



## Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Monday, February 18, 2019

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Pledge of Allegiance

Roll Call

Approval of Minutes

Adjustment of Agenda

### INTRODUCTORY ITEMS

(Recited as indicated.)

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

(Absent: None.)

(No minutes from previous meetings were available for approval.)

**(No adjustments to the agenda were suggested.)**

### SPECIAL ITEMS

(None.)

### APPOINTMENTS TO BOARDS AND COMMISSIONS

**BC2-19** Board and Commission Applicants.

**Airport Advisory Board:** (1 position) [Thomas Richards](#)

**Building Construction Codes Commission:** [Ray Kaisher](#) (Boone County)

**Columbia Vision Commission:** [April Schmidt](#)

**Commission On Human Rights:** (2 positions) [Megan Gore](#), [Meera Sood](#)

**Public Transit Advisory Commission:** (Student – **No applicants**); (Regular – 3 positions) [Emily Beck](#), [Gregory Moon](#), [Dawn Zeterberg](#)

**Tax Increment Financing Commission:** (3 positions) [Marshall Gorski](#), [David Seamon](#), [Andy Waters](#) applied. **No appointment made.**

**Tree Board:** (7 positions) [Michael Kyd](#), [Andrew Lister](#), [Jacob McMains](#), [Rachel Penn](#), [Esther Stroh](#), [Mike Szydowski](#), [Samuel Wright](#)

**University of Missouri Extension Council of Boone County:** [Thomas Sallee](#)

### SCHEDULED PUBLIC COMMENT

**SPC13-19** Margaret Booker - Oakland Crossing - County resident experience.

(Action: The speaker indicated that she is a county resident and wanted to address the situation surrounding the Oakland Crossing project. She feels shut out and believed that her participation was important and invited. But, some things need to change before there can be real participation. Some suggestions. The current radius of notification is too small and new commercial development will affect more people than those immediately adjacent to the property. Neighbors have no participation in original concept reviews. One commissioner asked us why we didn't purchase the property to avoid

change. We were able to persuade a majority of the commission to downzone one part of the are to a lesser commercial intensity. Enticing county resident to accept sewer service for annexation rights is wrong. We believe that sometimes the city cherry picks only projects that will make them money.

Next, we do not like the way council member Thomas acted regarding this project. Many of us shared messages with him, but it was shocking to find that our hard-won efforts had been used as a bargaining chip. We believe that Thomas, Trapp and the planning department should be reviewed to determine if anyone crossed the legal line. We think the city counselor acted properly and we thank the Mayor for removing this from consideration. I spoke with Ian and I accept his apology.

**SPC14-19 Jim Windsor - Electric loans for home generators.**

(Action: The speaker mentioned that some members of the council are trying cover up schemes regarding electric transmission lines and trying to divert money to police instead of infrastructure. He believes that some people are approving new developments that don't have infrastructure – but he didn't come here to talk about all of that. He wants to talk about generators and wants to make sure that those generators are safe. We should make natural gas generators available. If Mr. Glascock is truly committed to his job, he should address pay for lineman and should disclose that Option E for transmission lines will cost too much money and that overloading is a real problem.

**SPC15-19 Jeff Stack - Ending involuntary homelessness and meeting human needs of area residents.**

(Action: In the winter, involuntary homelessness is a real problem, but we need to find a more permanent solution. Affordable housing is a problem we must meet first, even before we address some other problems of substance abuse and other problems. On March 1, some shelters will shut down. Thanks to Treece and Thomas for their efforts and some of the other council members. But, we need to do something now to step up in a much bigger way, at least for the month of March and beyond. We will volunteer, but we need your help. Can we use the Armory or the ARC for one month? I know you have a long agenda, but there are a lot of rezonings for business and very few items about addressing social problems. Why not sell the old Ellis Fischel building for a dollar and use it as a shelter? That's a University option. There are other people who could step up as well. We are a capable community and I think we need to move beyond talk and move to action.

**PUBLIC HEARINGS**

**(The following two items are related.)**

**PH5-19** Proposed construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park.

(Action: The project includes improving the existing low-water crossing on the northeast corner of the lake trail and additional tree planting and landscape improvements throughout the park. The total project budget is \$60,000 and is funded by 2015 Park Sales Tax annual park improvement funds. Improvements at the park are scheduled to begin spring 2019, with an anticipated completion date of fall 2019. This project was initiated by our stakeholders and they asked for screening to be located around parking, not to block views of the lake.

The Mayor asked how often water drainage problems occur. Staff said it is persistent and can be addressed. Skala noted that it is amazing what you can do with a dedicated sales tax.

No one from the public spoke on this issue.

**No vote is required during the public hearing. See next item for details of the vote.**

**B37-19** Authorizing construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park; determining that the work shall be done by City employees.

**(Action: The council approved this bill unanimously. No further discussion ensued.)**

#### **OLD BUSINESS**

**B30-19** Voluntary annexation of property located on the southeast corner of the Highway 163 and Route K intersection; establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 36-2019).

(Action: Columbia Public Schools is seeking permanent R-1 (One-Family Dwelling) zoning district, upon annexation, on its 16.95-acre Rock Bridge Elementary School property located at the southeast corner of Highway 163 and Route K.

The site is contiguous with the City's existing municipal boundary along its southeast edge at the south end of the long, narrow portion of the parcel that adjoins Rock Bridge Memorial State Park. Annexation is sought, according to the applicant's representatives, to permit City police services (i.e. a school resource officer) to be permitted to be offered upon the property.

