



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, May 15, 2017

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, May 15, 2017, 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 PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, and THOMAS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the special meeting of March 11, 2017 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 March 20, 2017 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Pitzer.

Mayor Treece asked that B133-17 be moved from the consent agenda to old business and that R67-17 be moved from the consent agenda to new business.

Upon his request, Mr. Skala made a motion to allow Mayor Treece to abstain from voting on PH14-17. Mayor Treece noted on the Disclosure of Interest form that he owned property in the affected area. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Upon his request, Mayor Treece made a motion to allow Mr. Pitzer to abstain from voting on the appointment to the Police Retirement Board. Mr. Pitzer noted on the Disclosure of Interest form that he had a professional conflict with one of the applicants. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, including the consent agenda with B133-17 being moved to old business and R67-17 being moved to new business, was approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

II. SPECIAL ITEMS

None.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC5-17 Board and Commission Applicants.

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions. Mr. Pitzer abstained from voting on the Police Retirement Board vacancy.

BOARD OF ADJUSTMENT

Waters, Andy, 300 Lindell Drive, Ward 4, Term to expire May 1, 2022

CITIZENS POLICE REVIEW BOARD

Nickels, Baxter, 2315 Magnolia Court, Ward 2, Term to expire November 1, 2019

DISABILITIES COMMISSION

Bowders, John, 1342 Overhill Road, Ward 4, Term to expire June 15, 2020
Fields, Hazel, 1307 Pearl Avenue, Ward 1, Term to expire June 15, 2020
Powell Rene, 1201 Paquin Street, Apt. 202, Ward 1, Term to expire June 15, 2020
Truitt, Kara, 3307 Belle Meade Drive, Ward 5, Term to expire June 15, 2020

DOWNTOWN COLUMBIA LEADERSHIP COUNCIL

Wilson, Scott, 501 S. Garth Avenue, Ward 4, Term to expire May 1, 2020

ENVIRONMENT AND ENERGY COMMISSION

Dye, Jan, 2222 Bluff Boulevard, Ward 6, Term to expire June 1, 2020
Parker, Dick, 215 W. Sexton Road, Ward 1, Term to expire June 1, 2020

HISTORIC PRESERVATION COMMISSION

Gagliardi, John, 504 W. Walnut Street, Apt. A, Ward 1, Term to expire September 1, 2018
Staley Harrison, Amanda, 6875 S. Brookhaven Court, Boone County, Term to expire September 1, 2019

PARKS AND RECREATION COMMISSION

Blevins, Marin, 508 Smoky Mountain Court, Ward 4, Term to expire May 31, 2020
Davis, Sue, 2209 B Creasy Springs Road, Ward 2, Term to expire May 31, 2020

PLANNING AND ZONING COMMISSION

Loe, Sara, 1900 Vassar, Ward 4, Term to expire May 31, 2021
Toohey, Brian, 3306 Snow Leopard Drive, Ward 2, Term to expire May 31, 2021

POLICE RETIREMENT BOARD

Hackmann, Michael, 1306 Morning Dove Drive, Ward 6, Term to expire December 31, 2017

WATER AND LIGHT ADVISORY BOARD

Fines, Scott, 2269 Concordia Drive, Ward 4, Term to expire June 30, 2019

YOUTH ADVISORY COUNCIL

Camp, Lexi, Ward 2, Term to expire June 1, 2020
Cole, Riley, Boone County, Term to expire June 1, 2020
Cover, Will, Ward 5, Term to expire June 1, 2020
Cutchlow, Memphis, Ward 5, Term to expire June 1, 2020
Frymire, Laura, Ward 4, Term to expire June 1, 2020
Geyer, Alex, Ward 5, Term to expire June 1, 2018
Hern, William, Boone County, Term to expire June 1, 2018
Hubble, Landon, Ward 5, Term to expire June 1, 2018
Jeong, Yoo Jin, Ward 5, Term to expire June 1, 2018
Loveless, Jared, Ward 3, Term to expire June 1, 2019
Nhek, David, Ward 3, Term to expire June 1, 2018
San Jaun-Rodriguez, Estrella, Ward 2, Term to expire June 1, 2020
Simmons, Max, Ward 5, Term to expire June 1, 2020

Mayor Treece explained he would delay making appointments to the Columbia Housing Authority Board as he wanted to look at additional applicants before making a decision. Ms. Amin asked Mayor Treece if he would like the vacancies to be readvertise. Mayor Treece replied yes.

IV. SCHEDULED PUBLIC COMMENT

SPC32-17 Andrew Twaddle, Race Matters, Friends - Community policing, Seattle Police Department's program to reduce use of force.

Mr. Twaddle, 919 Edgewood Avenue, provided a handout and stated he was a Professor Emeritus of Sociology at the University of Missouri and a member of Faith Voices of Columbia and Race Matters Friends. He commented that he had e-mailed the Council and Chief Burton a report entitled *Ninth Systematic Assessment: Use of Force* from the Seattle Police Monitor a little over two weeks ago. In 2011, the Seattle, Washington Police Department was found by the U.S. Department of Justice to be deficient in training, policies, and oversight with regard to use of force, and he planned to highlight items in the report, in hopes the City would look at the data and think about its implications for Columbia. He explained a reduction in the use of force was something they wanted to see as part of community policing, and believed the reforms undertaken in Seattle should be considered here as a step toward creating a process of policing where use of force was dramatically reduced, the police participated in the community on terms acceptable to the members of the community, and where police could protect the community without posing a threat to the community. He understood Seattle had taken a comprehensive review of policies and procedures regarding the use of force based on principles of reasonableness, necessity, proportionality, and de-escalation, which had become a standalone policy requirement. He noted all officers were required to review five electronic modules addressing use of force policy, participate in a day-long live classroom training on the new use of force policy and related reporting requirements, take a course on threat assessment and subject control, take a course focusing on the use of less lethal tools, take a course on firearm skills, and participate in an ongoing service course on de-escalation techniques. They were further required to report all uses of force from the most minor to the most major. He stated the report provided details, which he hoped the City would read. He commented that the main thrust of the report was the assessment of the effects of these policies from January 2014 to October 2016. The police department had maintained a database in which individual use of force was recorded for each individual police officer at each level of force, ranging from handcuffing, which was Type 1, to shooting a suspect, which was Type 3. He stated that having an effective use of force policy with aggressive training of police officers and a system of accountability had reduced Type 1 force by 8 percent, Type 2 force by 60 percent, and Type 3 force, which had already been small in number, to zero in the most recent period. The most dramatic decline was in force that inflicted pain. He noted there was a 60 percent reduction in the frequency in which individual officers used force, ranging from one instance over 28 months to 48 with a mean of just over three. Having an instrument of accountability was useful in identifying officers who were more or less skilled in avoiding the use of force. He pointed out there had been clear disparities in the use of force by the race of a subject. Blacks composed 8 percent of the Seattle population, but were subjected to 33 percent of the use of force instances. Whites composed 70 percent of the population and were subjected to 41 percent of the incidents. Blacks and Hispanics were more likely to be subject to control holds and have firearms pointed at them. He asked if there was comparable data for Columbia, and if not, why not. He commented that a major point of the report dealt with officer safety. Officer injuries and hospitalizations tracked one officer injury for each three uses of force, and as the use of force declined, so did officer injuries. There was also a statistically insignificant decline in hospital visits by officers. He noted there had been no rise in crime during the study period either. He asked the Council to read the report and to ask the Columbia Police Department to think about adapting some of these or similar procedures to make Columbia a safer place for everyone.

