



Columbia City Council Meeting Recap
Council Chamber, Columbia City Hall
7:00 PM
Monday, November 4, 2019

INTRODUCTORY ITEMS

Pledge of Allegiance

(Recited as indicated.)

Roll Call

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

(Absent: None.)

Approval of Minutes

(Minutes from October 21, 2019 approved as submitted.)

Adjustment of Agenda

(Thomas removed B322-19 from the Consent Agenda and moved it to Old Business.)

SPECIAL ITEMS

SI14-19 Swearing in of Matthew Lue as the Director of Finance of the City of Columbia.

(Action: Mr. Lue was sworn in and did not make additional comments. Lue has over 13 years of private and public-sector experience in accounting and management. He began his career in finance with Children's Mercy Hospital in 2006 as the treasury accountant and was named the treasury analyst in 2010. In April of 2015, Lue was selected as the finance director for the City of Warrensburg, Missouri.

Lue earned a Bachelor of Business in Finance at the University of Central Missouri (formerly Central Missouri State University) in 2006 and earned his MBA in Healthcare Administration in 2013 from Avila University in Kansas City, Missouri. Lue has several ties to the mid-Missouri area, including relatives from Mexico, Missouri.

Lue will replace Interim Finance Director Janet Frazier, who has served since September 2018. Lue's first day on the job will be Monday, November 4. Lue's annual salary will be \$145,400 and includes the benefits package for department directors.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

BC13-19 Board and Commission Applicants.

Substance Abuse Advisory Commission – Bradford Noble

SCHEDULED PUBLIC COMMENT

SPC70-19 Jay Hasheider – Water and Light Advisory Board, Special Public Meeting Information.

(Action: The speaker indicated that he is the chair of the Water and Light Advisory Board. He wished to inform the public about a special meeting of the Water and Light Board that will highlight the tradition

of public power in the community. The meeting will be held on Monday, November 11 at 6 PM at City Hall. This should allow for better citizen access. We enjoy the public nature of our utility. We welcome public input about anything related to our public utilities. This will include a preview of our customer billing software. The council is invited to attend this session. The Mayor thanked the Board for this idea.)

SPC71-19 Ann Marie Long – Reading a petition aloud in support of Councilman Ian Thomas, including comments from signers.

(Action: The speaker read a petition in support of council member Ian Thomas regarding his involvement in a recent situation involving developers and potential payments to a low-income housing fund. The speaker believes that Ian has consistently asked new development to help pay for low income housing and believes that this is a part of our general city policy. It is common for city representatives to negotiate improvements for Columbia citizens. Ian did not try to enrich himself. She thinks this was correct in its intent and hailed his service. She admitted that Ian made a mistake, but thought he had acted without guile or greed. She wants to reinforce actions such as the one Ian took. More than 500 people have signed this petition. She asked how we could encourage good work without inhibiting the ability of public servants to act on behalf of citizens. I want to encourage policies that are equitable. Thank you all for your service and advocacy.)

SPC72-19 Kevin Everett or coalition representative – Comment in support of Board of Health’s report on banning sale of flavored e-cigarettes/tobacco products.

(Action: The speaker cited the harm inherent in regular and e-cigarettes. We have seen an uptick in the use of e-cigarettes. He supports an ordinance restricting the use of e-cigarettes, including flavored varieties along with related products. He cited statistics indicating the dangerous nature of the devices. He has studied this field for more than 20 years. He does not believe that e-cigarettes help kick the regular cigarette habit. There have been 5 cases locally. Many include THC as an ingredient in the vaping products. The only way to insure you are not at risk is to avoid use. There are too many different varieties. Let’s take them off the market until they are determined to be safe.

Secondly, lets address the epidemic of use among use. Flavored are the worst. We need to eliminate them from the market. Youth use flavored devices more than adults. These will continue to become more potent over time. The use of flavors and sweeteners lead to quicker addiction. More than 220 communities have banned flavored products. Let’s work on this project together.)

PUBLIC HEARINGS

PH44-19 Proposed construction of a sidewalk on the north side of Leslie Lane, between Garth Avenue and Newton Drive.

(Action: This project includes the construction of a sidewalk on the north side of Leslie Lane between Garth Avenue and Newton Drive. There are currently no sidewalks on either side of this street. The preliminary design includes construction of 5-foot wide concrete sidewalk with 3-foot greenspace. There are four steep driveways along the south side of Leslie Lane that will be difficult to reconstruct with the sidewalk. Two of those driveways may require the sidewalk to be bumped out into the street in order to reconstruct the driveway, so the north side was selected.

The estimated total project cost is \$215,000 (design, easements, utilities, and construction). MoDOT will fund 80% of the project cost with the Transportation Alternatives Program (TAP) funds and the City will fund the remaining 20% with the ¼ cent Capital Improvement Program (CIP) sales tax funds. Short-Term Impact: The City’s 20% match is estimated at \$43,000 and will be funded with the ¼ cent Capital Improvement Program (CIP) sales tax funds. Construction is planned for spring of 2021.

The public hearing was opened.

