



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, January 7, 2019

7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, January 7, 2019, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, and TRAPP were present. The Interim City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of December 3, 2018 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

The minutes of the regular meeting of December 17, 2018 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Ms. Peters.

II. SPECIAL ITEMS

None.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

IV. SCHEDULED PUBLIC COMMENT

SPC1-19 Mary Harrison - Continual breaching/vandalism of emergency gate at the east end of E. Walnut behind Conley Road development shopping area.

Ms. Harrison, 2400 Florida Court, explained she and her husband had purchased their home, which was located off of East Walnut Street, in 1989. In the early 1990s, the neighborhood association had negotiated with the Kroenke Group and the City of Columbia when the Broadway Shops were developed because the residents had been concerned about through-traffic. She pointed out East Walnut Street was a dead-end street connected to other dead-end streets with very limited access. As a result of the negotiations, an emergency gate, which was maintained by the Kroenke Group, had been placed there. It was meant to be an emergency gate and was locked, but recently, there had been many acts of vandalism because people had become aware that the road went through to the shopping center. She noted the locks had been cut and the gates were opened causing more traffic for their neighborhood. She commented that the neighborhood had been pretty much unknown until Stephens Park was developed, and that the Park was a great amenity for the neighborhood. She explained the Roots N' Blues N' Barbeque Festival had also increased awareness of the neighborhood because of a decision that had been made a few years ago to open that gate during the time of the

Festival to allow traffic to go through. She stated the neighborhood had a lot of pedestrians, people without cars, and people confined to motorized wheelchairs who accessed the shopping center via this path, and there were not any sidewalks on East Walnut Street. As a result, they were concerned about the increase in vehicle traffic and the breaking of the lock on the gate. It had been broken three times over the Christmas holidays. She stated they understood it was the problem of the Kroenke Group, but wanted to bring it to the attention of Council, and wondered if a street light could be installed at the southwest corner of the gate along with a sign indicating it was an emergency gate only and that there was an ordinance against vandalism and the destruction of property. She commented that they really wanted a camera, but understood that was not feasible due to budgets.

Mr. Skala asked Mr. Glascock to look into whether the lock was sufficient and perhaps the installation of some signage.

Mayor Treece asked Ms. Harrison if the neighborhood had brought their concerns to the attention of the property owners. Ms. Harrison replied yes, and stated they were very good about responding. She explained their contact was Jessica Hudson and she was very responsive. As soon as they were informed of another cut, the lock was replaced.

Ms. Harrison understood a trail would be constructed behind Willow Way, down from that hill, and felt that would bring more attention and access to that area. She noted there was also a homeless camp back there although that was not a problem for them.

SPC2-19

Maria Oropallo - Policies, procedures and practices.

Ms. Oropallo, 208 E. Briarwood Lane, commented that she was present to promote the performance audit again and understood it was not an easy thing to discuss. She explained the process had started in March of 2018 when she had stressed the difference between the required annual financial audit of the CAFR and what might be lacking from that specific overview of the finances. In 2014, she had been appointed to the Finance Advisory and Audit Committee (FAAC), and at that time, the FAAC met only twice a year. Once was to approve the yearly contract of the outside auditor and once to receive the summary audit report. By 2015, it had become clear that they were not receiving copies of the financial reports. She stated she and her colleague, John Clark, soon began to openly express concern that they were not being helpful to the City Council as any questions regarding how the City managed its money was going unanswered and there was an assumption by some that the FAAC was watching the finances. She commented that her experience with the FAAC's lack of discernment of the City's finances had caused her great concern. She noted she and Mr. Clark continued to push for more frequent meetings and had requested documents. As new members joined the FAAC, they had found support among them. Today, the FAAC met monthly, even with the absence of a Finance Director. She commented that she remained concerned about the lack of professional and certified staff in the Finance Department when managing a \$435 million budget with 54 different accounts. She believed there needed to be recognition that creating, developing, implementing, and reporting on the budget was more than an exercise. It required Certified Public Accountants (CPAs) and Chartered Financial Analysts (CFAs) whose education, experience, examination, and ethics were in conformance with federally mandated regulations. She stated CPAs and CFAs had a depth of understanding of concepts and the tools related to investment valuation and portfolio management. CPA and CFA credentials distinguished them from those that simply held accounting degrees or job titles that were referenced in the accounting industry. It appeared as though there was not a reliance on education or certification, but on the fact it was the way it had always been done. She commented that as she had spoken up more and more, she had found that her concerns had resonated throughout the City with individuals, small focus groups, and staff, and noted that she was encouraged to submit a petition to the State Auditor's Office requesting a performance audit. She explained the process involved the completion of a form, which had been submitted in late November. She displayed a slide with a summary of the six concerns