SPC33-17 Nathan Ferguson, Race Matters, Friends - Response to Vision Zero, whose priorities are being served?

Mr. Ferguson, 1100 Coats Street, explained he was speaking on behalf of Race Matters, Friends, and understood the City's Vision Zero action plan aimed to eliminate all traffic deaths and serious injuries by 2030. He understood the motor vehicle traffic death rate for African Americans was nearly twice that of whites and traffic related emergency room visits were three times as high in Boone County. He also understood this plan aimed to address the disproportionate number of traffic fatalities and serious injuries in high risk communities and worked to prioritize filling gaps in infrastructure and transportation where those gaps contributed to fatalities and serious injuries. He commented that although data could be instructive for identifying and solving problems, the expectations of preconceptions brought to the table when collecting and analyzing data shaped inferences, conclusions, and ultimate actions. Since black drivers and pedestrians in Columbia bore the highest rate of traffic fatalities and traffic stops by police, locally and nationally, he felt the stakes of this action plan, data analysis, and enforcement initiatives could not be higher as it was a life and death situation. He believed the performance measures outlined in the plan provided little clarity or assurance of equitable outcomes, and provided examples. More concerning than the general vagueness of these performance measures was the logic of directing enforcement at high-risk communities as those communities already received the most enforcement without enjoying a comparable level of safety. He stated the Vision Zero action plan, and specifically, the reinstatement of a police traffic unit should raise concerns.

SPC34-17 Sarah Potter - CPOA's Facebook posts show a lack of respect for peaceful protest, concern this mindset extends to our police force.

Ms. Potter commented that she was motivated to speak after a disturbing Facebook post from the Columbia Police Officers Association (CPOA). She understood the Council did not oversee the CPOA, but wanted them to be aware of the activities of the CPOA as it might not reflect well on the officers. On May 9, the CPOA posted an article on its Facebook page about a North Carolina bill that would legally protect motorists who hit protestors that intentionally blocked traffic. She stated she did not like the idea of this bill, but what disturbed her was a CPOA text that was added to the post that said "Blocking someone's movement was an element of kidnapping. Missouri law allows the use of deadly force against a kidnapper, but Missouri has not made that leap in logic yet." She explained she let the CPOA know in a Facebook comment that the language used was incendiary as they seemed to be encouraging or excusing deadly force by drivers blocked by protestors. The reply to her comment and follow up e-mail was that they were just calling the kidnapping and deadly force a leap in logic, but she wondered why they would bring up deadly force on a post about protestors. She noted most of the commenters were very excited about the ability to run down protestors, and no matter the intention, the public interpretation was to use cars against protestors. She felt it was irresponsible and downright wrong for a police association to be encouraging people to hit protestors with cars. Columbia was a town with independent, free spirited people, and they liked to protest. There would be lots of protest in the coming years with children and families present, and their safety mattered. Regardless of whether the police officers agreed with the protest, she believed they should all be able to rely on the officers to protect them. She quoted Jason Nelson, also from Facebook, as he had said "Protesters do not block traffic to gain your support. They do it so you can see what it feels like to be stuck in a powerless situation. How do you respond to the situation? Are you calm and peaceful? Do you want to spend years organizing political talks about it? No, you want to run those protestors over. You want to kill them, kill them all. If you want to kill protestors who have you stuck in traffic, imagine what you would want to do to a system that patrols, harasses, and kills you. The sooner you learn perspective, the sooner you

won't have to be stuck in traffic." She commented that protestors took to the streets when they felt they were not being heard and had no other options left, and if motorists were encouraged to hit protestors, they would. She urged the Council to ensure Columbia police officers had the proper training for managing protests, and to ask their association to listen to viewpoints besides their own. She stated authentic community engagement required the powerful to listen to the public, especially the oppressed, with an open mind. She hoped the CPOA would take steps to do so in the future.

SPC35-17

Tara Warne-Griggs - Police staffing needs.

Ms. Warne-Griggs, 200 Longfellow Lane, commented that she felt Columbia needed to adopt a philosophy of community oriented policing and actually implement it further than the six officer community outreach unit currently in existence. She noted push back received from the Columbia Police Department and members of City government was that it could not be done without more officers. She stated more officers would not necessarily equate to an improvement in public safety and racial disparities. She thanked Mr. Thomas for his efforts to pass a resolution for a public engagement process on community oriented policing to occur in tandem or before requesting a bond issue to hire more police officers. She understood 50 more officers were being requested and wondered how that number had been derived. She explained she had been reviewing a Department of Justice report on how to determine what an appropriate staffing level was for a police department, and understood there were at least five different methods. She noted one was to divide the number of thousands of people by a factor, and believed that had been used by the Columbia Police Department. In communities that wanted to adopt community oriented policing, the report argued they needed to understand what kind of policing was wanted before determining the staffing level required. She pointed out a report done by a consultant in 2015 had indicated Columbia did not necessarily need 50 more officers, and the recommendations of the consultant did not include an increase in the police force. The recommendations included an additional six CSAs, which were non-sworn staff, and three detectives along with changes in policy, standardization of report writing and review, and broadening the number of low priority calls with which the CSAs were allowed to be involved as this would create more time for officers to do discretionary or proactive policing, which involved building relationships with individuals and community organizations. She pointed out she was not saying Columbia did not need more officers. She was saying a larger and more in-depth conversation was needed. She commented that she would find it difficult to vote in favor of a bond issue asking for 50 officers. She explained the report had noted low officer morale and a widespread lack of support for community outreach unit as the line officers felt it was ineffective, and this was why the recommendations centered on finding better ways to manage low priority calls, improving processes, etc. She stated she felt there needed to be behavioral changes as well. It was not just the raw numbers that would improve community trust in the Police Department as behavioral shifts were also needed. She understood there was increasing evidence that implicit bias training did not in itself change officer behavior. The training used in Columbia and nationwide did not address race, and the developer of the materials had indicated the reason for not including it was because they did not want to make officers uncomfortable. This meant it was unlikely they would reflect on racial biases held. She commented that biases manifested themselves in behavior and changes happened very slowly over time. She stated Philip Goff, Professor of Social Psychology at UCLA and the Center for Policing Equity, had suggested that rather than trying to eliminate bias, it might be more fruitful to stack the deck so officers were likely to act on them as situations themselves were strong predictors of behavior so changing situations through protocols and checklists might be more feasible in mitigating the impact of ingrained stereotypes. She explained she had a conversation with a friend and colleague, Maya Gibson, regarding the death of Clarence Coats, and Ms. Gibson had indicated she knew the State, i.e. the U.S. police force, had a penchant for killing black and brown bodies and were also quick to shoot those black

and brown bodies that harbored mental disabilities that caused disruption, so while she did not know the details of this particular situation, she did not feel she should be asked to suspend the things she knew, and it was the reason she was suspicious.

