hills Drive (5000 E. Richland Road); approving a revised statement of intent; granting a design adjustment relating to entry door placement (Case No. 18-185).

B295-18 Vacating a sidewalk easement on Lot 108A within Copperstone Plat 7 located north of Copperstone Creek Drive, and vacating sidewalk easements on Lots 415A, 416A and 418A within Copperstone Plat 7 located east of Granite Springs Drive; accepting conveyances for sidewalk purposes (Case No. 18-156).

B297-18 Authorizing 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; calling for bids through the Purchasing Division.

(This item was moved to Old Business by Mayor Treece.)

B298-18 Accepting conveyances for sidewalk purposes.

B299-18 Accepting a stormwater management/BMP facilities covenant.

B300-18 Appropriating Federal Transit Administration (FTA) grant funds for the purchase of six (6) replacement paratransit vans and miscellaneous related equipment and services.

B303-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation services.

B304-18 Authorizing Amendment No. 3 to the program services contract with the Missouri Department of Health and Senior Services for HIV Prevention services.

B305-18 Authorizing and ratifying a service agreement with PeopleAdmin, Inc. for hosted software and related services to automate human resources administrative functions; authorizing an amendment to the agreement.

B306-18 Adopting the City of Columbia, Missouri Choice Plus \$750 Plan, Choice Plus \$1,500 Plan and Choice Plus \$2,700 High Deductible Health Plan for 2019.

B307-18 Accepting a donation from United HealthCare for wellness promotion and programs for City employees; appropriating funds.

B308-18 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants.

B309-18 Appropriating funds from the 2018 Celebration for the Arts event.

B310-18 Authorizing a grant of easement for gas pipeline purposes with Union Electric Company, d/b/a Ameren Missouri, for the installation of a natural gas line to be located parallel to Schwabe Road on the

east and I-70 Drive Southwest on the south within Columbia Cosmopolitan Recreation Area; appropriating funds.

(This item was moved from Consent to Old Business by Pitzer.)

R190-18 Setting a public hearing: proposed extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the proposed ten (10) megawatt Truman Solar Facility located east of Burnside Drive.

R191-18 Authorizing a parking citation management system services agreement with Clancy Systems International, Inc.

R192-18 Authorizing a contract with the Central Missouri Humane Society for 2019 animal control and municipal shelter services.

R193-18 Appointing associate municipal judges.

R194-18 Consenting to an assignment of the airport car rental concession agreement at Columbia Regional Airport with EAN Holdings, LLC to Enterprise Leasing Company of STL, LLC.

R195-18 Authorizing an agreement for professional engineering services with Allstate Consultants for the landfill fuel station improvement project.

R196-18 Updating the authorized signatories at U.S. Bank and providing for administrative authority to amend the master services agreement and account signers.

R197-18 Updating the current authorized signatories at UBS Financial Services, Inc. and providing for administrative authority to adopt and execute the Corporate Resolutions form.

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING **(All items were introduced as indicated.)**

B311-18* Vacating a portion of a sewer easement on Lot 53 within Westmount Addition located south of Westmount Avenue (Case No. 18-188).

B312-18* Accepting certain streets that were constructed in FY 2014, FY 2015 and FY 2016 for public use and maintenance.

B313-18* Authorizing the acquisition of easements for construction of the Bingham Road and Ridgeley Road PCCE #16, Phase 2 sanitary sewer improvement project.

B314-18 Authorizing a first amendment to the solar power purchase agreement with Truman Solar, LLC.

B315-18* Authorizing an agreement with the United States of America Transportation Security Administration to lease 896 square feet of office and related space in the North Terminal Building at the Columbia Regional Airport.

REPORTS

REP102-18 Revisions to the sidewalk cafe ordinance.

(Action: City staff have worked with the Downtown CID to revise the existing sidewalk café provisions in the Code of Ordinances. These provisions are primarily found in Chapter 4 (Alcoholic Beverages) with a paragraph in Chapter 24 Streets Sidewalks and Public Places to provide for sidewalk dining which may or may not involve the serving of alcoholic beverages. The draft ordinance makes the following changes:

- Requires an annual “sidewalk café license” which must be renewed annually and may be revoked for violations;
- Clarifies that a right-of-use permit shall be required for any non-portable sidewalk café installation (i.e., for any permanently fastened or affixed furniture or associated improvements);
- Requires an application, site plan, and annual fee;

- Continues to require barriers if (and only if – otherwise optional) alcoholic beverages are served, and provides more flexibility in choice of material and colors;
- Prohibits advertising within the café area;
- Continues to provide for an unobstructed 60-inch pathway which is to be both physically and visually unobstructed (i.e., can be perceived from end-to-end) around the café area;
- Cross references Chapter 24 provisions in the Chapter 4 provisions.