The subject property is presently served by city sanitary sewer, Boone Electric Cooperative electric service, and Consolidated Water District #1 water service. During the concept review of this request and its corresponding annexation, staff expressed concerns with the applicant that the annexation does not fit the intent of 'contiguous and compact' requirements as defined in the Missouri Revised State Statutes. The applicant indicated that their intent was to move forward with the request, citing the neighboring properties under annexation agreements as justification for the annexation request. The subject annexation would trigger as many as 12 nearby properties to be eligible for annexation. Four properties are directly adjacent to the subject tract and would become immediately eligible; the remaining 8 properties would then become successively contiguous. Staff showed a map that indicated which properties might be affected.

The subject parcel is currently zoned Boone County A-1 (Agriculture). A-1 permits agricultural uses as well as 'farm residences' as an accessory use to a primary agriculture operation. This zoning is generally consistent with the requested R-1 zoning; however, R-1 would allow more intense redevelopment of the property if the school were relocated in the future. Surrounding zoning includes County A-1, R-S (Residential Single-Family) and A-2P (Planned Agriculture). The single-family Parkside Estates development to the southwest is currently inside the City and zoned PD (Planned District). Columbia Imagined designates this parcel as a part of the Neighborhood District, which is intended to provide residential uses and a small number of other uses that serve neighborhood residents. The existing school is consistent with this land use designation and schools are permitted within the proposed R-1 (One-family Dwelling) district.

Staff recommends approval of the request for zoning pending annexation. The P&Z Commission recommended approval of the request by a unanimous vote.

Peters asked how many additional acres might come into the city by virtue of this annexation. Staff did not have a complete count on acreage, but noted that there are some pre-annexation agreements. Each agreement would need to be individually approved by the council. Skala asked if pre-annexation agreements were time-limited? Staff said there is not a time limit.

The hearing was opened.

An engineer appeared on behalf of the applicant. He first stated that the school simply wants to be able to call on existing police officers, not add a full-time officer. He also noted that there are also already other properties with pre-annexation agreements that would trigger other annexations, and that this would not by itself make those new annexations a requirement. He indicated that this is within the Urban Service Area, that it was approved by P&Z and that the "stem" that connects this property to the city has been owned by the school district for 40 years and was not obtained just to obtain annexation.

He further discussed compact and contiguous ideas regarding annexation. This does not move the geometric center of the city. Sometimes parcels are annexed in as "flag" annexations, and this should not be considered in that same light. The zoning is appropriate and should be approved.

Pitzer asked if there was anything about expansion of the facility included within this proposal. The speaker indicated it was not. Skala asked if flag annexation is really how it works and not how it looks. The speaker kind of agreed with that but indicated that this was appropriate.

The next speaker spoke on behalf of the public school district and stated that if this happens there would be a potential to expand playground facilities.

The public hearing was closed.

Trapp noted that we have a good relationship with the school district and that this will help us partner more regarding both public safety and recreation.

**The proposal was approved unanimously.)**

**B31-19** Approving the Final Minor Plat of "Missouri Alpha of Phi Kappa Psi Subdivision" located on the west side of Providence Road and north of Burnam Road (809 S. Providence Road); authorizing a performance contract; granting a design adjustment relating to street right-of-way (Case No. 20-2019). (Action: The applicant is seeking approval of a one-lot, 3.96-acre final minor subdivision plat to be known as "Missouri Alpha of Phi Kappa Psi Subdivision". The platting action will afford legal lot status necessary to obtaining a future building permit for a proposed building addition on the rear of the property. The property is zoned R-MF with a small strip of R-2 along the site's Burnam Road Frontage. Dormitories, fraternities and sororities are permitted uses in the R-MF zone.

The applicant proposes to dedicate a 15' and 10' utility easement along its Burnam and Providence frontages, respectively, and a 16' as well as two smaller utility easements for existing utilities on the northeastern and western portions of the lot. The applicant will also build a sidewalk along the parcel's Burnam Road frontage, completing a 2012 Sidewalk Master Plan project. The applicant is also seeking a design adjustment pertaining to dedication of additional right of way along the parcel's Providence Road frontage. A minimum half-width of 53' is required per the UDC. It requires no new roadways. This is basically legalization of the lot. It does have split zoning. It is R-MF generally but with one sliver of R-2 along Burnam. There will be tree preservation and right of way dedication.

The adjacent half-width at the parcel's narrowest point(s) between the existing property line and the street center line is approximately 35' or 18' less than required. However, in many places the total right of way along the corridor (on both sides of the centerline) exceeds the required 106'-110' for an arterial road. The applicant and adjacent property owners have worked with the City to dedicate sufficient right

of way to accommodate the recently completed Providence Road intersection, turn lane, and roadway improvements. The plat meets all technical requirements of the UDC, with the exception of the requested design adjustment. Adequate right of way exists along the Burnam Road frontage to accommodate the new sidewalk and to meet the UDC's design requirements for local roadways. MoDOT does not require any additional right of way, but city staff noted that there are some places along Providence Road where the actual width is only 70 feet. In other places, the right of way breadth is as much as 174 feet.

As part of staff's consideration of the requested design adjustment future expansion of the Providence Road corridor was evaluated. Given there were no immediately identified short or long-range plans for expansion of the corridor beyond those recently completed and following consultation with the Traffic Division of Public Works, staff ORIGINALLY recommended support of the requested design adjustment.