SPC36-17 Louie Phillips - Why Columbia's wild nature is important to me.

Mr. Phillips, 2110 Woodlea Drive, stated he was in the seventh grade at Jefferson Middle School, and wanted to speak about the importance of wildlife. He commented that wildlife provided him a way to escape, have fun, and be free. He could go where he wanted and do what he wanted. He could even scream his head off if he wanted as no one was there to watch him. It was free and his area to express himself. When he did not have a space such as this, he tended to get anxious and nervous. He had always needed an area where he could let loose and be free. It was very important to him. He commented that it would make him very upset if there were not areas such as this. He reiterated nature and wildlife were important in his daily life.

V. PUBLIC HEARINGS

PH13-17 Proposed construction of the FY 2017 sanitary sewer main and manhole rehabilitation project.

PH13-17 was read by the Clerk.

Mr. Johnsen and Mr. Sorrell provided a staff report.

Ms. Peters asked if the County House Branch watershed would be completed when the work on these four areas was finished. Mr. Sorrell replied three of the four areas were within the County House Branch, and this would finish the rehabilitation work for pipes they had identified that had a problem or were within 100 feet of a drainageway.

Ms. Peters understood this work also involved the Flat Branch watershed. Mr. Sorrell replied it involved part of Flat Branch-G. Ms. Peters asked about Flat Branch-C, E, and F. Mr. Sorrell replied there were other basins in Flat Branch, but they were not shown or labeled on the map displayed. Ms. Peters understood work had not been done on those. Mr. Sorrell stated that was correct.

Ms. Peters understood the sewer collected to Flat Branch or the treatment plant. Mr. Sorrell explained the Flat Branch sewer and the County House Branch sewer both tied into the Hinkson trunk sewer, which went to the wastewater treatment plant.

Mr. Skala understood this work only involved mains and manholes, and did not involve other issues such as sump pumps. Mr. Sorrell stated that was correct. This only involved the public portion of the sewer main, the public manholes, and service connections. Mr. Skala understood a benefit was that this reduced some of the pressure on residential properties, but it was separate issue. Mr. Sorrell stated this was completely separate from the efforts to address issues on private property, such as a downspout, sump pump, or open clean outs.

Mr. Skala recalled that in conjunction with the 2013 bond issue, there was an emphasis on some residential aspects beyond the mains and manholes. Mr. Sorrell stated that was correct. He explained they had a reimbursement program whereby they would reimburse up to a certain amount if someone disconnected their downspout or sump pump from the sewer. Mr. Skala asked if the program included backflow prevention. Mr. Sorrell replied the City did not currently have a backflow program. He stated they had previously provided a report on the issue, and noted he would be happy to bring it back. Mr. Skala commented that he would love to see it. Ms. Peters asked if there had been a City program at one time. Mr. Sorrell replied no. He stated the City had never had a backflow prevention program of any sort to his knowledge.

Mr. Thomas asked Mr. Sorrell if he had any sense of the number of people that had taken advantage of the reimbursement program for voluntarily disconnecting pipes, pumps, etc. Mr. Sorrell replied he did not have that information with him. He stated he had noticed

that the program seemed to be a bit cumbersome and people were not interested in using it. Mr. Thomas asked if they were aware of it. Mr. Sorrell replied yes, and explained staff had sent letters with the information. Mr. Thomas asked if staff knew of the houses with this condition. Mr. Sorrell replied they had many identified within these areas. Mr. Thomas understood these property owners were violating the ordinances by allowing the condition to persist. Mr. Sorrell stated that was correct. Mr. Thomas understood the City could start enforcing the ordinances. Mr. Sorrell stated they could, but noted he would rather use the reimbursement program. Mr. Thomas commented that if it was not working, they might need to look at something else.

Mr. Thomas asked Mr. Sorrell if he could estimate the ratio in the basins that had been treated in terms of actual infiltration versus the stormwater connections that should not exist. Mr. Sorrell replied he did not have a good method of determining the major contributor. He explained they were flow metering in the pipe, but it did not go far enough into the system to determine what was coming from a particular house or bad joints in the main.

Mr. Pitzer asked if the reductions met the expectations of staff in the areas that had been completed. Mr. Sorrell replied he thought the results were pretty good in terms of a reduction at the peak of 40 percent, 24 percent, and 19 percent. He stated he had been pleased and was enthusiastic about seeing a big improvement in the system in the long term if they continued the inflow and infiltration program. He pointed out this involved only the public portion for the most part. The private portion had not really been addressed yet. Mr. Pitzer understood it was difficult to calculate the expected reductions because there were so many public and private factors. Mr. Sorrell stated that was correct.

Mr. Ruffin asked Mr. Sorrell if he was saying that since the inflow and infiltration work had been completed in certain areas that the City had met its responsibility and had done all it could do to address the concerns in those areas. He pointed out he was specifically referring to the Aldeah Avenue area. Mr. Sorrell replied he was not saying they had done all that could be done. There was a lot that remained to be done in that area, but much of it had to do with correcting issues with private property, and the City was not allowed to work on private sewers. He stated major program changes were needed in order to be able to effectively work on private property. He commented that Aldeah Avenue was particularly complicated because they were unsure as to whether there were sewer problems or drainage problems due to it being located in a floodplain. It could be one, the other, or both. Backflow prevention alone might not keep those homes from getting wet. Mr. Ruffin asked Mr. Sorrell, given the limitations of what could be done since work could not be done on private property, if the City had done everything else it could do to address the issues. Mr. Sorrell replied no. He explained they still needed to finish addressing the known problems, such as sump pumps and downspouts that were connected to the system.

Ms. Peters asked Mr. Sorrell if they had looked at all of the sewers that drained into the Aldeah Avenue area, or if areas north or west of it would connect. Mr. Sorrell referred to the map, and explained the sewers in D drained to the very south point. Nothing outside of it drained through the area in question. He commented that they had rehabilitated all of the pipes in that area that had identified defects or were within 100 feet of a drainage way. Ms. Peters understood there were not any City programs to help rehabilitate the private sewer. Mr. Sorrell stated the City had an abatement financial assistance program, and noted it required going through a notice of violation process. If the cost was below \$10,000, it authorized the City Manager to execute an agreement at four percent interest. The City would hire a plumber to do the repairs and the money would be paid back as part of the utility bill.

Mayor Treece opened the public hearing.