One speaker indicated that she lives on the north side of Leslie Lane and has for 20 years. She has noticed a lot of traffic and cars going fast. She has a little bit of sidewalk in front of her house, but then it runs out, so people have to walk in the street. She thinks this is dangerous. There is a lot of pedestrian traffic.

There was no further public comment.

Trapp indicated that he has worked and lived on Leslie Lane, and he has long wanted to see this improvement. He supports this. There are 300 miles of streets without sidewalks. This is a critical sidewalk gap. It is expensive, but I support it. A motion was made to approve this project.

The motion was approved unanimously.)

OLD BUSINESS

B319-19 Rezoning property located on the northwest corner of the intersection of Green Meadows Road and Gray Oak Drive from District PD (Planned Development) to District MC (Mixed-use Corridor) (Case #200-2019).

(Applicant Request to Table to the December 2, 2019 Council Meeting.)

(Action: There was no objection to the tabling. Skala noted that he will be absent on December 2.

Tabling request approved.)

B328-19 Amending Chapter 2 of the City Code to establish the Columbia Sports Commission.

(Action: Sports tourism is a multi-billion-dollar market with amateur sporting tournaments generating \$11.6 billion in economic impact all across the country in 2016, according to the National Association of Sports Commissions (NASC). Cities and counties are creating sports commissions to take advantage of the financial opportunity this growing industry presents. The state of Missouri currently has four sports commissions: St. Louis, Kansas City, Springfield and Joplin. St. Joseph is also forming such a commission.

The Columbia Sports Commission will be established under the department of the Convention & Visitors Bureau and be composed of eleven (11) voting members as outlined in the proposed legislation. 7 would be appointed by the city council with the remainder appointed by the local colleges and chamber. Their duties and responsibilities will include assisting the CVB with its sports sales efforts to recruit, retain and organize regional, state, and national sports events; promote amateur, club, college and professional local sporting teams; make recommendations to the CVB Board related to the support of sporting events and sporting-related projects and promotions; evaluate Columbia's current sports market and identify existing sporting events, tournament and existing facilities; identify qualifying events that will fit current facilities; provide support to new and existing events; and advise the city council on any other sports-related efforts.

Staff also reported that they brought in 19 new sporting events next year and can expect to increase events by at least 30%. We do have important partners like the Universities, schools and parks Department since we use their facilities so often. We want those people at the table on a monthly basis.

The city will appropriate \$15,000 as seed money for the new group's marketing efforts.

Pitzer noted that someday they will have a complete budget. Staff said that was correct but that they will use some of the new events sports money and apply it to this group. She estimated that the budget would be determined by sponsorships and some city contribution, but that total amount is not known at this time. Pitzer asked about this group becoming completely independent and self-sustaining. Staff said she could not see that happening right now. Skala noted that in the proposal there were people not appointed by the council. Staff said that was correct. Skala questioned the appointment from the Chamber. Staff said the rationale is that they have the Chamber on the CVB board currently and they use the chamber for financial support frequently. They also help us in our marketing efforts in terms of outreach to other connections. Skala thought it was unusual for the Chamber to have that appointment power.

The Mayor asked about the Springfield MISHA Basketball tournament. There was a cash incentive of \$80,000 offered by Springfield. They raised that from the community. We used CVB funds. MISHA said that demonstrated more community support. The Mayor thought that use of cash payments to attract events may be troublesome and also questioned relinquishing appointment power to the Chamber. Staff said they will use all commission members to leverage support and make connections. It should also be noted that more and more events are moving toward an insistence on cash sponsorships. Staff said we lost \$5 million when we lost that basketball tournament.

There was no public comment.

Trapp spoke in favor of the proposal. He thinks this is reasonable and believes that we can share the appointments with other stakeholders. He believes the communities that are most successful include public private partnerships and that they will operate under open meetings rules. Staff added that we also look to the private sector for volunteers and value their input and involvement. Skala thought this sets a precedent with private appointments and likened it to the REDI board in some respects. He thinks this is unusual, but he understands the rationale.

The proposal passed unanimously.)

B322-19 Amending Chapter 14 of the City Code as it relates to the annual permit rate for unmetered off-street parking facilities.

(Moved to Old Business from Consent Agenda.)

(Action: This item was moved to Old Business by Ian Thomas. Thomas asked why we are offering this discounted parking rate. Staff indicated that because they offer this discount to parking garages, but not to surface lots. This makes the lots match the garages. Thomas said he thinks that discounts encourage the purchase of more parking spots and he thinks we should be discouraging the use of cars and parking.

Skala said he thinks it is OK to bring the lots and garages into parity and if we want to pass a policy to discourage the use of cars we should do that as a separate item.

The motion was approved 6 to 1 with Thomas voting NO.)

CONSENT AGENDA

(All items remaining on Consent Agenda approved unanimously.)

B317-19 Voluntary annexation of property located on the southwest corner of Clark Lane and St. Charles Road (5406 Clark Lane); establishing permanent District M-C (Mixed-use Corridor) and District M-N (Mixed-use Neighborhood) zoning (Case No. 195-2019).