that had been submitted to the State Auditor's Office, and noted she had been contacted by the State Auditor's Office for an interview with a case manager a few days after submitting the form. The interview had taken two hours, and at the end, the case manager had moved the request forward to higher-ups for review. A week later, she had received a packet with instructions to collect a minimum of 5,000 signatures from registered voters residing in Columbia. She commented that tonight's presentation was the first public update of the citizen's request for a performance audit. Small groups and individuals, some of whom were in attendance, had already started collecting signatures. She stated they were hearing concerns about vacancies across the City from neighbors and friends, and listed some of those vacancies. She noted a citizen group had requested job descriptions of certain positions from the Human Resources Department in order to review the specific roles and responsibilities of the job and whether they were being done by appropriately skilled personnel and by a dedicated staff person. She believed the citizen request for a performance audit exemplified the unease constituents had been feeling for a long while and there were people in different groups aligning with one another over the issue. She commented that transparency could not happen when information resided in the hands of the few as everyone should have access to the information. She pointed out the citizens could continue to move the petition process forward or the Council could take it over.

V. PUBLIC HEARINGS

None.

VI. OLD BUSINESS

None.

VII. CONSENT AGENDA

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

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| B316-18 | Approving the Final Major Replat of "Renaissance Meadows - Plat 3," located on the west side of McKee Street and north of Ria Street; approving a performance contract (Case No. 18-144). |
| B317-18 | Authorizing an aviation project consultant agreement with Burns & McDonnell Engineering Company, Inc. for design services relating to the extension of Runway 2-20 at the Columbia Regional Airport; appropriating funds. |
| B318-18 | Authorizing a collaboration agreement with the National Wildlife Federation for the installation and maintenance of prairie vegetation to support the monarch butterfly population; appropriating funds. |
| B319-18 | Authorizing a facility usage agreement with The Curators of the University of Missouri for the development and construction of a cross country course and associated amenities at the Gans Creek Recreation Area and authorizing the City Manager to negotiate and execute Naming Rights/Sponsorship Agreements related thereto. |

- B320-18 Amending Chapter 17 of the City Code to establish fees for the use of the cross country course and associated amenities at the Gans Creek Recreation Area.
- B321-18 Appropriating funds for engineering services relating to the Flat Branch Park expansion project.
- B322-18 Authorizing an intergovernmental cooperative agreement with the County of Boone and The Curators of the University of Missouri for an aquatic macroinvertebrate data mining project as it relates to the Hinkson Creek collaborative adaptive management (CAM) implementation process; appropriating funds.
- B323-18 Accepting grant funds from the United States Food and Drug Administration/Association of Food and Drug Officials for the Boone County voluntary national retail food regulatory program standards project; appropriating funds.
- B324-18 Accepting grant funds from the United States Food and Drug Administration/Association of Food and Drug Officials for employee training for conformance with the FDA Retail Food Program Standards; appropriating funds.
- B325-18 Appropriating funds for the purchase of a hot box asphalt trailer and street maintenance construction materials for the Public Works Department.
- B326-18 Authorizing an agreement with Boone County, Missouri for Live Well Boone County program services in 2019; appropriating funds.
- B327-18 Authorizing an agreement renewal with Boone County for the Teen Outreach Program (TOP) in 2019.
- B328-18 Calling a municipal election for Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.
- R1-19 Setting a public hearing: proposed construction of a traffic calming project on Rain Forest Parkway.

- R2-19 Setting a public hearing: voluntary annexation of the City-owned water treatment plant property located on the north side of Route K (6851 S. Route K) (Case No. 41-2019).
- R3-19 Authorizing Amendment 1 to the agreement with North East Community Action Corporation for the provision of Title X family planning services.
- R4-19 Authorizing an agreement for direct bill arrangement with Point Comfort Underwriters, Inc., the third-party administrator for the U.S. Committee for Refugees and Immigrants, for medical screening services.
- R5-19 Transferring funds from the Columbia Financial Enterprise Resource System (COFERS) software capital project to the Finance Department operating budget for FY 2017 non-capital expenditures.
- The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:**

VIII. NEW BUSINESS

None.