At its December 20, 2018 meeting, the Planning and Zoning Commission considered this request. Staff presented its report and confirmed the sidewalk on Burnam Road would be placed in the existing ROW. One member of the Grasslands Neighborhood Association spoke with concerns regarding the parking and the lack of access from Burnam Road as it related to the existing and proposed future use of the site. Staff provided information that parking would be a part of the permitting stage and that driveway access may be pursued subject to driveway spacing requirements. The Planning and Zoning Commission voted (9-0) to recommend approval of the final minor plat with the design adjustment.

**HOWEVER... since that time, city staff has again reviewed the request for a design adjustment. Questions arose regarding the need for additional right-of-way for future improvements within the Providence Road corridor. As a result of this additional review, staff now believes that acquiring the full required half-width, 53-feet, along the subject parcel's Providence frontage is in the best interest of the public.**

The Mayor asked if the applicant was amenable to this change? Staff indicated that they were not wanting to make the extra grant of right of way. The Mayor asked if we need land eventually, how will we get it? Staff said we would have to buy it. The Mayor asked if MO Dot does not require the right of way, why should we? Staff said that in case Mo DOT ever gives this road to us, we would want to have the right to the land. The Mayor asked how much width we already have from adjacent properties. The staff was not quite sure. Teddy mentioned that the width varies across the frontage and that there were some additional lands granted across the street when the new projects were built. A future project may need that land. Pitzer asked if the applicant was asking for a variance? Staff indicated that the ordinance was written without allowing the additional right of way, but staff is suggesting that idea after it already went through P&Z.

The hearing was opened.

A speaker representing the applicant said that several years ago there was a proposal to take a significant portion of their land for road expansion, but they worked out a way to preserve the front yard. That was predicated on the ability to add to the back of the building, rather than to the front since this is the original Grasslands homestead. We already went through P&Z without this requirement and we do not want the big front yard to be chiseled away. The city's suggestion would go back to wiping out the first row of the Grasslands subdivision if this was taken to its ultimate implementation. You will never need this land unless you take out the other houses to the south along Providence Road. This has been recommended by P&Z. Do not invite a way to relitigate this matter. The Mayor asked why they are

asking to do this. The speaker indicated that there is a metes and bounds issue. The R-2 parcel at the edge of the property does not have sufficient depth to be considered as a separate legal lot. He objects to the staff suggestion to add additional right of way.

No further public comments were made.

Peters offered an amendment to adopt the city staff recommendation rather than the original request of the applicant and include the additional right of way requirement. City legal explained how that motion should be crafted.

**There was no second to the amendment.**

Skala then asked the staff why they wanted this extra right of way? Staff said that if MO Dot ever gives this road to us, we will want future options without having to pay for that land. We don't like to pay money when we can get it for free. It is entirely possible that nothing may ever happen. City staff also indicated that the applicant did not voluntarily give up earlier land, it is in litigation due to condemnation.

**The request passed 6 to 1 with Peters voting NO.)**

**B40-19** Amending Chapter 11 of the City Code as it relates to the sale of tobacco, alternative nicotine products and vapor products and establishing a tobacco retailer license.

(Action: The proposed legislation requires all tobacco retailers to obtain a license annually, at no cost, from the Business Services Administrator. The ordinance describes the application procedure, and the duties of a licensed tobacco retailer. One of the primary reasons for requiring a license is to allow for the identification and location of all tobacco retailers. Right now, the city does not really know who sells what. Consequently, retailers with multiple locations will be required to obtain a license for each location.

The proposed legislation describes penalties that can be assessed by the municipal judge for violations (ranging from \$200 - \$1,000), as well as the process for suspension or revocation of the license, with a due process for appeal through a tobacco retailer license review board. Right now, there will be no fee for the license. Such a fee would need to be established through an election per the Hancock Amendment. As a result, enforcement of the ordinance will be minimal due to a lack of resources to implement an enforcement program.

Right now, it is anticipated that there could be one annual inspection of the facility to assure there is appropriate signage per the ordinance, display of the license, etc. In addition to these inspections, compliance checks may be achievable on a very limited number of facilities pending future grant funding or identification of new resources. The ordinance would be effective on June 30, 2019. This will allow the licensure cycle to correspond with the annual business license cycle.

Trapp discussed this measure and thought that this will not be an effective measure unless we have funding. If we can't really enforce this, why are we doing it? What we need to do is move this to a ballot for approval of resources within 180 days. This also raises the fines for violations and we could get that done within the time frame specified.

Staff spoke against Trapp's suggestion and did not want to make this contingent on having adequate resources. The city legal staff also indicated that sometimes legislation is passed without specific funding sources and that it is the proper purview of the council and the city manager to find that funding. Legal

also suggested that you will lose administrative judgment if it is too strictly written into the city code. Proponents of this want a hard fine structure. Staff wants a more flexible code so that fines meet the offense. Some fines may need to be harsher or more lenient for things that are technical violations vs. willful violations. Legal asked for more administrative discretion.

Skala asked if we would get further with this if we followed state guidelines first? Staff indicated that that would be a very minimum statute and that if we want to fund this Hancock would probably kick in. Staff said that if they really want to develop a real program, they will have to vote on that separately, but this would put a framework in place.

The hearing was opened.

The first speaker indicated that smoking was bad for young people and that it can lead to serious health problems. Maybe some young people don't understand that. Kids buy it and sell it to each other, and that needs to stop. This is a business concern, but it's a short-term outlook if the people who are the customers die younger. Do something before youth is dead on arrival.

The next speaker said she appreciated living in a community with strong public health rules. She supports this rule and the amendments made by Trapp to put this on a ballot for funding. I do not want tobacco products sold to minors in this community.