Jill Lucht, 100 Aldeah Avenue, explained she had sent an e-mail last week to the Council, and noted she had been on the citizen committee that had worked to promote the passage of the bond in 2013 as her street had a history of backflow problems. She

stated she had taken time off of work to participate on that citizen committee and had lent her voice to a radio campaign talking about her experience with sewage in the basement, and pointed out she was very disappointed that the inflow and infiltration work that had been done had not fixed the problem on Aldeah Avenue. She explained they were unaware of the cause as they thought lining the pipes would address the problem. She stated on April 29-30, at least ten homes had sewer backups on Aldeah Avenue and West Walnut Street, and listed the addresses of those that were willing to share the information. They had raw sewage in their basements when it rained six inches or more, and it was not uncommon in Mid-Missouri to get 6-8 inches of rain in a 24-hour period. She understood staff felt they had everything under control for normal weather, but felt it was normal to get that amount of rain in that time frame. In this last event, an HVAC system and washer and dryer system were destroyed. They were also all exposed to e-coli and other dangerous pathogens in their homes, and had to clean with bleach every time this occurred. It also impacted their property values and the ability to sell their homes. She noted one of the property owners that had not been willing to mention their address needed to sell their home and did not want people to know. She pointed out the previous property owners of her home had not told them that sewer water came into the basement. She stated they knew the basements on the street would be wet due to foundation water, but this was sewer water coming up from the sewer drain in the basement. It was not foundation water. She understood this street was not alone as this occurred in the North Central neighborhood and the Douglass Park neighborhood. She explained she was present tonight to ask the City to correct their problem before extending any new sewer lines. As part of the committee that promoted the bond issue, she pointed out they had approved a \$2.6 million project, not a \$3.1 to \$4.3 million project. She stated she had voted to approve a \$2.6 million project. She did not vote to approve a \$4.3 million project. She reiterated her problem had not been corrected. She also asked that any inflow and infiltration work be targeted and be successful in neighborhoods with sewer backups first. If the sections in the new phase were not experiencing sewer backups, she thought the problems in her neighborhood needed to be addressed before moving to those new areas, and if the problems in her area could not be fixed with inflow and infiltration, something else needed to be done, such as backflow preventers, to keep the sewer water out of the basement. She commented that she was most upset about the health issues involved, but pointed out it was also a financial issue. Any time there was a backup, they had to take time off of work to clean up the mess. She believed this was a public health disaster as the homes on her street had dangerous pathogens in the basement every time it rained six inches or more, and wanted it addressed before extending sewer lines or working in neighborhoods without this type of problem.

Mr. Thomas understood Aldeah Avenue was in Flat Branch Basin D, and asked if issues in downstream basins could cause backups in basins upstream. Mr. Sorrell replied Flat Branch Basin D discharged directly into the Flat Branch trunk sewer so he did not anticipate anything downstream reflecting up into that basin. Mr. Thomas understood that was a brand new sewer that had just been completed. Mr. Sorrell stated that was correct.

Mayor Treece asked Mr. Sorrell if he was familiar with a sewage fountain in the open area in the Ridgemont and Ridgfield neighborhood. Mr. Sorrell replied there were two manholes in Ridgfield Park that overflowed periodically. Mayor Treece asked for the cause. Mr. Sorrell replied he believed it was a combination of having the trunk sewer backed up all of the way to Chapel Hill Road during large rain events and the inflow and infiltration in the County House Branch. Mayor Treece understood it was backing up from the south and not rushing up from the north. Mr. Sorrell stated it was backed up from the wastewater plant, and noted a report later in the agenda showed the sewer mains that were full of water when there were large storms since they only had the ability to pump a certain amount of water and water was coming faster than they could pump it.

Mr. Thomas understood there had been frequent fountains in Ridgefield Park in 2014-2015, but thought a major breach found in a pipe under Hulen Lake that had been patched had helped with that issue. Mr. Sorrell stated that was correct, and pointed out it had been contributing about 240,000 gallons per day. He noted they had also changed some operational procedures and equipment at the plant so they could pump more water through the facility than ever before. He understood those items had impacted the area for more normal rains of two inches. He pointed out they could not keep up with the 5.5 inch rains.

John Clark, 403 N. Ninth Street, stated he agreed with the comments of Ms. Lucht. He understood the City was three years into doing the work on the relief sewer, and did not feel they had a plan as they did not know the causes. He commented that they knew the problem existed, and to deal with only the simple items did not seem to him to be a good ongoing plan. He stated he was not sure who to ask to develop a plan, but had questions. He understood staff preferred to incentivize rather than force, and asked the Council to start directing staff as this had gone on long enough. He believed they could legally go on to private property in order to discover, abate, and charge property owners in violation of the ordinances, and was certain other cities in Missouri were doing this. He asked the Council to direct staff to move forward. He commented that he had not heard any useful information about an analysis of variance. If the inflow referred to was due to people hooking up to the sewer system as opposed to infiltration, he had not seen any information as to how much might be due to inflow. He thought it was time to spend money out of the bond issue to deal with these issues, and did not believe any money should be spent on the Henderson Branch project. He did not understand why the City did not have a long term systematic plan, including enforcement. He stated he did not believe Mr. Sorrell liked this any better than them, and suggested the Council speak to him privately as to what he would really like to see in terms of a program that might systematically address the problems.

Eugene Elkin, 3406 Range Line Street, commented that he believed empathy was needed, and Ms. Lucht had spoken from the heart. He stated he had grown up with a basement that flooded constantly and understood her concerns as it was followed by mold, mildew, etc., and was repetitive. He thought it was time to bring in experts, and for the properties to be purchased if that was the only recourse.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Trapp asked for the trend in Columbia in terms of sewer backups. Mr. Sorrell replied they were only aware of the backups reported to them, and the trend prior to Friday showed a decrease. There would be a small increase after last Friday's event, but the trend over the last 3-4 years was a decrease.

Mr. Trapp asked if there were backup issues in the area they were looking at for rehabilitation in the next phase. Mr. Sorrell replied yes.

Mr. Thomas asked how much an effective backflow prevention valve that could resist the storm the City had recently would cost a homeowner. Mr. Sorrell replied it could sustain itself if the pipe was in good condition and the valve was maintained and functioned properly, but noted one could not use the facilities inside the building during the storm. Mr. Thomas asked if it would have to be manually locked. Mr. Sorrell replied they were designed to function automatically. If the pipes were cracked in front and behind, there could be a leak around it through the backfill. Mr. Thomas asked for the cost. Mr. Sorrell replied he did not recall, but thought they were about \$1,000-\$1,200. Mr. Thomas asked if that included installation. Mr. Sorrell replied yes. Mr. Thomas understood if these were installed everywhere, the pressure still had to get out somewhere, and wondered if that meant more fountains in the parks. He asked if they could do something similar to the Department of Conservation for flood mitigation by designing storage areas. Mr. Sorrell replied that was a possibility. He understood some communities had built sewage storage tanks similar to water storage reservoirs that were used during high flow events. Mr. Thomas asked if that was a consideration for Columbia. Mr. Sorrell replied they had

discussed the possibility of storage for a long term wet weather program as part of the integrated management plan.