IX. INTRODUCTION AND FIRST READING

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

- B1-19 Approving a major amendment to the screening and landscaping plan along a portion of the southern boundary of the existing University Subaru (formerly University Chrysler) Planned Development Plan located south of I-70 Drive Southwest and Aspen Drive (1200 I-70 Drive SW) (Case No. 18-182).
- B2-19 Changing the uses allowed within Spring Creek - Phase 2 - C-P Development Plan located north of Vawter School Road and east of Scott Boulevard; approving a revised statement of intent (Case No. 26-2019).
- B3-19 Approving the Final Plat of "Jefferson Middle School, Plat No. 1," located on the northeast corner of the Rogers Street and Fifth Street intersection (713 Rogers Street); granting a design adjustment relating to a reduced utility dedication (Case No. 05-2019).
- B4-19 Approving the Final Plat of "Paris Road Park Plat No. 1," located on the west side of Paris Road (4501 Paris Road); authorizing a performance

contract; accepting a conveyance for tree preservation purposes (Case No. 8-2019).

- B5-19 Approving the Final Plat of "Creeks Edge, Plat No. 5," located on the west side of Scott Boulevard and at the terminus of Stonington Drive; authorizing performance contracts (Case No. 22-2019).
- B6-19 Approving the Final Plat of "Copperstone Plat 7B," located on the east side of Copperstone Court (4602 and 4604 Copperstone Court) (Case No. 15-2019).
- B7-19 Authorizing construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road; calling for bids through the Purchasing Division.
- B8-19 Authorizing the acquisition of easements for construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road.
- B9-19 Amending Chapter 14 of the City Code to establish two-hour parking on the north side of Elm Street between Tenth Street and Hitt Street.
- B10-19 Amending Chapter 14 of the City Code to change the speed limit on a portion of Stewart Road, between West Boulevard and Providence Road.
- B11-19 Amending Chapter 27 of the City Code as it relates to water rates.
- B12-19 Authorizing a storage lease agreement with Ishams Ordinary, LLC for the use of a City-owned storage building on Columbia Terminal Railroad (COLT) right-of-way near Fay Street.
- B13-19 Authorizing a contract of obligation with the Missouri Department of Natural Resources to satisfy financial assurance requirements for proper closure and post-closure care with respect to a permit for operation of a solid waste disposal area.
- B14-19 Accepting conveyances for sewer and temporary construction purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B15-19 Appropriating and transferring funds to the Mayor's Task Force on

Bicentennial Celebration Planning for the 2021 Columbia Bicentennial planning efforts.

- B16-19 Authorizing an amendment to the agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project to cancel and remove the EnerGov "Bid Management," "Decision Engine" and three (3) "Food Inspections" software modules.

Mr. Trapp stepped out of the meeting room.

X. REPORTS

- REP111-18 Downtown Community Improvement District (CID) Board of Directors - Annual Membership.

Mayor Treece explained the Downtown CID had nominated five people for the five positions, and understood one of those people had intended to withdraw. He recommended appointing Adam Dushoff, Kalle LeMone, Tom Mendenhall, Munir Mohammed, and Ben Wade to the Downtown CID Board of Directors, although he understood Mr. Wade would resign. He explained he understood he needed the consent of the Council, and asked for that consent. Everyone consented except for Mr. Trapp, who had stepped out of the meeting room.

Mr. Trapp returned to the meeting room.

- REP1-19 Application for VW Trust Settlement Funds through the Department of Natural Resources.

Mayor Treece understood a portion of the Volkswagen (VW) Trust Settlement Funds were available to municipalities to replace aging diesel fleets to offset the impact of emissions problem with VWs, and asked if that was correct. Ms. Weidemann replied yes, and explained the City would apply for the government trucks category and the transit and shuttle bus category. Mayor Treece asked if the government trucks category involved heavy trucks, i.e., three-quarter ton and above. Ms. Weidemann replied they would include medium and heavy trucks. Mayor Treece asked Ms. Weidemann if she had a sense of how many trucks that would involve. Ms. Weidemann replied there would be seven buses and thirteen trucks. Two were from the Parks and Recreation Department, five were from the Public Works Department - Street Division, and six were from the Utilities Department, which included five from the Solid Waste Division and one from the Electric Division.