The next speaker urged the council to pass this new ordinance and to adopt the amendment for funding. He believed that our local rules help drive lower smoking rates. There is no state action on this. We need to lead on this issue. We are a growing community with lots of kids, families and students. We need a tobacco 21 law.

The next speaker represents a community coalition and supports the new rule with Trapp's amendment. Regarding alcohol compliance, we have had staffing issues in enforcing that, too, but it is still a rule. We need new funding for this program and federal funding may not be available. 95% of substance abuse starts before people are 21. Let's limit exposure. Anecdotally, many of those people start with tobacco and alcohol.

The Mayor asked about medical marijuana use among teens? The speaker did not have statistics. The Mayor asked if we needed additional restrictions for medical marijuana like this standard? The speaker was not sure.

The next speaker represented the Board of Health. This is the 6<sup>th</sup> time we have come forward. This is an important new step. The surgeon general just announced that vaping was a problem. It is growing among high school students. Why? Because kids don't see vaping as being real smoking. We are at a critical point. We need to put restrictions on tobacco and vaping. It's addictive no matter how you do it. This is OK. We realize that there is a compliance problem, but we don't have money, so this is the first step, then take it to the voters. We knew that if we couldn't have extensive checks, we had to have high fines to insure adherence without observation. We are not charging for licenses. We are fining for bad behavior. We like escalating fines. You can follow the minimums in this law and that allows you discretion. Alcohol fines are \$75 to \$1,000. These are old numbers.

A speaker from the Council for Drug Free Youth appeared in favor of this bill. They are waiting for state government to move ahead, so we need to do this locally. We are leaders in public health policy. 80% of

people who use marijuana smoked first. Smoking and vaping both involve nicotine. Let's get this right. Many retailers have already invested in technology to be in compliance and they think everyone should have to comply.

The next speaker wanted to walk down memory lane. In 1964 the US found a causal link between smoking and health problems. It has been 55 years since we knew smoking was a problem. Let's adopt a policy. For-profit industries have no obligation to protect our citizens. They are only obligated to their shareholders unless we make them accountable to our communities. Do not let the fox be in charge of the chicken coop. Find a backbone, not a wishbone and let's end this public health problem.

Another speaker said they are taking a black and white ordinance and making it grey. It's only been used 6 times in the past. We don't need this change. This change leaves one person in charge of who gets a license. This is too subjective. The appeal process includes the original decision maker, a member of the public and some other designee. This is not fair. This ordinance requires us to fire good people who make a mistake. We can't do that. This started as a way to find funding for programs, but now, there is a buddy-buddy system among staff and some groups. Let's start over. The Mayor asked if the speaker objected to a feeless license or fines. He did not. He believed that enforcement and decisions of the staff were unfair.

Another person rose to explain some earlier remarks. He indicated that this is about trying to reduce reliance on nicotine. He has been involved in a lot of initiatives in this regard. He does not think the current proposals adding vaping and having lax enforcement will work without funding. We have already come a fair amount of the way. We are all concerned. This is one option to take, but we still have more work to do.

Another speaker said that research shows that rules help reduce use, but that there is still too much use. Enforcement helped for a long time, but then, some places were found to be lax in enforcement and the problem came back. We need to revisit our approach and make it tougher. The Board of Health backs this and this is a solution.

A speaker brought a JUUL device to the meeting. It comes packed with 200 hits. I can buy a pack of four pods for \$15. We have a lot of different regulations in a lot of places. We have to do compliance checks or it won't work, so put this in place, then send this to a ballot for funding. This might cost a retailer \$400 to comply. This is not out of line. There should be minimum fines and the imposition of fines should be discretionary. Some states do \$300, \$1000 and \$3000 fines. We are not too high. Other cities have done this. Kids are using 2 to 14 pods per week.

The next speaker said that one of the most notorious sellers of tobacco products to kids is located near Rock Bridge High School and there are a lot of kids in this town who have been affected. I advocate for higher fines to really make these sellers pay attention to the rule and the health of the kids who live here.

The next speaker talked about selling cigarettes at Break Time. They have had fines. And they changed their policies. Now they do a better job. They are not 100%, but they are better. His own dad died from COPD and smoked Camel Filters. He agrees with having a license. Retailers do not want to make the sale to kids. We need to be part of this solution. We can give examples too. Some things are egregious, and some are borderline. We want to solve the problem, too. If you don't keep us involved, you won't really solve this problem.

The final speaker is a public health student at MU. He has reviewed a lot of different public health ordinances. Vaping is prevalent at the University. Basically, for this community, we are doing a good job and thank you.

The public hearing was closed.

Trapp moved the amendment sheet that included some perfections to the bill, a new definition of vaping for JUUL, the addition of the word ingesting in the ordinance, a positive identification requirement and other changes regarding compliance checks and the fine structure. We think the fine structure is problematic for staff.

Skala was not convinced about some of the fine structures, but thought other ideas were OK. This rule made exceptions for smoking cessation devices. Ruffin asked for clarification about minimum fee language. Staff said the amendment sets minimum fees and retains some flexibility. Staff said that the lowest minimum should be higher than \$75, but staff wants to retain discretion for the imposition of fines fairly. She also noted that revocation of licenses cannot be done arbitrarily and that there is an appeal process. In response to a question from Skala, the city legal staff said they should keep a lower minimum, like \$200, but may want to increase the upper limit on fines from \$1000 to \$3000 to \$5000. Trapp said he likes the way the current amendment sheet is written and that we need to fund compliance checks and enforcement. Let's adopt the amendment sheet and get this to a ballot for funding. The time frame for getting to a ballot was changed from 180 days to one year. Trapp also suggested increasing the upper limit fine to \$5,000.