This item has not been through legal review yet. The new Executive Director of the downtown CID asked for time to review this before council took action. This was not referred to P&Z for consideration first. The Mayor thought the CID and DLC should weigh in on this before the council had a full discussion.

The council agreed to put off formal consideration until January.)

REP103-18 Board of Adjustment correspondence regarding Greek Town.

(Action: At its September 11, 2018, work session, the Board of Adjustment had a discussion regarding the recurrence of variance applications within the area of the City commonly known as “Greek Town”. Given the nature of the requests, the Board felt that it would be beneficial to provide their observations to the City Council and allow Council members to determine if potential text changes to the Unified Development Code (UDC) were warranted. The Board of Adjustment’s correspondence identifies several recurrent standards to which relief is being requested in most variance applications within “Greek Town”.

The standards most frequently sought for relief deal with issues such as building heights, building setbacks, parking, and occasionally involved landscaping/ screening. The Board has observed that in most instances, following the required public hearing, the applicant’s request(s) for relief has/have been granted. Given the reoccurring action the Board questions if the UDC’s provisions are actually properly tailored to the unique nature of the “Greek Town” area. The Board believes that potential tailoring of the zoning requirements applicable to “Greek Town” may reduce delays encountered by applicants seeking redevelopment permits and address other unique issues generally only found with the “Greek Town” area.

If the Council agrees that revisions to the UDC may better address the issues identified by the Board, it recommends that Council assign the Planning and Zoning Commission the task of reviewing the UDC and identifying opportunities for streamlining redevelopment standards in “Greek Town”.

No specific wording changes or ordinance changes were suggested.

Brief discussion by the council followed.

The council, by voice vote, suggested referring this item to P&Z for consideration indicating that a preponderance of requests in this area may give the city reason for some reconsideration of the underlying rules.)

REP104-18 UDC text amendment involving churches and commercial kitchens.

(Action: On November 14, 2018, Rock Bridge Christian Church submitted a request (see attached) to amend the text of the UDC to include provisions that would permit religious structures in the R-1 zoning district to offer commercial kitchen space for the purpose of supporting the mission of job-training or a small-business (catering) start-up. This is the first formal request received to amend the UDC; however, is not the first inquiry relating to this matter.

The Planning Division has been contacted by individuals seeking to use commercial kitchens within religious structures and has been asked what the process is to do so and where commercial kitchens may be legally established. The current provisions of the UDC do not permit commercial kitchen space within religious structures to be used for commercial purposes not otherwise directly related to the religious activity. Commercial kitchens are not uncommon in religious structures that offer their members or even the general public services such as day cares, adult/youth ministry, or schools. A commercial kitchen within a religious structure is subject to inspection by the Health Department when food is prepared and served to the public.

In addition, the formal request of Rock Bridge Christian Church, CMCA Missouri Woman's Business Center has submitted a letter of support (see attached) for the requested text change. The CMCA letter indicates that there is a lack of affordable commercially certified kitchen spaces available for a small business to work out of and that such limitation is a hindrance to those trying to improve their employment situation.

The Mayor asked if this would always be volunteer type activities? Staff said that some of these activities might be a little more involved than that. He thought this should be referred to P&Z since people have an expectation of a church, not a commercial kitchen in a residential area. Staff explained that this could be accommodated as an accessory use if it were created as such. Pitzer thought this should be more of a Board of Adjustment question. The Mayor asked about the level of inspections that would be required. Staff said that once the kitchen uses certain equipment and procedures, an inspection kicks in. The Mayor asked about food trucks. Staff indicated that came under provisions of commissaries and food handling and that all licenses would be required.

Trapp thought there was underutilization of that type of kitchen space and it might be a good way to do some good. He wants this item to be considered.

A motion to refer the item to P&Z passed unanimously.)

REP105-18 Downtown Community Improvement District - End of Fiscal Year Report.
(Action: No comment or further action was required.)

REP106-18 Business Loop Community Improvement District - End of Fiscal Year Report.
(Action: No comment or further action was required.)

REP107-18 Request to revise the waste hauler ordinances.
(Action: At the October 1, 2018 Council Meeting, a report from the Environment and Energy Commission was presented to the Council. This report requested that current City ordinances be revised to allow private business to haul organics / food waste that is generated in Columbia. Staff understands the intent of this proposed ordinance revision is to reduce the volume of organics / food waste that are placed in the landfill because it is believed that composting organics / food waste is more environmentally beneficial than placing this material in the landfill.