Mr. Skala commented that this was about mains, manholes, and relining pipes, and a spinoff from the 2013 bond issue that had really identified inflow and infiltration as a target. He understood the City really did not have a handle on the issues because they really could not measure the extent to which inflow and infiltration was a contributing factor, but there clearly were some real residential issues. He also understood they would need to determine the integrity of the pipes before and after the backflow preventer in order to ensure it worked properly at a residential level. He thought they needed to continue to put money towards the inflow and infiltration program because it reduced the pressure citywide, but noted he believed the Council should also reprioritize and establish a viable policy to address some of these chronic problems that had been going on for 3-7 years. He commented that one of the reasons for reevaluating the Henderson Branch sewer extension in terms of public-private partnerships was to free up money in sewer utility to be able to pay for the mitigation that was necessary at a residential level. He stated he understood the problems and the issue of some of the properties being located in the floodplain, but felt there were things they could do to incentivize corrections by residential property owners.

Mr. Sorrell explained the inflow and infiltration program was showing some promise and success. It was not a failure by any means. In Flat Branch Basin D, at least 48 buildings had recorded sewage backups during rain events, but since the work had been completed, only 11 properties in the basin had reported backups. Unless those other 37 property owners did not contact them about backups, they were showing progress. Mr. Skala stated he appreciated the clarification and agreed progress had been made. He only thought they were neglecting the residential portion of the overall issue. Mr. Sorrell noted they had a 48 percent reduction in the volume of wet weather flows through the public main rehabilitation program in this basin, which he felt was substantial.

Ms. Peters asked about solutions for the Aldeah Avenue area. She understood it was in the floodplain so one solution would be to return it to a floodplain, but thought another might involve disconnecting the basement sewer lines or moving them above the floodplain. Mr. Sorrell replied different options were available. He understood one property owner in the area had literally removed the sewer facilities from the basement level. The upper floors still had all of the fixtures, and those came out through the wall to tie into the main. This had ensured the sewer would not back up any more. He noted the property owner had also sealed the basement and installed sump pumps to address stormwater that might come into the property. Ms. Peters understood his sewer line came out at the base of the house versus the basement so it was 6-8 feet higher. Mr. Sorrell stated that was correct. There were not any plumbing facilities in the basement. Ms. Peters understood that had taken care of the issue for that property owner. Mr. Sorrell stated he believed it had.

Ms. Lucht pointed out she had given up contacting the City when she had a backflow issue so that might be a reason the numbers appeared to be decreasing. She reiterated she had not contacted the City after this last event. Mr. Sorrell stated only one call had been received. Ms. Lucht understood ten total properties had been impacted, but they were no longer contacting the City.

Mayor Treece asked how long it would take to complete this phase of the project. Mr. Sorrell replied he believed this work would be completed prior to the end of the calendar year if approved tonight. Mayor Treece asked Mr. Sorrell if he had read the structural scope of services and if the one attached to this item was accurate. Mr. Sorrell replied a structural scope of services was not attached to this item. The work would be done through a term and supply contract that had been approved 2-3 years ago. Mayor Treece asked about the inflow and infiltration scope attached to this council memo. Mr. Sorrell replied those were the pipelines they would review, and that was accurate.

Mr. Trapp stated he believed work was needed in both basins, and noted he had hoped

they would have had better results from past efforts. He thought the reduction in number of calls was an imperfect measure, but felt it showed a sizable reduction. He understood this had been an ongoing issue since the 1950s. He thought there was likely weariness with reporting even when there were receiving 48 calls, and improvements had occurred if they were seeing less flow. He thought they needed to continue to examine policies. He commented that he understood the reluctance of staff to focus on an enforcement approach. There were a lot of low-income individuals in the affected basins, and bringing enforcement problems into their lives would have a big social cost. He thought they should exhaust the incentive and cost share remedies first. He suggested they approve this rehabilitation project for the other basins as they had good success in reducing inflow and infiltration previously. He understood they had other problems, and that those involved geography and other limitations. He thought each resident and property owner had to look at their own individual situation and be in contact with the City so the City could partner with them as best as they could with the resources they had for an effective solution. If the lining and the manhole rehabilitation did not provide the result needed, he believed they needed to go back to the drawing board and continue to look for other solutions. He noted this project was something they could move forward with today that would provide relief to others, and thought it was important to approve it tonight.

Mayor Treece made a motion directing staff to proceed with the FY 2017 Sanitary Sewer Main and Manhole Rehabilitation project. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

PH14-17 Proposed construction of the Bingham Road and Ridgeley Road PCCE #16 sanitary sewer improvement project.

Mayor Treece stepped out of the meeting room.

PH14-17 was read by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Trapp asked if the cost of this project had grown since they had added properties. Mr. Sorrell replied yes it had grown as the scope had gotten larger. The 2013 bond issue included a lot of funding for private common collector eliminations that was not specifically tied to a particular project. Mr. Trapp asked if it was common for sewer projects to come in higher than initially budgeted. Mr. Sorrell replied yes, if the scope changed like it had due to additional petitions. Since they were already working in the area, staff felt they should include those.

Mr. Skala asked how it was handled if some of the project costs increased due to the fact there was a fixed amount of money associated with the bond. He thought some projects would then receive less funding. Mr. Sorrell replied some of the funding in the 2013 bond issue and some enterprise revenue funding each year was put into a project called annual common collector elimination. If they had a situation, such as this whereby the scope was enlarged, money could come from that project to supplement this specific project. He clarified some of the funding was not specific to any one project. Mr. Skala understood, generally speaking, this did not require taking funds for other stipulated projects that were part of the bond issue. Mr. Sorrell stated that was correct. It was coming from an annual private common collector project account.

Mr. Thomas asked for the process in deciding how to spend those annual funds each year as he was interested in this for the annual sidewalk maintenance fund as well. He also asked for the time of year the decision was made. Mr. Sorrell replied it was tied to the CIP presented for approval each year as part of the budget.

Mr. Pitzer asked for clarification regarding the annual common collector program in terms of how it was decided which projects to complete. Mr. Sorrell replied these projects were based upon property owners petitioning and asking for the project to be initiated. Mr. Pitzer asked Mr. Sorrell if he had a sense of the number of common collectors that

needed to be addressed throughout the city. Mr. Sorrell replied they had identified a total of 41 projects. He thought 14 had been completed and 28 were currently identified in the CIP. He noted many more needed to be identified and completed as time progressed. Mr. Pitzer asked if this was related to the problems in their previous discussion. Mr. Sorrell replied yes. He explained private common collectors were a larger source of inflow and infiltration in the system.

Mr. Pitzer asked Mr. Sorrell if the properties on Aldeah Avenue had common collectors that needed to be addressed. Mr. Sorrell replied he thought there was 10,000-11,000 feet of private common collectors in Flat Branch Basin D. Mr. Pitzer asked if they had petitioned the City for assistance. Mr. Sorrell replied he would have to look at the records, but did not feel many of them had.