Mr. Pitzer asked if this was an all or nothing type situation. Ms. Weidemann replied no. She explained the Department of Natural Resources (DNR) would evaluate the application individually vehicle by vehicle. She understood there was a limited amount of money per category for the first round, and there could be up to four rounds. The amount was about \$3 million for government trucks in the first round and about \$2 million for transit vehicles. Ms. Buffaloe pointed out the first round would accommodate 50 percent, so the City would be required to provide the other 50 percent. She explained the chances they would receive everything requested on the application was slim since it was open to the entire State of Missouri.

Mayor Treece assumed it would be very competitive and a lot of municipalities would apply. Ms. Buffaloe understood DNR had based it on where VW vehicles were registered, and the majority was in the St. Louis and Kansas City regions. The rest of the State received the remaining pool of funds.

Mayor Treece asked if there was any objection to staff proceeding. No one objected.

REP2-19 Intra-departmental transfer of funds request.

Mayor Treece understood this was provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Virginia Wiemann-Steiger stated she had read in the Columbia Daily Tribune that the City had decided to make the residents of Columbia pay for a political rally that had been held at the airport outside Columbia city limits. She commented that the issue she and others had with this was that they felt a political rally should be paid for by the political party that hosted it or the political person running that benefited from it. She noted she did not feel it was something the City of Columbia should take on as the City was supposed to be non-political. She wondered why they would pay that \$41,000 cost. It did not seem right or fair. She respectfully objected to having to pay that cost, and wondered who had decided it was a cost that should be paid by the City for this specific purpose.

Mr. Glascock explained the City had never charged for the use of the airport. He pointed out the costs had been forwarded to Emergency Management, but he was not sure if Emergency Management had submitted those and other costs to the campaign. He reiterated he did not recall the City charging for any campaign over the past sixteen years he had been with the City of Columbia.

Ms. Wiemann-Steiger reiterated there were many people that felt this was not a cost they should absorb. It should stay with the RNC, DNC, etc. as it was their duty to pay that bill. It was not the duty of the residents.

Lynn Maloney, 204 Maplewood Drive, commented that on Monday, the Columbia Daily Tribune had exposed Lieutenant Brian Tate's extensive social media comments, which had been sexist, racist, and classist. She noted Lieutenant Tate had, for years, been charged with internal affairs investigations of complaints against other officers. She pointed out the story had been picked up by the Kansas City Star on Thursday and by Newsweek on Saturday. She believed, as proponents of community policing, they needed to acknowledge the importance of the relationship between the Police Department and the community in terms of trust. She felt leadership should have acknowledged the significance and impact that had on the relationship and trust of the community with the Police Department.

Mr. Skala understood an interested parties meeting had been held in relationship to the trail near East Walnut Street, and recalled comments with regard to homeless problems in the area. He wanted to bring that to the attention of staff. He stated he had not heard anything specifically on the lock problem, but thought they should follow up on that by providing signage, etc.

Mr. Skala commented that he believed the costs associated with rallies should be discussed in terms of a policy. He understood, over the years, there had been exceptions to the use of the airport for rallies, but other exceptions had been made elsewhere as well, and provided the Roots N' Blues N' Barbeque Festival as an example in terms of security overtime costs. On the other hand, however, some people were being assessed for small demonstrations or marches. He thought it was a discussion the Council needed to have from a policy standpoint to provide direction to the City Manager.

Mayor Treece stated there were two vacancies on the Mayor's Task Force on Bicentennial Celebration Planning and noted he was appointing Katherine Reed and Lindsey Troutman to fill those vacancies. He commented that there had also been a request to expand that Task Force by up to two and potentially more people in order to

achieve additional diversity. He understood the Sharp End Committee wanted a representative on the Task Force, which he thought was a good idea. He stated he would ask the City Counselor to bring back a resolution amending the underlying legislation. He thought a lot of work needed to be done and a lot of people wanted to participate.