**An amendment to change language from 180 days to one year.  
That amendment passed unanimously.**

The next amendment added an upper limit of \$5000 to the fine schedule and was offered by Trapp. The Mayor said that with the lack of enforcement ability at this time, he did not think we ought to start artificially start upping the fine. Skala said he objected to the penalty being upped to high right now, but he wants to preserve flexibility for the imposition of the fines. Thomas supported this amendment and believes it is discretionary.

**This amendment passed 5 to 2 with Skala and Treece voting NO.**

Now the new amendment, as amended, was proposed. Skala thought the original bill was pretty good and that this mandatory compliance might put us in the position of forcing us to fund something that we don't have the money for. Pitzer thinks there is enough there to get this done, so he will probably vote against the amendment until a more appropriate time. Are we passing something that we can't fund and all fall on law enforcement? The Mayor agreed with that line. He thought the original bill was good, but that new amendment goes to a place that may not work. Ruffin asked if this would require additional staff? Staff said it would require more staff. Ruffin thought that would be more than \$30,000 per year as was earlier mentioned. Staff said that may be true, but that Jenny's numbers were different.

**This amendment failed 5 to 2.**

Trapp now made a separate amendment to the original bill. He kept the first two pages, changed the definition of an underaged person to 21 on page three and eliminated everything after that on page 4 and thereafter.

**This amendment passed unanimously.**

The bill, as amended, was now under discussion. Skala mentioned that 50 years ago he personally quit smoking. Tobacco is poison. He has always supported this type of legislation and believes this is headed in the right direction.

**The bill passed unanimously, as amended.**

**B41-19** Amending Chapter 24 of the City Code to add a new article pertaining to the construction and deployment of small wireless facilities.

(Action: The City has previously regulated the construction and deployment of Wireless Facilities through individual agreements with utility providers desiring to construct, operate, or maintain small wireless facilities within the city. These agreements currently only provide terms and conditions for the deployment of these facilities by attachment to City owned utility poles.

Recently, the state of Missouri has passed legislation intended to encourage and streamline the deployment of Small Wireless Facilities and to help ensure that robust and dependable wireless communication services and networks are available throughout the State of Missouri. A uniform statewide framework for the deployment of small wireless facilities and utility poles in the State of Missouri known as HB 1991 was adopted recently and encourages municipalities to adopt ordinances and develop agreements that make available to wireless providers terms that comply with the provisions of the Uniform Small Wireless Facility Deployment Act.

Staff from several City Departments including Legal, Utilities, Public Works and Community Development met to discuss ways to address future construction and deployment of small cell wireless facilities within the City of Columbia. The proposed amendments to Chapter 24 will serve as a framework for utility providers desiring to construct, operate, or maintain small wireless facilities within the city.

Generally, the new ordinance defines micro and small wireless installations; establishes parameters regarding size and location of devices and poles; does not require zoning approval unless the new technology is located in R-1 or historic districts; imposes some restrictions regarding design and aesthetics; establishes a permitting process; and establishes fees for various installations ranging from \$100 to \$500. Most approvals or denials of applications will be made administratively.

The city legal staff indicated that they have received a request from ATT and they have 60 days to respond. This is based on model ordinances from the Missouri Municipal League, but the city made some exemptions. They exempted out street lights and some power distribution poles. ATT objected to those exemptions. They also objected to a right of way permit fee, and that has been deleted from the original. ATT objected to the time for approval, or a "shot clock" rule. ATT wants the shot clock. The city does not want to codify that rule, but said they will comply with that. Finally, ATT objected to denial of an application. The city uses broad language that says they can use "anything in the law" to deny a permit. ATT does not like that, the city wants that.

Pitzer asked if they don't pass this tonight, do we have to pass something to stay within the rules and timeframe for action? Staff said action was needed. Pitzer asked if there was another FCC ruling that conflicts with both the state and this law? The open question is whether FCC rules will apply to local utilities or not. This ordinance does not address that question because it is still under review.

Thomas asked about the working group that studied this. The city manager said he wants to know about broadband placement and that working group studies that. The city manager said this is the first time the whole issue has come up and he wants input. The city manager wants a broader understanding of the whole technology issue including dark fiber, who we are serving, etc. Skala said OK, but we don't have to figure all of that out right now. The city manager said he wants direction. The Mayor said that broadband wireless and fiber connections are two different things and that the two are very different. The city manager wants to know if it's the speed or the coverage or the access or what? The mayor said the two were separate and we can pursue both.

The Mayor brought the discussion back to agreements made with other providers. The old agreements will come under the terms and conditions of the city and the city can impose the newer standards in some instances. There are also some rules regarding aesthetics and some rules regarding selective refusal on electric utility poles. Some other sorts of poles we cannot control. They are not covered under the state law. What we want to do is prevent having too many poles put up in rights of way by individual providers. The Mayor tried to define what a structure is. Basically, it's a pole.

The public hearing was opened.

The first speaker appeared on behalf of ATT. There is a catch-all in one part of your legislation. We can work that out. I would be happy to answer questions. Generally, they can live with the bill as amended. **An amendment to the bill as submitted was approved unanimously. The bill, as amended passed unanimously.)**

#### **CONSENT AGENDA**

**(All items on Consent Agenda approved unanimously.)**

**B29-19** Voluntary annexation of the City-owned water treatment plant property located on the north side of Route K (6851 S. Route K); establishing permanent District A (Agricultural District) zoning (Case No. 29-2019).