Mr. Ruffin asked if they could prioritize a project if those in the Aldeah Avenue area petitioned the City. Mr. Sorrell replied the Council could prioritize the projects.

Mr. Trapp asked if private common collectors were still allowed. Mr. Sorrell replied the City no longer allowed private common collector sewers to be constructed. Mr. Trapp understood this was because they had a regional sewer approach where everything was tied to the public sewer. Mr. Sorrell commented that the development process now required subdivisions to extend public sewer to each lot, and this prevented private common collectors from being constructed.

Mr. Thomas understood the strategy for private common collectors was to eliminate them, which he thought meant the construction of a new sewer to replace the deteriorated one, and asked if the same kind of inflow and infiltration mitigation was done on a private common collector as part of the process. Mr. Sorrell replied the City typically built a completely new sewer system to replace the private common collector and tied the homes to the new system. Mr. Thomas asked if those sewers were typically older than the ones that were lined. Mr. Sorrell replied not necessarily. He noted they were less well built, and most were in such bad condition that they could not do a lining project on them.

Mayor Pro Tem Ruffin opened the public hearing.

There being no comment, Mayor Pro Tem Ruffin closed the public hearing.

Mr. Trapp commented that private common collectors probably looked like a good idea at the time as the cost of new development had been placed on the development and public funds did not have to be utilized for the sewer system, but they were now left with these legacy problems that needed to be corrected. This project did not involve many houses, but had a \$1.8 million cost, and they had been approving these types of projects steadily since he had been on the Council. The magnitude of the legacy lack of investment in infrastructure was astounding when looking beneath the surface, but they were now having an active dialogue and moving toward active steps to correct the situation. He doubted the list would get any shorter as he suspected they were receiving petitions for new projects to add to the CIP, but noted eventually the list would be reduced since they had a public sewer system that was well-maintained. He explained he would support this project because it was necessary. He pointed out most of the private common collectors were located in the First and Fourth Wards, but residents of the entire city paid for it as ratepayers funded the enterprise fund and the bond. He believed this was right, appropriate, and good even though most of the efforts were concentrated in the older parts of Columbia. He noted even those with brand new sewers and no need for this kind of work helped to pay for these through their sewer rates. He commented that they often talked about the costs of growth, but rarely talked about the benefits of growth, such as the fact they had more people in the system to pay to rehabilitate legacy sewer options as this would have been needed whether Columbia had a population of 40,000 or 117,000.

Mr. Skala agreed there were benefits to growth, but noted the costs were substantial as well. He stated he felt this was a three-pronged approach, and all were necessary. The one they had neglected the most was the residential aspect of inflow and infiltration, whether that meant increasing incentives or creating disincentives. He thought the review

of the mains and manholes was important in terms of inflow and infiltration mitigation as well as addressing the private common collectors. He commented that he felt they needed to think seriously about policies necessary to shift more focus to the residential problems, and planned to bring it up as part of council comments.

Ms. Peters stated the East Campus neighborhood was also benefitting from having private common collector sewers replaced. She noted many of the sewers in that neighborhood were behind and in between homes, and asked if the sewer lines would go out to the street for the proposed project. Mr. Sorrell replied most came out to the street, but a few were in the backyards. Ms. Peters asked if those that did not come to the street would require a new sewer line. Mr. Sorrell replied yes. He provided the area between Brandon Road and Ridgely Road as an example, and noted a new sewer main would be constructed in the backyards of those homes.

Mr. Ruffin made a motion directing staff to proceed with PCCE #16 - Bingham Road and Ridgely Road Sanitary Sewer Improvement project. The motion was seconded by Ms. Peters and approved by voice vote with Mayor Treece abstaining.

Mayor Treece returned to the meeting room.

PH15-17

Proposed design and construction of sanitary sewers to serve the Henderson Branch Watershed.

PH15-17 was read by the Clerk.

Mr. Johnsen, Mr. Sorrell, and Aaron Bresette of HDR, Inc., a consultant hired by the City, provided a staff report.

Mr. Pitzer asked if the two stage system was done rarely, frequently, or infrequently. Mr. Bresette understood Mr. Pitzer was asking about the pump station option, and explained he worked with clients all over the State that installed pump stations. It was a fully acceptable type of project, but involved added maintenance. If they only had a few, it was likely not an issue, but he did not believe they wanted 25-30 pump stations because each would have to be visited on a daily basis and the cost of electricity needed to be considered. Mr. Pitzer asked if the decisions in the communities Mr. Bresette had worked with had been driven financially when it came to a pump station versus a gravity system. Mr. Bresette replied it had a lot of times. With a gravity system, the flow had to go downhill, and when the depth was above 20 feet, the cost increased.

Mr. Pitzer understood pump stations needed to be visited to ensure they were operational, and asked how common problems were that would take them out of service or require a need for repair. He wondered if the impact would occur once a month or once a year, and wanted to know the potential effect. Mr. Bresette replied the biggest cause for it to be taken out of service was the loss of electricity, and included in the estimates provided was a diesel powered backup generator. Each pump station would have full backup pump capability so one pump was running while the other was on standby. If one pump went out, it would switch to the second one, so there was always redundancy in pumping.

Mr. Thomas understood the primary purpose for this sewer was to remove some onsite sewage treatment systems in the Midway area, and asked if the public health and environmental issues that would be posed by those onsite systems could effectively be dealt with by building new onsite systems. He also wanted to know the cost of those new onsite systems. Mr. Bresette understood there were two Boone County Regional Sewer District (BCRSD) facilities there, and that one was at the Midway Truck Stop and the other was at Midway Arms. He stated he was not sure of the costs as that had not been in their scope of services to determine. Mr. Glascock clarified the BCRSD did not own the Midway Truck Stop facility. It was owned by the Truck Stop itself. The BCRSD owned the one at Midway Arms though. Mr. Thomas asked if the problems could be

addressed with a new system or the repair of the existing onsite system. Mr. Glascock replied yes, and explained the only issue would be that the affluent from it would go into the creek. Mr. Thomas understood water came out of the wastewater treatment plant at McBaine, and it had been cleaned to a standard that satisfied DNR and EPA. He asked if these smaller, new onsite facilities would accomplish that level of environmental cleanness. Mr. Glascock replied they would as long as they were maintained. Mr. Thomas asked for an approximate cost. Mr. Glascock replied he did not know. Mr. Thomas asked if it would be less than the \$4.3 million to connect to the wastewater treatment plant. Mr. Glascock replied he did not know as that had not been studied.

Mr. Glascock continued the staff report.

Mayor Treece commented that he did not believe they should extend sewer service outside of the city limits without having an annexation agreement, and asked where they were with respect to annexation and if they could even get there. Mr. Glascock replied he thought they could, but it was hard to convince the property owners to sign on to it if they did not know what was being built. Once a design or location was approved and they were aware of the right-of-way and properties needing to be annexed, it would be easier to explain and sell. It was up to the Council to tell staff whether they wanted to move ahead with the design or not.