Mayor Treece asked the Council to join him in pursuing a performance audit from the State Auditor's Office. He stated he thought they were at the cusp of not being able to go back with a citizen's petition audit. If the Council decided to engage with the State Auditor's Office after more signatures were collected, he was concerned it would be perceived as if the Council trying to undo the work of the citizens. If the Council had confidence in them being able to gather the necessary signatures as he did, they would then not have any control over the scope of the audit. While the Council would be consulted, they would also be presented a bill. He commented that he would prefer to provide input on the front end for usable data and additional information in an effort to provide a roadmap for the next City Manager. He stated he thought Ms. Oropallo's comments were more profound due to her status as the Chair of the FAAC even though she was not speaking for the FAAC, and it informed his opinion more today than ever.

Mr. Trapp commented that CNN had reported on a study that compared areas with tobacco retail licensing against those that did not, and teens in areas with tobacco retail licensing were less likely to start or to have smoked cigarettes and e-cigarettes than those that lived in areas with lower regulations. Participants in communities with tobacco retail licensing were 26 percent less likely to begin using e-cigarettes and 55 percent less likely to report initiation and use in the previous 30 days compared with those living in communities without tobacco retail licensing. He noted the Trump Administration's Surgeon General had declared youth nicotine vaping a public health crisis. There was a 75 percent increase in the use of youth nicotine vaping one year over the next. He suggested Columbia move forward with tobacco retail licensing, and felt they should bring forward a regulatory framework for vetting through the Council process. Once that was approved, he believed they should then bring forward a cost measure as a separate item that could go to the vote of the people. He thought it would be less complicated if they dealt with the regulatory framework through the Council process and then allow the citizens to vote yes or no on whether to charge a fee for that license. He understood this was in process and wanted to see it moved forward.

Mr. Thomas stated he agreed with Mr. Skala in that he did not understand how they had a policy that charged their local activist groups the cost of police overtime for a march through the streets of downtown Columbia while absorbing the costs of a large political rally. He asked how they could move forward on a policy with regard to how they charged for public safety services for events like the Josh Hawley rally at the airport or the Senator Obama rally prior to the 2008 presidential election. Mr. Glascock explained the City did not usually charge for events at the airport because it did not affect much other than the airport. They charged for the events downtown because it affected businesses and because the City had a policy of charging for the use of right-of-way, sidewalks, etc. As a result, that issue would need to be addressed as well. Mr. Thomas understood the issue was police overtime in the case of the march planned for a couple of weeks from now, which seemed different from charging for the use of right-of-way. Mr. Glascock thought there was not a charge if Broadway was not crossed. The closing of Broadway caused them to charge for an event. Mr. Thomas understood that charge was to reimburse the Police Department. Mr. Glascock stated that was correct since officers would stop traffic for safety purposes. Mr. Thomas asked if the \$41,000 for the Josh Hawley event involved police time and security. Mr. Glascock commented that the City did not have much of a choice when the secret service called. Mr. Thomas understood the campaign could be charged. Mr. Glascock stated that did not mean the City would

be reimbursed, and reiterated they had submitted costs to Emergency Management.

Mr. Skala commented that he believed they needed a report explaining the status of charging for events so the Council could decide whether they wanted a change in policy for events in either the downtown or at the airport regardless of whether the campaigns would reimburse the City.

Mr. Glascock explained they had not charged for rallies at the airport in the sixteen years he had been with the City.

Mr. Thomas understood that because the President of the United States had been at the event the U.S. Secret Service had told the City to have a certain level of security. Mr. Glascock stated that was correct.

Ms. Peters understood it would have been different if it had just been Mr. Hawley. Mr. Glascock stated less would have been needed. Mr. Thomas thought they would then have been able to charge the Hawley campaign, and asked if that was correct. Mr. Glascock replied the City had not charged for events such as that since he had been with the City. Mr. Thomas understood they could not say no if the Secret Service directed it. Mr. Glascock commented that it was almost impossible to say no to the Secret Service.

Mr. Skala stated he wanted a report on this issue to include a history with respect to these types of events to help facilitate their discussion on a policy and so they could consider the equity aspect. Mr. Thomas agreed a report was necessary, and asked that it include examples that fell into both categories through at least 2008.

Ms. Peters asked where they were in terms of the investigation of Lieutenant Tate and his social media use. Mr. Glascock replied it was a personnel issue that was actively being investigated so he could not comment. Ms. Peters asked if the investigation was through the Police Department or if it was due to the City's personnel policy regardless of the person. Mr. Glascock replied it was regardless of the person since it was a human resources issue.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 7:34 p.m.