B318-19 Rezoning property located on the south side of Clark Lane and approximately 1,200 feet west of St. Charles Road (5320 Clark Lane) from District A (Agricultural) to District M-N (Mixed-Use Neighborhood) (Case #194-2019).

B320-19 Approving the Final Plat of “Cullimore Cottages” located on the west side of Eighth Street and north of Fairview Avenue (Case #165-2019).

B321-19 Vacating a portion of a sanitary sewer easement within Lot 1 of Rockbridge Subdivision Block V located on the northwest corner of the intersection of Nifong Boulevard and Providence Road (203-205 E. Nifong Boulevard) (Case No. 172-2019).

B322-19 Amending Chapter 14 of the City Code as it relates to the annual permit rate for unmetered off-street parking facilities.

(Moved to Old Business from Consent Agenda.)

B323-19 Amending the FY 2020 Annual Budget by appropriating funds received from Jeffrey E. Smith Investment Co. L.C. per the terms of a developer agreement for the Nifong Boulevard corridor improvement project.

B324-19 Authorizing construction of the Shannon Place PCCE #22 Sanitary Sewer Improvement Project; calling for bids through the Purchasing Division or authorizing a contract for the work using a term and supply contractor.

B325-19 Accepting conveyances for utility purposes.

B326-19 Accepting conveyances for temporary construction and sewer purposes; accepting Stormwater Management/BMP Facilities Covenants.

B327-19 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for maternal child health services.

B329-19 Amending Chapter 14 of the City Code relating to the impoundment and immobilization of vehicles issued a warrant for failure to appear for unpaid parking citations.

R155-19 Setting a public hearing: proposed construction of the Tupelo Place and Larch Court sanitary sewer improvement project.

R156-19 Setting a public hearing: proposed construction of the Quail Drive storm water improvement project.

R157-19 Setting a public hearing: proposed construction of the Magnolia Falls Park improvement project to include construction of a playground structure and small shelter, renovation of the existing gravel perimeter trail, grading improvements to create an open playfield and expansion of the existing pond, construction of a small parking lot and an ADA walkway, and installation of signage, bike racks, fencing and landscaping.

R158-19 Authorizing an agreement with Windcave, Inc. for credit card processing gateway services for the exit and pay-on-foot stations in the City’s six (6) municipal parking facilities.

R159-19 Authorizing an investment advisory agreement with MetLife Investment Management, LLC for the police and fire pension plans.

R160-19 Approving the “Columbia Corners” Preliminary Plat located on the southwest corner of the intersection of Clark Lane and St. Charles Road (5406 Clark Lane) (Case No. 196-2019).

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING

(All items introduced as indicated.)

B330-19* Approving the Final Plat of “Northwest Highlands Second Addition, Plat No. 2” located on the northwest corner of the intersection of Mikel Street and Hardin Street; authorizing a performance contract (Case No. 223-2019).

B331-19* Vacating street right-of-way at the east terminus of Jacobs Place located between East Broadway (State Route WW) and Broadway East Terrace Subdivision (Case No. 183-2019).

B332-19* Authorizing an annexation agreement with Old Hawthorne Development LLC for property located on the south side of Highway WW (4172 E. Highway WW) (Case No. 175-19).

B333-19* Authorizing a motor vehicle crash data license agreement with the Missouri Highways and Transportation Commission for the purpose of analyzing data for potential safety enhancement improvement projects.

B334-19* Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for the Emerald Ash Borer (EAB) management plan; amending the FY 2020 Annual Budget by appropriating funds.

B335-19* Amending the FY 2020 Annual Budget by appropriating funds received from the University of Missouri and the Economic Development Administration associated with construction of the Discovery Drive Roadway and Sewer Extension Project.

B336-19* Accepting conveyances for street and sidewalk purposes.

B337-19 Authorizing a power purchase agreement with Boone Stephens Solar I, LLC.

B338-19 Authorizing construction of the Magnolia Falls Park improvement project to include construction of a playground structure and small shelter, renovation of the existing gravel perimeter trail, grading improvements to create an open playfield and expansion of the existing pond, construction of a small parking lot and an ADA walkway, and installation of signage, bike racks, fencing and landscaping; calling for bids through the Purchasing Division for a portion of the project.

B339-19* Authorizing a tax credit agreement with the Missouri Development Finance Board and Columbia Center for Urban Agriculture relating to construction of the Clary-Shy Community Park – Agriculture Park – Phase II improvement project.

B340-19* Amending the FY 2020 Annual Budget by appropriating funds for the 2021 Columbia Bicentennial (CoMo200) planning efforts.

B341-19* Authorizing a contract with the Missouri Department of Transportation – Highway Safety and Traffic Division for acceptance of a grant for a DWI traffic enforcement unit; amending the FY 2020 Annual Budget by appropriating funds.

B342-19* Authorizing a contract with the Missouri Department of Transportation – Highway Safety and Traffic Division for acceptance of a grant for DWI enforcement relating to sobriety checkpoints and saturation patrols; amending the FY 2020 Annual Budget by appropriating funds.