**B32-19** Approving the Final Plat of "Waterbrook Place, Plat No. 2" located on the west side of Garth Avenue, between Worley Street and Oak Street (Case No. 18-169).

**B33-19** Changing the name of "Kiawah Court" to "Shadow Hawk Court" (Case No. 43-2019).

**B34-19** Authorizing construction of the Spring Valley Road PCCE #18 Sanitary Sewer Improvement Project; calling for bids through the Purchasing Division.

**B35-19** Authorizing construction of the Country Club sanitary sewer relocation project located generally east of Old 63 and north of Walnut Street; calling for bids through the Purchasing Division.

**B36-19** Authorizing the acquisition of property for the replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street.

**B38-19** Amending the FY 2019 Annual Budget by adding a position in the Public Health and Human Services Department - Community Health Promotion Division.

**B39-19** Accepting a donation from Columbia Board of Realtors for the 2019 Fair Housing and Lending Seminar; appropriating funds.

**R22-19** Setting a public hearing: proposed phase one construction of a tennis complex at A. Perry Philips Park to include the construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting.

**R23-19** Setting a public hearing: consider the FY 2018 Consolidated Annual Performance and Evaluation Report (CAPER).

**R24-19** Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program for the Speedo Sectionals Central Section Region VIII swim meet.

**R25-19** Authorizing an agreement with Job Point for vocational skills training for low to moderate income residents referred to the Alternative Sentencing Courts from the Boone County Circuit Court.

**R26-19** Expressing support for state legislation to prohibit the use of handheld wireless communications devices while operating a motor vehicle.

#### **NEW BUSINESS**

**R27-19** Authorizing a mutual rescission and release of agreement with Central Missouri Community Action for administration of a microloan program.

(Action: In 2013, the City of Columbia authorized the use of \$50,000 for a microloan lending program. Since that time, only one project was identified and funded, and no others are currently on the horizon. The balance in the fund stands at \$37,500. The city is suggesting that the program end and that the balance of the funds be reallocated to other priority projects. A specific use of the remaining funds will not be identified until budget discussions are held beginning in late April of this year.

**This item was unanimously agreed to.)**

**R28-19** Expressing support for HB 516 to prohibit mental health professionals from engaging in conversion therapy with a person under the age of 18.

(Action: This resolution expresses support for a piece of legislation currently making its way through the statehouse. The resolution of support identifies “conversion therapy” as “a range of discredited practices aimed at changing one’s sexual orientation or gender identity”. The resolution was suggested by Mayor Treece during the February 4<sup>th</sup> council meeting.

The public hearing was opened.

A speaker indicated that he was originally from the southwest part of the state and his father is a conversion therapist. In that part of the state, this is an accepted practice. This individual said that he lived with that practitioner for two years while he was openly gay and subsequently developed some mental problems. This is a big deal. It will harm people and can lead to suicide. If we can spend an hour and a half debating smoking, we should really do this to protect people. He also noted that we need to push the state to move this forward on the agenda.

The public hearing was closed.

**The resolution passed unanimously.)**

**R29-19** Expressing support for the Missouri Department of Transportation’s application for federal grant funds for the replacement of the I-70 Missouri River Bridge at Rocheport; supporting a financial commitment of participation.

(Action: This is a resolution supporting MoDOT’s application to the Federal Government for the replacement of the I-70 Missouri River Bridge at Rocheport and expressing the City’s willingness to commit financial participation in the amount of \$2,000,000.

MoDOT is planning to spend approximately \$18M to rehabilitate the bridge in 2020. This rehabilitation would cause major traffic congestion for seven to nine months with projected traffic backups to at least Stadium Boulevard in Columbia. Similar backups are projected by MoDOT to the west, resulting in estimated hours of delays for travelers trying to reach Columbia. This \$18M rehabilitation would have a life span of seven to ten years and replacement would then be needed at that time.

As an alternative, MoDOT is asking the city, county and the surrounding communities to support expediting a full bridge replacement option that would cost approximately \$238M and be funded primarily through a competitive federal grant. The project score of the competitive federal grant will improve with demonstrated local financial support for the project. Accordingly, MoDOT is requesting the city support this expedited replacement option with a \$2M local contribution. The grant application is due in early March with an expected notification of award in the fall of 2019. MoDOT is willing to finance the city's \$2M contribution with a 15-year loan at 1.7% interest if needed.

The Mayor indicated that Cooper County would also be impacted and that he supports trying this. It can affect health services and incomes and that the construction jobs and spending on the project would outweigh our enforcement.

The city manager indicated that the \$2 million could come from a Mo DOT loan, some reserve funds or other places. You won't know if you have to actually pony up the money until November if you find out that the grant is approved.

The hearing was opened.

A representative of the Chamber of Commerce appeared in support of the bill. He noted that although the statewide bill for road improvement did not pass, Columbians expressed concern about our future road infrastructure. We cannot kick the can down the road. We have seen back ups from wrecks. We can't do that for an extended period of time. Our board unanimously backs this measure. As the Mayor said, it would be like being on a cul de sac for 9 months. Skala asked if there was any feedback from the county or other communities. He wants partners. The speaker indicated that the county will take action to contribute. He was not sure about Boonville.

The next speaker said that Mo DOT always has the position of trying to keep the cars moving. Just think about how this would impact our local traffic.