Mr. Trapp asked if Columbia treated sewage better by a considerable degree than anyone else in the sewer basin. Mr. Glascock replied it was a centralized process so it was better for the streams. Anyone could treat sewer as long as they had a plant that was meeting the limits. He noted the BCRSD did a good job, but they did not own the facility at the Midway Truck Stop. It was privately owned and cost a lot of money to maintain to appropriate levels.

Mr. Trapp asked if a lot of the small treatment facilities were having trouble meeting EPA requirements with regard to ammonia. Mr. Glascock replied ammonia was the reason the BCRSD hooked into the City's system. They had some that were out of compliance and it was easier to connect to the City's system than to spend money to fix the problem. They preferred a centralized system than ongoing maintenance costs. Mr. Trapp asked if there were cost savings with centralization. Mr. Glascock replied he believed so for the entire area, but not necessarily for the City of Columbia. Mr. Trapp understood there were environmental benefits from a regional approach to sewers.

Mr. Thomas commented that he did not feel this was an issue of centralizing the sewer system or not doing anything. He believed the decision involved tying small regional areas that were producing sewage to the large centralized system or using state of the art small scale sewage treatment plants that achieved the same level of cleanliness. He explained he wanted to see the cost-benefit analysis. The previous two public hearings tonight involved the leakiness of pipes, which was causing tremendous problems. There would be many fewer miles of pipes with small treatment systems. He stated he wanted to see this comparison before committing to tying this development or other spot developments to the wastewater treatment plant. Mr. Glascock commented that the plant going out of compliance was a much greater risk to the environment than leaky pipes. Mr. Thomas asked Mr. Glascock if he was referring to a small scale sewage treatment plant. Mr. Glascock replied sewage from any plant that was out there was much more likely to get into a creek, and then people would swim without knowing affluent was in it. He noted one would know a leaky pipe in the basement was unsafe, but one would not necessarily know the creek was unsafe. Mr. Thomas thought a small scale treatment plant would be similar to the City's wastewater treatment plant in that it would have to be inspected to ensure this was not happening. Mr. Glascock agreed. Mr. Thomas felt that could be dealt with, and he had not heard of any cost-benefit analysis in this regard. Mr. Glascock explained they would not own the small scale treatment plant that was outside of the City so it would not be a benefit for the City to conduct that analysis.

Ms. Peters asked how many other small lagoons were there that would be taken offline.

Mr. Sorrell replied there was a treatment facility at Trails West, Midway Crossing, Rollingwood, the Truck Plaza, and Midway Arms, and the BCRSD operated all of those except for the Truck Plaza facility. He noted all of the other homes and businesses in the area had onsite systems, which could all be hooked into the City system in the future with this project. He clarified those would be lagoons or septic tanks.

Ms. Peters understood the City would receive money from Midway Arms and the Midway Truck Stop assuming everyone annexed when this system was up and running. Mr. Glascock replied that was true once the annexation was complete, which he thought would occur once the sewer system was connected. Ms. Peters understood the projection had been \$500,000 per year, and asked if that was correct. Mr. Matthes replied yes, and explained those numbers had come from the property owners. Half of it would flow to the general fund, and the other half would go to the other specified taxes.

Mr. Trapp understood the City's portion of the sales tax revenue generated by annexation would cover multiple police officers. Mr. Matthes stated that was correct if that was how Council chose to spend the revenue. Ms. Peters understood the money could also be used to offset the cost of the sewer system. Mr. Matthes reiterated it was up to the Council as there was not a requirement to repay the sewer fund.

Mayor Treece asked if the expenses associated with annexation, such as police, fire, street maintenance, buyout of the Fire Protection District, sirens, and street lights, had been reviewed. Mr. Matthes replied yes. Mayor Treece asked for the total. Mr. Matthes replied it was pretty small. He stated it would involve about one call per day for police, and mainly to the Truck Stop. There were very few calls for health or fire. He displayed a diagram with the conceptual costs, and believed the actual costs would be less. The conceptual costs were calculated per incident and per run.

Mr. Skala commented that \$500,000 sounded like a great deal, but this was not a static situation as sewers drove development, so a lot of the costs would increase. He explained he had served on an infrastructure task force years ago, and there had been a question as to whether growth paid for itself. In a commercial environment, growth tended to pay for itself, but it did not in a residential environment. The City had been subsidizing a lot of the residential growth to some degree for years. He stated he was unsatisfied by how the negotiations had gone to date, and noted it was more expensive to develop outside of the city limits than inside the city limits. With the exception of the BCRSD, who had an interest in this, not much progress had been made for other partnerships. He pointed out the citizens had agreed to pay \$2.6 million, and believed it was incumbent on the Council to ensure that number remained in line. Now, the cost was \$3.1-\$4 million. He noted private contributions from those that had an immediate interest could be used to remedy some of the residential sewer problems they had been discussing previously. He reiterated his disappointment with the negotiations.

Mr. Matthes agreed growth would occur when the sewer was built. He explained they reviewed each situation on a case-by-case basis, and in this situation a large amount of the land was not buildable due to the floodplain and floodways. There were some areas that were buildable, and there would be growth with the sewer. He commented that he also agreed commercial properties more than paid their freight when it came to city services, and residential properties almost never paid their freight for city services. This made sense as people needed services. He reiterated in this particular situation, his conversations with property owners was to look at annexing now as the act that would bring the financial contribution versus just signing a pre-annexation agreement. He explained they were in the middle of the process as they had not even bid the project, and even though he believed the estimated cost was accurate, it was still an estimate and any agreement in terms of annexation was premature at this point.

Mr. Pitzer how much had been approved for this project in the 2017 budget. Mr. Sorrell replied the bonds were \$2.3 million, and \$300,000 had been appropriate a year or two ago to begin the design process. Mr. Pitzer asked if an amount had been allocated for this project in the 2016-2017 budget. Mr. Sorrell replied money was available for the entire \$4

million project. Mr. Pitzer asked for the BCRSD contribution amount. Mr. Sorrell replied it was \$600,000-plus. Mr. Pitzer understood that was on top of what the City had budgeted. Mr. Sorrell stated that was correct.

Mayor Treece opened the public hearing.

Patrick Daugherty, 5821 W. Van Horn Tavern Road, explained he and his wife, Rita, had resided at this location for almost 50 years, and noted their 6.5 acres was situated between Midway USA and the Perche Creek Golf Course and both were very good neighbors. He stated he supported the Henderson Branch sewer project, and felt if it was successful, Midway and Boone County would be significantly less polluted, which he believed was a big deal. He commented that he would investigate the possibility of his own voluntary property annexation and connection to the sewer line as it might lead to an increase in property values justifying the cost of connection. If the project was successful, he might also be able to close his lagoon and enjoy the few years of retirement he had left on this Earth.