B343-19* Authorizing a contract with the Missouri Department of Transportation -Highway Safety and Traffic Division for acceptance of a grant to conduct special traffic enforcement of hazardous moving violations; amending the FY 2020 Annual Budget by appropriating funds.

B344-19* Authorizing a fire service cooperative agreement with the Boone County Fire Protection District relating to primary service responsibility and automatic aid where service boundaries overlap in areas along Interstate 70 and Highway 63.

B345-19 Amending Chapters 4 and 24 of the City Code relating to the regulation of sidewalk cafes.

B346-19** Changing the uses allowed within Lot 1 of Centerstate Plat 6 (also known as “Ruby Tuesday PD Plan”) located on the south side of Vandiver Drive and north of Bass Pro Drive (3310 Vandiver Drive) to allow a medical marijuana dispensary as an allowed use; approving a statement of intent (Case No. 190-2019).

B347-19* Approving the Final Plat of “Truman Solar” located on the south side of I-70 Drive SE and approximately 2,000 feet east of St. Charles Road; authorizing a performance contract (Case No. 22-2019).

REPORTS

REP94-19 Board of Health Report on Vaping and E-cigarettes.

(Action: The Columbia/Boone County Board of Health received an update on the emerging public health threat of “vaping,” the use of electronic devices to inhale nicotine and other chemicals, at its regular meeting on October 10. After study and discussion, the Board voted unanimously to request council permission to draft a proposed ordinance that would further restrict access to these products in Columbia. The Board also hereby requests that the Council place an immediate moratorium on the sale of all flavored e-cigarette products within Columbia city limits until such an ordinance can be finalized.

The 2018 National Youth Tobacco Survey (NYTS) found that in the single year between 2017 and 2018, use of e-cigarettes rose 78% among high school students and 48% among middle school students. Even more concerning is the ongoing outbreak of serious lung injury that has affected 1,080 people as of October 8 (median age 23 years), with 23 deaths (the youngest 17 years old). The numbers continue to rise and the victims will probably have permanent lung damage.

Locally, the passage of local Tobacco 21 and Tobacco Retail Licensure ordinances are significant steps toward restricting youth access, as is the appropriation of funds for a part-time enforcement officer. However, the epidemics of youth vaping and serious lung injuries from vaping are moving very quickly and require a more urgent response.

Trapp asked an earlier speaker to return to the podium and asked about dual users who smoke and vape. He would like more than a quarter page letter before we go too far down this road of restriction or moratorium. He would like to get better statistics and that some self-reporting may not be forthcoming since people may be using illegal additives (like controlled substances.) He also wants more information about the nexus between regular sales and black-market sales and thinks this could push more vaping products to the uncontrolled black market. He believes that sometimes there is a health benefit for some people who do quit regular cigarettes. He just wants more detail.

Skala said the report asks for two things – a moratorium and to refer this to staff for further work. He noted his own history with smoking and how difficult it was to quit. The vaping thing bothers him. This is a nicotine delivery method. He does, however, doubt the current strategy. He thinks it would be prudent to send this back to the Board of Health for further work, and possibly the crafting of an ordinance.

The Mayor said we have already banned some of these products for people under 21. He does not think we should get into the business of a moratorium. He noted that federal and state agencies are already working on this and he does not want to go further than that until he sees what they are going to do. Skala thought referring this back to the Board of Health would be a good move. Thomas asked the director of the board of health about her opinion on the matter.

The Director noted that they heard a presentation in October that really brought the problem of flavored products home. This is really a problem in schools. Yes, we have tobacco 21 rules, but it does not seem like they are working. The moratorium is a big move, but we would like to come back with an ordinance. Trapp asked staff about nicotine salts. Staff said there was no discussion of that topic. Trapp asked how enforcement of this would be different from Tobacco 21 rules? Staff said they just hired a new person to help enforce so we will see more enforcement in the future. Trapp thought that would be interesting information.

Peters said she would like a better report before they get an ordinance handed to them. She wants to find out about other best practices and local results related to our current restrictions on tobacco. The Mayor suggested that if there is not enough support for this then we shouldn't go too fast on this. Pitzer said if there is already national and local work on this, maybe we should see what comes forward. The Mayor said the Governor has already asked for action on this item in 2020 in the Missouri legislature.

**Staff said they will go back and generate better background information and options.
No formal action was taken in terms of a moratorium.)**

REP95-19 Business Loop Community Improvement District – End of Fiscal Year Report.

(Action: This is the annual financial report required of the Business Loop CID.

No formal action was taken.)

REP96-19 Affordable Housing Fee Waiver Program Annual Report.

(Action: On November 19, 2018, the City Council approved an ordinance that expanded the Affordable Housing Fee Waiver and Rebate Programs to include a fee waiver incentive for Accessory Dwelling Units (ADUs) and extend the waiver of fees to affordable housing units produced by certified Community Housing Development Organizations (CHDOs), whether or not they are receiving funding from the City's CDBG and HOME programs.