It is not certain that composting this material is more environmentally beneficial than placing the material in the city's bioreactor landfill and using the methane from the decomposition process to produce electricity. Other disposal methods such as anaerobic digestion or combustion may be a more beneficial alternative than either landfilling or composting. Each disposal method has advantages and disadvantages. Staff believes a better understanding of the environmental and economic benefits for

the various disposal alternatives for these organics and food wastes is needed prior to revising the current ordinances.

Staff has requested Burns & McDonnell to provide a scope of services, cost and timeframe to complete an evaluation of composting, anaerobic digestion, combustion and landfilling of organics / food waste as part of their ongoing work with the city landfill. Staff estimates that such a study could cost in the neighborhood of \$32,000.

Thomas asked if staff is opposed to the idea of having private haulers perform this function. Staff said they were not specifically opposed, but could not determine if this proposal was a better idea than the way they currently handle such waste. Thomas said in the past staff has said they were opposed due to food contamination and waste vehicles in areas. Staff said they wanted to know if this was a good idea before they weighed in further. Staff said such an ordinance would have to specify that waste haulers should be limited to ONLY picking up food waste, otherwise they could see multiple trucks running the same routes every week. We just don't know if this will be beneficial or not. Thomas said that right now 99% of food waste currently goes into the landfill. Could there not be a better way to deal with this since some gases escape? Thomas asked how the engineer would make a determination? Staff was not sure about the methodology. Thomas then cited an August report that stated there might be alternative electricity generation models in the future and asked if this would fit that model? Staff said it doesn't make sense to run extra trucks around town burning gas and diesel just to create alternative energy.

Trapp asked about the benefits of compost. Staff admitted that it does have value, but the overall benefits have not been determined. No discussion has occurred on this topic between Public Works and the Sustainability office. Thomas asked if this was really worth the effort and if we would learn anything new? Staff said it was better than not knowing the answer. This money will come out of money already allocated for this consultant. Thomas asked to approve the money for the study.

The motion passed 6 to 1.)

REP108-18 City rental enforcement and problem properties.

(Action: Councilman Skala requested additional information on the City's enforcement of rental properties, in particular problem properties, at the October 1, 2018 Council meeting.

The Rental Unit Conservation Law found in Chapter 22 of City Code has been in place since the late 1970's. As of September 30, there were 10,109 buildings and 28,136 units in compliance. Registered properties must pass an inspection and are issued a Certificate of Compliance (COC) for three years. At the expiration of the COC, if there have been no complaints or violations, the property may renew for an additional three years without a City inspection. The majority of City rental properties are being inspected once every six years.

There was a concern raised about absentee landlords. A review of the rental data showed that 1,166 or 4% of units had no owner, operator or agent addressed in Missouri. That list includes 58 different complexes, single family homes or duplexes. In addition, 2,100 or about 7.5% had no owner, operator or agent with a Columbia address; many properties have contacts in mid-Missouri. **Some communities require a local agent for rental properties; this may be a requirement that the City of Columbia should explore.**

Chronic Nuisance Property & Nuisance Party Ordinances are found in Chapter 16 of the City's Code of Ordinances and are enforced by the Police Department. Chronic nuisance properties are defined as

residential properties on which or within 200 feet of which person associated with the property has engaged in three or more nuisance activities during any four-month period. The ordinance lists 16 categories of violations. After two nuisance activities, the owner is notified by the Chief of Police and a meeting is requested. After a third nuisance activity the property may be abated through closure for up to one year. Officer McClintic, who is assigned to Neighborhood Services, monitors 1,000-1,200 residential addresses where violations have occurred and sends three or four notices letters each month to owners of properties that have met the two-nuisance activity threshold. **This ordinance has been an effective tool for the City; abatements have not occurred as property owners resolve the problem voluntarily.**

The Columbia Housing Authority runs the Housing Choice Voucher Program and denies applications for those with criminal activity within the last five years.

Tenant's Bill of Rights: Tenants may file a complaint with the Office of Neighborhood Services if they have a code issue in their home. In FY18, 143 complaints were received and most of those result in an inspection by a staff member. While the City of Columbia has not formally adopted a Tenant's Bill of Rights, City staff regularly share information with tenants on this topic. Students, in particular, are given information about City ordinances related to living off campus. The Missouri Attorney General has developed a document on the rights and responsibilities of landlords and tenants and this is shared as a resource.