Thomas made a motion to table. He thinks that making a decision during a crisis may not be right. He thinks that our Climate Action plan should be considered and that we need to get input from the Energy and Environment Commission and consider a new paradigm. The Mayor spoke against the tabling motion because the deadline is March 1. The Mayor appreciates the idea from Thomas, but that carbon emissions caused by backed up traffic are clearly a problem. Skala said he will support this bill, but with an eye toward sustainable goals.

**There was no second to the motion to table.**

Trapp spoke in favor of this and believes it will help us build better relationships with Mo DOT. Pitzer asked if this was contingent on support from the Governor? The Mayor indicated that that was important, but that it was a federal grant and that we will compete against KC and St. Louis for the grant. Our participation helps us jump the line.

**The resolution passed unanimously.)**

**R30-19 Authorizing the public sale of Special Obligation Refunding Bonds, Series 2019.**

(Action: The issuance of the Special Obligation Refunding Bonds, Series 2019 will be used to do a current refunding of \$11,850,000 outstanding principal amount of the City's Taxable Special Obligation Improvement Bonds (Build America Bonds/Direct Subsidy – Annual Appropriation Obligation), Series 2009A and cost of issuance. It is estimated that this refunding issue will save approximately \$241,600

over the next two years. It is further estimated that this refunding issue will save approximately \$1.8 million through the year 2034.

These funds were issued for the Fifth and Walnut garage. The rates have gone down recently, so we are taking advantage of this opportunity. The Mayor asked if we save money on the cost of the garage, do we set the rates accordingly and rebate those savings to consumers. Staff indicated that the savings will accrue to the parking utility budget.

No public comment was received.

**The resolution passed unanimously.)**

### **INTRODUCTION AND FIRST READING**

**(All items Introduced as indicated.)**

**B42-19\*\*** Approving a major amendment to the PD Plan for “River Region Credit Union - West Broadway” located on the southwest corner of the Broadway and Fairview Road intersection (11 S. Fairview Road); approving a statement of intent (Case No. 40-2019).

**B43-19\*** Authorizing a Transportation Alternatives Funds and STP-Urban Funds program agreement with the Missouri Highways and Transportation Commission for the Leslie Lane sidewalk project; appropriating funds.

**B44-19\*** Authorizing a contract for sale of real estate with Beacon Street Properties, LLC for the acquisition of property located in the River Hills Estates Subdivision to be used for the future Municipal Service Center South facility.

**B45-19\*** Appropriating funds for the purchase of a replacement vehicle for the Public Works Department - Parking Division.

**B46-19\*** Authorizing the acquisition of easements relating to the extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive.

**B47-19\*** Appropriating funds associated with the construction of the Upper Merideth Branch streambank stabilization sewer improvement project.

**B48-19** Approving a revised A. Perry Philips Park Master Plan; authorizing phase one construction of a tennis complex at A. Perry Philips Park to include the construction of two tennis courts, a 30-car parking lot, ADA walkways and the installation of parking lot lighting; calling for bids through the Purchasing Division.

**B49-19\*** Appropriating funds for the renovation of four (4) tennis courts at Columbia Cosmopolitan Recreation Area.

**B50-19\*** Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department’s Adapted Community Recreation Program.

**B51-19\*** Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department’s Career Awareness Related Experience (CARE) Program for youth employment placement and mentoring services.

**B52-19\*** Appropriating funds received as reimbursement for the Fire Department’s response to a hazardous materials spill.

**B53-19\*** Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to purchase certain EnerGov community health software modules to be used by the Department of Public Health and Human Services.

**B54-19\*** Authorizing the acquisition of a certain leasehold interest in property, identified as Hangar 350 at the Columbia Regional Airport.

## REPORTS

### **REP9-19** Administrative Public Improvement Project: Cosmo Tennis Court Improvement Project.

(Action: This is a park improvement project that will expend approximately \$40,000 in park funds. Due to the nature of the project and funding source, it has been approved administratively. This is a report that provides specific notes regarding the improvements. Basically, this will be maintenance and improvement work on 4 courts including repairing cracks, resealing and repainting. Funds for this project were approved by voters in 2015.

**No further action was taken.**

### **REP10-19** Correspondence from the Human Rights Commission - Proposed City Code Amendment as it Relates to a Ban on Conversion Therapy.

(Action: This letter from the Human Rights Commission asks the city to adopt an ordinance that would prohibit the practice of “conversion therapy” by licensed professionals on people under the age of 18. “Conversion therapy” is a controversial practice that attempts to change the sexual orientation or gender identity of LGBTQ individuals. (Earlier in the evening, the council voted to support a statewide proposal – HB 516 – that would ban such a practice.) (See item R28-19). This letter asks that the city also make the practice illegal on a city-wide basis. No other Missouri communities have adopted such a rule at this time. The letter, which is the subject of this report cites research into this topic and indicates that this is not only a matter of public health, but of human rights, as well.

Trapp asked if an ordinance was being developed in this regard? Staff said they wait until the council takes action to draft an ordinance. He suggested we move ahead. The Mayor asked if they should wait until the legislature acts or not? Skala said let’s move forward. A motion was made to move ahead with drafting an ordinance.

**A motion to move ahead passed unanimously.)**

### **REP11-19** Correspondence from the Columbia Community Land Trust Board of Directors.

(Action: This letter from the CCLT Board indicates that they did not authorize the City or any individual to “negotiate” on behalf of that organization for payments to this affordable housing program. The letter relates to a recent proposal to build a mixed-use development along Oakland Gravel Road at Masonic Drive. Council member Ian Thomas had suggested that a payment be made to the Land Trust in return for support for the proposal. The proposal was withdrawn by the applicant at the suggestion of city staff and the matter is currently under review.