During FY 2019, the City waived \$31,103.36 in fees for five new dwellings, an average of \$6,220 per dwelling. Of the total, \$3,780.96 (12%) are building permit fees, \$3,942.40 (13%) are transportation and storm water development charges, and \$23,380.00 (75%) are utility charges. Of the five houses that obtained fee waivers in FY 2019, four received substantial other forms of City assistance from HOME and CDBG funds. The fifth waiver was an accessory dwelling unit which by policy is not required to be sold to a low-income resident. Production of accessory dwelling units are thought to be worth the incentive because they make fewer demands on the environment and, other things being equal, should be more affordable because of their small size.

Fee waivers are one of a large number of tools used to assist the construction of affordable housing units. They are not a stand-alone program. This kind of incentive works best in combination with other programs and incentives. The gap between housing construction costs and affordable pricing for low-income households, without creating resident cost burdens, typically exceeds the amount of the permit waiver alone.

At the current rate of activity, building and building-related fees forgone will total approximately \$62,000 over two years.

Pitzer asked about one waiver that was granted to an ADU and was it the only one that applied? Staff said there was only one that met the definition and that applied. Peters asked if we sell these ADUs to how are they used? Staff said there is no requirement for these ADUs to be sold or occupied by low income housing occupants. These homes will be on the same lot as a primary residence, but it will most likely be an affordable rental.

The Mayor asked if ADUs were restricted to certain zoning? Staff said that they could exist in R-2 and Multi-family zoning.

No formal action was taken.)

REP97-19 Administrative Public Improvement Project: ARC Facility Improvements.

(Action: This public improvement is eligible for the administrative public improvement process. Unless the Council wishes to follow the standard public improvement process, staff will proceed with preparing plans and specifications and bidding the project. The cost of the project is \$46,000, which was budgeted in the FY2020 CIP and funded by the Park Sales Tax. The project will include replacement of a pool heater, improvements in the HVAC system and replacement of the fire system control panel and communicator.

Project was accepted.)

REP98-19 Administrative Public Improvement Project: Albert-Oakland Park Improvements.

(Action: This public improvement project is eligible for the administrative public improvement process. The cost of the project is \$35,000, which was budgeted in the FY2020 CIP and funded by the Park Sales Tax. The project includes replacement of exercise equipment and replace parking lot lights with LEDs.

Project was accepted.)

REP99-19 Administrative Public Improvement Project: Memorial/Heritage Bench Replacement.

(Action: This public improvement project is eligible for the administrative public improvement process. The cost of the project is \$20,000, which was budgeted in the FY2020 CIP and funded by the Park Sales Tax. The project includes the replacement of 18 existing wooden benches located in the park system and replacing them with more durable materials and plaques recognizing potential donors.

Project was accepted.)

REP100-19 Information regarding electric utility preventative maintenance, tree trimming, undergrounding, prevention identification, improvements, and the metrics used to measure success and effectiveness.

(Action: The City owns and operates a 13.8 kV electric distribution system. This distribution system is derived from eight substations with over sixty feeders from station class transformers that step power down from the 161 kV or 69 kV transmission system that surrounds the City of Columbia. The Electric Utility has many programs that it utilizes to maintain the 933 miles of transmission and distribution lines that form the electric system that services its customers. These include capital investment through a Capital Improvement Program (CIP), vegetation management, active prevention identification, and state of the art tools to monitor and control the City's electric system.

The report presented to the Council at this meeting includes many sub-reports including Electric Fiscal Reports from 2015 through 2018; a Vegetation Management Report that details tree care, pruning, planting, public education and conservation; and an eReliability Report that discusses maintenance schedules, drone monitoring of overhead lines, pole inspections, replacement of damaged or aging lines and the use of an Outage Management System along with an eReliability Tracker program.

An earlier report indicated that most of the equipment utilized to create the 13.8 kV distribution system is operated and maintained to be replaced at failure. This is mainly due to the fact that most equipment failure is caused by unpredictable events such as storms, wildlife, vegetation interference, automobile accidents, etc.

Because of this unpredictability, the distribution system is designed to be able to be operated with any one element out of service. Report REP85-15 (presented earlier) highlighted the capability of the Perche Creek substation and its ability to withstand a failure of one of its transformers. The report also

reviewed the mitigation plans to switch load onto adjacent substation circuits should an incident occur. This philosophy can be used at any of the City's eight substations should similar events happen.

This report also notes that the City has been recognized multiple times by the American Public Power Association as a Reliable Public Power Provider (RP3). At the November 5, 2018 City Council meeting the City was presented with its latest certification. The Association's RP3 program is based on industry-recognized leading practices in the following four categories: Reliability, Safety, Workforce Development and System Improvement.