Skala noted that he had asked for this report in regard to a few duplex properties. The property is managed for an out of town owner and getting information about problems has been slow. I wanted more information. There is lots of good information here. I think we should consider limiting the time between automatic renewals without inspections. Skala asked for other input. Trapp said he thinks we currently strike a good balance. Some properties not subject to our rules are in bad shape. Most of our housing stock is good. Our Section 8 process is pretty sound. We are better than many cities. We have lower barriers to entry and that is good, but we still enforce rules with zero tolerance for infractions after acceptance to the program.

Skala added that he thought that the Public Housing was doing a good job, he was looking at more of the private owners. He admitted that we are heads and tails above the county in some regards, but he wants to revisit this issue. Peters noted that maybe we need a requirement to make sure that all properties have a local agent listed. Maybe she is an absentee landlord herself, although property she owned in Texas she had local managers for.

Staff said it was surprising how few properties did not have local managers or owners. Skala did not push it any further.

No formal action was taken.)

REP109-18 Annual report of volunteer service to the City.

(Action: In FY18, volunteers time supported ten departments. Total hours are down slightly at 93 percent of the previous year, but about 2,000 hours greater than the five-year average. Parks & Recreation had the greatest support from volunteers with 18,370 hours contributed to 67 different programs and activities. The Community Development Department logged 9,235 hours and City Utilities including Solid Waste and Stormwater had 6,349 hours of service.

In FY18, volunteers shared a total of 39,204 hours of service valued at nearly \$968,000. In addition to the hours and service represented in this report, hundreds of volunteers share time on more than 40 Boards & Commissions that advise the City Council and staff.

No formal action was taken on this item.)

REP110-18 Intra-departmental transfer of funds request.

(Action: No further action required.)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

One speaker appeared to support a motion that Mr. Thomas is about to make regarding sewage back up and flooding. The stormwater regulations need to be revisited, including all properties, even those under 1 acre. We think all should be subject to stormwater rules and funding for backflow devices should be made available on a sliding scale with more assistance going to people with less incomes. She called for dirt banking, rain gardens and rerouting of rain water out of the sewer system. I and I spending should be increased and unused Henderson Branch money should be used in this regard.

The next speaker mentioned that the Citizens Police Review Board needs to be reenergized along with the Human Rights Commission. I would like to see more interaction with the police department. I think both are being underutilized. The minutes from these boards are poor and need to be improved. Thank you for your action regarding the city manager. I think you all stepped up to the plate.

The final speaker believed that the city needs to move on from the old city manager. He thought John Glascock would do a good job. Check out the use of food waste. Why not call that a new source of fertilizer? He does that himself and planted tomatoes from seed. They grew to as tall as he is. I think there could be a lot of uses for food waste in our new park. I recognize the guy who set the recent fire in city hall. He is a homeless man. How much did it cost to catch him? Next, last Sunday, I saw a person breaking down and crying at a church service. We need to help young people who need help. A recent death may have come from peer pressure in drug dealing. I have to be very vague about this, but we need to have shelters and housing for young people who are lost. Save our good brick structures and rehab them, don't build junk with poor insulation.

Council

Trapp asked if the Community Police Review Board could be captured with full minutes or be taped? Staff said they would check into that. Trapp noticed that at that the last meeting we did some things. In terms of appointments, the council does not require having a liaison to the Community Land Trust, but the by laws of the Land Trust require that there is one. Trapp would like to serve in that role. The city clerk noted that there is a lack of clarity regarding the rule. The council appointed Trapp to that role. Trapp further replied to a previous speaker about battery storage.

Thomas asked staff to create reports related to infill and infiltration. First, he would like information about expanding backflow and grinder pumps to include overflows in basements; second to expand I and I practices including dirt banking, pumps and funding; third, he would like to see means testing for approved back up prevention projects up to 100%.

Thomas further asked for new development code changes regarding to stormwater runoff that would apply to land of less than one acre and would prohibit subdividing of land to avoid such penalties. Skala said he would like to see some of this information and he thought it might be valuable. Thomas said he does not have much detail. He is asking for the staff to provide that.

Skala said it was interesting to hear someone ask for verbatims and better minutes from some commission meetings. Skala said we should have transcripts of all council meetings, but that a national expert at a recent convention said we should only record all motions and votes. He knows that would never go over well in this town, however, this takes an enormous amount of time. He mentioned that because he thinks this city does it better than a lot of places. We do not follow strict Roberts Rules of Order at our meetings and according to some national experts, that is not required.

The Mayor indicated that a Management Fellow had accepted a new position and will be leaving our staff. He also thanked city staff for their understanding and cooperation during this time of transition to a new city manager.

Staff
(None.)

ADJOURNMENT
(Time: 10:28 PM)

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