Thomas made a statement in this regard. He explained that he had participated in discussions with a developer, that he realized his mistake, that he has apologized to the Land Trust and his constituents, and that he should not make a decision on any matter until he gets all information from all sides. Further he wanted to apologize to the entire city council and that this has brought the city into disrepute. He better understands conflicts of interest and the appropriateness of his involvement in crafting a solution he was supposed to be the judge on. He still supports inclusionary zoning and thought he could broker a positive deal.

The Mayor added his comments. He commended the city staff and Randy Cole for expressing concerns about these actions and bringing them to the attention of other supervisors. Sometimes we only talk about ethics in the abstract. I think we need some mandatory ethics training. We can do this after the election when officials are sworn in. I think there will be plat, zoning and annexation issues in the future and we need to discuss these proactively so everyone understands how this works – both council and citizens.

Skala believes that ethics should be understood, and that there is a broad range of information that could be made available to everyone. No one from the Land Trust spoke in this regard.

**REP12-19 2019 Pavement Management Report.**

(Action: There are approximately 1,375 lane miles of City of Columbia maintained streets. Current funding for pavement management techniques is at \$2.73 million/year. While better than historic levels, this is approximately \$2.1 million annually short of what would be necessary to have a fully funded pavement management program. The FY2019 budget equates to an average of \$0.282 per square yard of street pavement for construction materials and contractual services. A fully funded program would allocate approximately \$0.5/square yard/year for pavement management construction materials and contractual services to keep roads at an overall average rating of 7.5 (good shape).

Due to the current funding, decisions regarding deferring some street maintenance activities are made each year in order to keep as many roads in as good of shape as possible. The report discusses the methodology for selecting the style of preservation techniques. Currently, the city is still pursuing maintenance activities as part of the program on all types of streets (local, residential, collector and arterials).

At current funding levels, by 2022 it will be necessary to change some strategies regarding local streets, begin to modify some other parts of the program or lower the accepted standard rating goal to 6 or less (fair shape or worse). There has been some discussion of working with neighborhoods to cost share some maintenance activities. Since most types of maintenance are considerably more than most home owners' associations would be able to budget, it is likely that some form of Neighborhood Improvement District (NID) or similar would be needed. Staff would recommend that if a neighborhood expresses interest in a cost share situation, we could pilot a project and see whether a model could be created for more widespread use.

Staff offered to answer questions. Skala said he thought this report proved some things he believed about our roads. Trapp thought that there have always been problems in funding and a deteriorating situation. He thinks Public Works is getting better through a scientific approach. We still don't have enough money to deal with this. We can't take money away from this and put it into public transit. We need to find new sources. Skala said he thought that the reason a trip generation tax went down before was because it was too complex. He wants to revisit the issue. He thinks some developers would support it. Pitzer thanked the staff and realized that it has been a long winter with lots of challenges.

**No further discussion or action ensued.**

**REP13-19 Vision Zero Crash Analysis Team Report.**

(Action: The Team reviewed all fatal crashes between 2013 and 2017 (42 total crash reports). Focus was examining crashes for potential commonalities and inspecting them for trends in location or route. The Team also examined information for all disabling injury crashes occurring in 2017 (47 total crashes) to see what kinds of common elements were present in both fatal and disabling injury type crashes. The team also looked for overrepresentation of any crash types such as left-turn angle crashes, pedestrian crashes, motorcycle crashes, etc.

Some of the findings include:

- Motorcycle crashes are concerning and vary by pattern
- Left-turn maneuvers are prevalent in crash incidents

- Alcohol was a contributing factor in 40% of all cases
- Cyclists and pedestrians are vulnerable and show up in reports despite the comparatively low volume of people using these modes of transportation
- Route B, Rangeline, the Business Loop and College Avenue are key areas for further analysis
- Speeds in excess of 15 mph over the posted limit were contributing factors in 25% of all cases
- One-half to two-thirds of fatal crashes involve not wearing seatbelts
- These statistics mirror fatal and injury crash trends throughout the state

The Mayor asked if a multi-disciplinary approach to engineering changes his mind. Staff said not really. They always do that. This just had more people talking about it. Thomas asked staff to talk about the speed element of the findings. Staff said speed is energy, and the more energy, the more destructive something could be. There is no specific correlation, but there are some trends that can be noted and we should try to address speed according to the situation. Specific details are hard to quantify. Thomas asked if higher speeds occur at higher speeds. Staff said sometimes that is true, sometimes not. Staff offered to share all data with Thomas. Pitzer asked if there will be any dedicated traffic enforcement in the near future. (Answer was inaudible.)

**No further action was taken.**

**REP14-19 Intra-Departmental Transfer of Funds Request.**

The Mayor noted that the city was getting rid of a flip phone and reducing city manager travel budgets to pay for a city manager search firm.

**(Action: No formal action required.)**

**GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF**

**Public**

One person said that he knows a guy who hit a pothole and it cost \$3000 to fix. Why not employ homeless people to fill those potholes? Thank you for trying to do something for homeless people. Do one for men, one for women, one for families and one for kids. Also, roundabouts. We have to keep traffic moving.

A speaker from the Commission on Human Rights appeared. She thanked the council for taking leadership on the conversion therapy bill.

**Council**

**Skala** – A constituent has had several complaints over the years. Please look at the paving report and Southridge Street. Can staff respond in this regard?

**Staff**

**(None.)**

**ADJOURNMENT  
(Time: 10:43 PM)**

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