Pitzer had asked for this report and appreciated the information. He wanted to know about outages. Are there any opportunities for improvement to prevent smaller outages? Staff said they are trying to better identify underground lines that need repair earlier in the cycle. In the vegetative management system, Pitzer asked where they are in the 10-year management update. Staff said they actually use a 3-year cycle for cutting and trimming, but they update the plan every ten years. Staff said they budget \$2.2 million for vegetation management each year. They use contractors and internal staff for those projects. We try to make the customer experience the best it can be, even when people don't want some trees cut. We try to make it appropriate. Pitzer asked if we are similar to Boone Electric? Staff said Boone Electric is more aggressive than the city. We are more selective about our trimming. They cut 20-foot wide easements when they go in. We look for specific problems. Staff said they walk every line every year and identify hot spots before they fail. The hot spots actually do show up with the use of infrared technology. Higher heat signatures indicate potential problems.

No further discussion occurred.)

REP101-19 Winter Weather Response for 2019/2020 Winter Season.

(Action: Staff has prepared for Council consideration a report concerning snow priority routes for winter 2019/2020, with a recommendation that 50 additional lane miles of new third priority routes be added to the priority system list.

The efficiency of snow removal operations in Columbia has improved since Council passed an ordinance in 2012 prohibiting parking on signed snow routes when snow is greater than 2" deep; authorized the purchase of new snow removal equipment; and established a rule that after priority streets are deemed passable, residential streets would be plowed and treated, utilizing overtime, when snow is greater than 4". Since these changes, snow priority routes have gradually increased, and although there have been some additional upgrades in equipment, no additional snow removal vehicles have been added to Street Division's fleet since FY2014. As far as personnel, Street Division has received just four additional equipment operators since FY2010.

For events with 4" of snow or less, the Street Division along with some shared operators are able to respond to the event. As weather is forecasted to move into the area for a larger event, more resources from the other departments such as Solid Waste roll-off containers, Sewer, Stormwater, Water and Electric Division operators and equipment, are added in preparation for response.

Generally, for first and second priority routes, the outcome for 6" or less of snow is to have near normal, prudent winter weather driving conditions within 24 to 36 hours of event's end. Staff also seek to maintain at least one (1) bare wheel path (may still be wet) as much as possible throughout the event, though during portions of active snow, some roads may become overwhelmed and totally snow covered. This requires continuous operations during the events as well as focused attention after the end of the event.

If there is between 4"– 6" of snow, crews will also methodically plow within neighborhoods with a targeted goal of getting all streets to a passable condition within 72 hours of the event's end.

For events between 6" – 10", additional time is typically necessary to get non-first or second priority streets to passable condition. First-priority streets should be near normal within 24-36 hours of event's end, and second priority streets to a minimum of passable within 36 hours, with all streets to passable conditions by 96 hours after event's end.

In 2016, staff identified thirteen (13) specific routes throughout the city that are not classified as first or second priority routes, but provide a connection inside a neighborhood to other neighborhood streets, or have specific characteristics. For simplicity, these specific routes are termed "Third Priority" routes. This past winter, staff examined both our response and the areas throughout the city where driver efficiency might be better achieved by adding or removing routes. It was determined that no routes should be removed and that certain routes should be added with a total addition of approximately 50 lane miles.

Due to current limitations in manpower and equipment, if additional priority routes are desired, staff would recommend caution and would want to examine what mileage would need to be removed from the current list, as well as examine the street to determine if parking should be prohibited to accommodate the addition. First and second priority routes are required to comply with the no parking requirements when snow is more than 2" deep, so the impact to adjacent property owners should be considered.

There has been some discussion of Homeowner's Associations (HOA) performing their own winter weather response for snow and ice control. To date, no HOA had formalized this type of approach; however, if an HOA has a firm desire to commit resources for a defined area, staff would recommend a pilot with just one HOA working with Street Operation's staff to test the feasibility of this concept.

Pitzer asked if they have drivers for all those trucks. Staff said that staffing is a problem, but right now we are OK.

The report was accepted.)

REP102-19 Amendment to the FY 2020 Annual Budget – Intra-Departmental Transfer of Funds.

(Action: Report only.

No action required.)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

The first speaker indicated that she lives on Bluffdale Drive and that there are 7 people in this room tonight who should be very ashamed. People everywhere are craving natural areas, and we had the potential to save some of this natural area and we did not have enough forethought to save the land. This area is an emerald, and now the emerald has been shattered. Today the Bobcats went in indiscriminately and shattered everything. It took 50 years to grow and one day to damage. You should be ashamed.

The next speaker indicated that he was there on the same topic. He lives in the First Ward. He has a background in Master Planning through his work in the military. He has worked on the Capen Park area

just downstream. We are seeing more rainfall amounts in shorter durations and we see it in the local streams. I was out there today when the Bobcat was tearing through. I wanted a solution to having a 67-year-old woman trying to save what she holds dear. In my heart, I feel that our studies on this issue are outdated. Our bus system in the area doesn't support the trail the way it was supposed to. This particular trail may be in the wrong place. We need to reconsider this. We need to give this lady and her supporters a reason to come back in and look at this a different way.

The next speaker said she lives in the Shepard area. She lives in the Southwood area where people will be using the trailhead. There will be more issues for the neighborhood since there are no sidewalks and there are a lot of blind spots in the street. The construction equipment is shutting down the street right now. About a week ago a bike ran into my car. He was on a nearby walk, I was on the street. I am concerned about safety and parking.

The next speaker lives on Bluffdale. She complimented the police and Sheriff's department. They were great. There are so many issues here. The safety of the streets in this area is not good. We almost hit a pedestrian the other evening. There are buses running here. There is car parking on both sides of the street with no sidewalks. You always have to weave back and forth in this area. Sometimes two cars cannot meet on this street. If we are talking about a safe trail, the streets are part of the trail. This is not safe. I am scared of what may come.

Another speaker said he lives on Woodley Drive in that neighborhood. He expressed surprise that there was never any consideration of making a trail that accommodates the trees. I have never been asked for my input. This was a done deal all along. There are trails all over this land that are right next to big trees. Why couldn't we do that here? It seems like we were not included. We did not even consider other options. We need a trail, but we also need the wild spaces.

The next speaker lives on Bluffdale. He has experienced safety issues. Is anyone here willing to table this topic and bring it back up for reasonable reconsideration? The Mayor said more discussion may follow.

Another speaker said he does not live in that area, so he went over there, but couldn't find the other end of the trail. He didn't see all the noise, but he does know that when they built one of the Wal Marts they had a similar problem. Trees supply us oxygen. How many acres are actually left in this city that have wooded land? This lady has dedicated herself to this issue because she knows something is right. Why did you have to do this? It was very sad when the Mayor had to talk with Sutu on KFRU this morning.

Another speaker addressed transparency. He said he has tried to work with the city and had a hard time trying to figure out where this plan was going to go and when it was going to go. He got a copy of a map that finally showed easement lines, but it didn't show landmarks or a scale so he asked someone from the city to explain it and they could not. He just wants a plain map that shows what's going on. Half of the property taken in easements goes to the Parks Department and was marked with center posts. The other side was the function of Public Works. The construction and permanent easement markers were impossible to tell apart. There was no definition whatsoever and that makes this whole thing less than transparent. I am sorry we have to deal with this level of disparity. There hasn't been cooperation because we have never received good information. Now I heard that three bridges in our area will go up in cost. I heard that the three bridges will each cost \$330,000. So, he asked why all of them cost the same since they are different sizes? I don't think you have received good information either and I am not finding the data that is technically correct. I wish I could give it to you, but I haven't received it

either. What happened when this passed in the first place? Mode shift? Was it ever demonstrated that that could be justified? How did you convince them to give you \$28 million? Ian got back to me, but his information was very subjective and not quantitative. Don't just give us summary reports. Let us know that we can talk about it. I am so sorry that this is going through. I think the trail on Old 63 was just fine. This is a duplicate trail. It's not right.

The next speaker said she emailed the Mayor and did not get an answer. She knows he gets a lot of email so maybe that's why. My friend Sutu is up in the tree. I think you have the power to make her come down. The Mayor said he could NOT make her come down. The speaker said Sutu told her she would come down if the Mayor would agree to re-look at this issue. And, since you didn't answer my email, I think you did not use your power. I want Sutu to come down so she can play the piano again soon.

The next speaker said Sutu was her friend. I wish she wasn't doing this, but she believes it. I think we need to do something to protect the trees. At first, I just saw honeysuckle. Now I see the trees. We need to do this in an ecological way. I do not want more impervious surface next to the Hinkson. I have sent emails to all of you. I got a response from Ian and Betsy. I wish I had more responses. Please hear what we are saying. I support a trail, but I want it in a more ecological way.

The next section of public comment had to do with the report about vaping and e-cigarettes.

One speaker indicated that he wanted to speak about the flavor vape ban. He is a supporter of using vaping to help quit smoking. He found those products down at the Lake and it worked for him. It helped him quit. If you ban these juices, people will just get them somewhere else. I also think that if these products are banned, people will try to make them themselves and that could be even more dangerous. If they are not packaged correctly, the nicotine content can be dangerously high. Don't encourage that kind of behavior. The speaker appreciated the discussion that occurred and would like his voice to be heard when the time comes.

Another speaker appeared on behalf of a vaping store and appreciated the fact that the council was taking a reasonable approach to the issue of vaping. I think we need to look at the devices and the contents. It is very easy to use pre-filled items. If you really want to cut down, why not look at the devices that require refilling or other factors. I would be happy to help figure out a way to cut down on teen vaping. We do have people who are between 18 and 21 who can buy in other places, but we have to turn them away here – and we do.

The next speaker said he is a co-owner of Como Vapor. There are a lot of people who check on sales at our stores. Alcohol and Tobacco checks. People check on sales to under 21-year-olds. The FDA checks us.

The next speaker said he is also involved with COMO Vapor. He smoked 3 packs of cigarettes a day. Vaping helped him quit smoking. I left a Fortune 500 company to won one of these vaping stores and I don't want kids to start vaping. And I want it to be my choice.

The next speaker said he lives in the dorms at MU. Pre-filled Juuls are used. And mostly he sees young women using them. The pre-filled devices are too easy to use. At 18 or 19 years old, if you have a pre-filled device that you can hit, it promotes vaping. It's not the flavors.

Council

Trapp addressed a property at Holly street that has a lot of cars parked there. We have found out that that property has an existing business license for repairing vintage cars. It was grandfathered in so that's why it seems out of place.

Pitzer brought up the topic of short-term rentals. P&Z had a 3 to 3 vote. We will see this as first read on November 18. There have been so many changes and no recommendation, so I am concerned about how we are going to deal with this. I think we should have a pre-council work session on this topic. I think we may want to conduct a hearing at one meeting and then vote at another meeting. We could send it back to P&Z for full consideration and would like to hear from other council meetings.

The Mayor said he liked the council work session idea and without a recommendation he thinks they lack context. **Skala** said he also liked the work session. He also thought they should schedule a public hearing of some sort. **The Mayor also indicated that he would have a number of amendments that would lie on the table until a second vote.** On the current schedule, we would vote on this in December. The Mayor said he has heard that this is a big deal and that we may not want to do this at the last meeting before Christmas, but we do need to move on this.

Pitzer said we could have a work session at the first meeting in December. Have first read at the second December meeting and then vote on this in January. **The Mayor** said it could remain on first read for the first meeting in November, let the public see what has been written, then schedule it for a final vote at the second meeting in January, with a work session and some public input in between. **Trapp** said bring it forward so people can see what it is. Then, we as a council should hold a work session and have council members bring up amendments at a work session and see what's out there. The city manager said you could start the work session in November, continue it until the first meeting in December then go from there and maybe vote on it in January.

Peters said she is very sorry for the neighbors around the Shepard Rollins Trail. She knows people may be disappointed with here. We have done this for years. I am sorry that Sutu is up in the tree for a week, although I think she has a pretty good view from up there. I think we can try to minimize the frustration going forward. Thanks to public safety for their professional work. I am sorry, but I do not think we can do what Sutu and her supporters want.

Thomas addressed the trail as well. He said the intent is reduce reliance on motorized vehicles. This provides utility and recreation and helps people in apartments get to campus. This trail links into Broadway Village Apartments and others. Another future trail will connect The Domain and apartments in that area. People start to rely on bikes for transportation start by using trails for recreation. This is part of a long-planned idea and it can work. I don't want to see any more trees than need to be taken down taken down. I think we have some safeguards in that regard. We will document what we can to minimize the cutting of trees. Please visit the Scotts Branch Trail along the Audubon Bird Sanctuary. It features a boardwalk. Look at the trail behind the Forum Theater. Both of those sites looked pretty rough when they were being constructed, but now they look pretty good. I am confident that this new trail is completed, you will see that it preserves nature and we will have better access. Right now, kids can't get there without getting a ride in a car from their parents. Kids can walk and bike there without using a car.

Unrelated to that, **Thomas** mentioned that e-scooters on sidewalks are not left in proper places. We have rules about that and about riding on the sidewalk. If someone finds a scooter blocking a walk, call the number on the scooter and file a complaint. We heard from someone who got hit on the sidewalk

today. If you see someone riding on the sidewalk, call the city and they might be able to track the user and that will result in some sort of sanction. Finally, Thomas wanted to put into the record that he had ex parte conversations with Robert Hollis about two items on the Consent Agenda.

Skala also wanted to address the trail project. He has always been opposed to this particular trail project. At one point in time, we had about \$13 million to spend. We sent some of that on Moon Valley and Grindstone Trails. We postponed this newest trail because we knew it would be controversial and it has turned out to be. I thought other trails should have been considered. There were 4 options. One of the options had a cantilevered bridge. Some people complained about the grade. I supported a different option, but I was in the minority. It would have cost significantly less. However, there has been a lot of public discussion about this. I respect that the council has put its seal on this option. I have tried to participate with Our Wild Nature and I indicated to that group that this is going to happen and that they should insist on remediation. I think we have gone the extra mile, particularly after we destroyed some bat habitat on the Moon Valley Trail. We also discussed alternative surfaces. But gravel and chipped surfaces would require so much maintenance that it would not be practical. I have walked this area. The larger easements were due to the large bridges required. I suggested low water crossings that would rarely be closed, but those ideas were never accepted. However, I would be remiss if I did not ask this council to reconsider, even though I do not have standing to do so. Would anyone like to comment on the potential for reconsideration of this Option and look at the possibility for low-water crossings. I will leave it at that.

The Mayor said that this issue has been debated for years. If there was new information, I would look at it, but I have not seen it. Staff has met with interested parties. So have I. We have put out extraordinary information. I don't know what new information there is. What could that alternative be? We voted on this, then the group that is protesting bought the property. We went to court. We got an order. We got the assessment. We cannot risk violating federal law or the circuit court ruling in this regard. We need to follow that lead. Skala said he would do that. Peters said she thought that the low water crossings were difficult because of the steepness of the sides of the creek and the grade. Skala said there is always a trade-off.

There was no further discussion.

Staff
(None.)

ADJOURNMENT
(Time: 9:31 PM)

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