Bill McKelvey, 100 Aldeah Avenue, stated he was opposed to the Henderson Branch sewer extension. He commented that the return on investment seemed to be unclear, and wondered what Columbia taxpayers would get from this extension of sewer services to a place outside of the city limits. He understood the project was over budget, and there were a number of properties in the City that had existing problems. He thought it made sense to address existing issues prior to extending services to places outside of the city limits. If some of the existing sewer systems outside of the city limits were privately owned, he believed they needed to address the systems themselves or at least be in compliance prior to the extension of services to those regions.

John Clark, 403 N. Ninth Street, commented that he believed population growth did not pay for itself. In this particular situation, commercial growth might be of help, but it still did not convince him this was a good idea. He suggested the Council tell staff to not bring this issue forward for another year, and to notify the Department of Natural Resources (DNR) as well. DNR could then talk to the BCRSD and the two developments about compliance. He thought this could wait, and that the City should wait. He also felt a number of other things should be done prior to this project, to include the suggestions of Bill Weitkemper in recent e-mails, the City's relationship with the BCRSD, the annexation policies, and fees. In addition, he believed a northwest area plan and transportation plan were needed. He noted they had not addressed the suggestions that had come from the Mayor's Task Force on Infrastructure. He commented that he believed the buildings there should meaningfully participate in the full cost of this. He pointed out the voters of Columbia had voted for this, but those that lived in the area had not, and the Columbia voters had not promised them anything. He stated he felt the City should have had a better idea of the soft soil issue before the project and its cost estimate had ever been suggested or voted on by the Council to include as part of the ballot issue. An adequate analysis had not been done. He reiterated they had not promised anything to those in that area, and noted he also did not believe they had made a promise to the voters because none of the projects were listed on the ballot itself. This project had involved bad cost estimates, inadequate fiscal analyses regarding the fiscal impact, and the lack of information on costs associated with negotiations, and those issues needed to be resolved prior to moving to the design phase. He reiterated his suggestion to wait a year and for the Council to potentially meet with the properties owners in the area instead of staff in terms of negotiations. He hoped the Council would vote against this tonight and direct staff not to bring it back for a year.

Deb Shore, 8403 W. South Trails Drive, stated she lived in the Trails West Subdivision, which was three miles from her father, Patrick Daugherty, and despite the fact her father did not want to deal with his lagoon, she felt Midway Arms and the Midway Truck Stop needed to be held accountable for their polluting.

Eugene Elkin, 3406 Range Line Street, asked about the grade and the materials that were used today compared to the materials that might be used in the future. He noted

they all agreed these would eventually leak. A pump station would cost less, but it would require maintenance. He suggested all variables be considered.

Pat Fowler, 606 N. Sixth Street, stated she, like her friends in the West Ash and North Central neighborhoods, had water in her basement, and her concern with undertaking the Henderson Branch Sewer was the City's capacity to manage the many projects that needed to be done simultaneously. She explained she had attended the Mayor's Task Force on Infrastructure meetings when they were first underway to advocate to them to recommend raising the stormwater fees so they would have enough money to keep the system in good repair, and Mr. Conway, who was a Water and Light Advisory Board member and a consultant to the City, had suggested that even if the City had the money, they did not have the capacity to do all of the projects at once. This scared her. She asked the Council to consider the capacity of the City to attend to the serious public health problems they had at the same time they were honoring commitments made for the 2013 ballot issue as the City was allowing a continuing public health problem to occur in basements.

Tom Ratermann, 1314 N. Seventh Street, explained he was the General Manager of the Boone County Regional Sewer District (BCRSD), and stated he was present to speak in support of proceeding with the design of the Henderson Branch sewer project. He noted the BCRSD had about 7,000 customers, and their service population was between 18,000 and 25,000 people. They had 21 active DNR permitted wastewater treatment facilities in unincorporated Boone County. Additionally, they maintained about 80 miles of gravity sewer, 25 miles of force main, and 24 district owned pump stations, and they employed 12 full time employees. He commented that the BCRSD had about 25 connection agreements with the City of Columbia going back to the late 1980s, and a recent one was the cost share agreement for the sewer extension to Battle High School. In the Henderson Branch service area, the BCRSD owned, operated, and maintained four facilities. One served Midway USA, which served four marketable lots, and the others served the Trails West Subdivision, the Midway Crossing Subdivision, and the Rollingwood Subdivision. Additionally, there were private DNR permitted facilities in the service area that were not sewer district customers, and those were the Midway Truck Stop and Midway Heights Elementary School. He noted the BCRSD and the Columbia Public Schools (CPS) were currently cooperating on a project to connect the elementary school to the Midway Crossing plant. He explained the BCRSD had closed about 50 treatment facilities since 1985 by either connecting the service areas to other BCRSD treatment facilities or the Columbia Regional Plant. He stated they had also connected a dozen private DNR permitted facilities to the BCRSD facilities or the regional plant. He pointed out all of this work protected public health and the environment, and helped prevent local creeks from becoming impaired. He noted the restoration of local creeks came at a cost and was very time consuming. He believed the Henderson Branch sewer would protect public health and the environment, and would assist the BCRSD and the City in complying with future environmental regulations. He asked the Council to support this project by proceeding with the design of the project.

Mayor Treece understood the BCRSD had indicated it would share 31.3 percent of the cost as had been estimated for the ballot issue, which was about \$630,000. Mr. Ratermann stated that was correct. Mayor Treece asked if they were also inclined to share 31.3 percent of the actual cost, which was estimated at \$4.3 million. Mr. Ratermann replied that was a decision for the BCRSD Board of Trustees. He commented that he was advocating for finishing the design and bidding out one or both of the options so they knew the true costs so they could begin those negotiations. Mayor Treece asked Mr. Ratermann if he was saying there was a negotiation to happen there. Mr. Ratermann explained Mr. Glascock had written the BCRSD a letter asking them to increase their participation, and they had diplomatically said "no," but they had not said "hell no." He stated they needed to know the costs.

Mayor Treece asked if the four customers the BCRSD had now would remain customers

of the BCRSD or if they would become City of Columbia customers. Mr. Ratermann replied there was a map attached to the connection agreement, and the four marketable lots that were attached to Midway USA would remain BCRSD customers, but would have to annex. He commented that he could not speak for Mr. Potterfield, but noted he believed he had given every indication that he was willing to annex. He pointed out Midway Truck Stop was not a BCRSD customer. Their other existing customers, which were in Trails West, Rollingwood, and Midway Crossing, would not have to annex, and involved about 200 property owners. There was some undeveloped land in the BCRSD service area, and under the terms of the connection agreement, they would have to annex, but would remain BSRSD customers. The developer would sign an annexation agreement that would bind future owners. He commented that there was also a fair amount of the service area that was designated for City customers and would naturally have to annex.

Mayor Treece asked Mr. Ratermann which of the two HDR options he thought were best from an engineering perspective. Mr. Ratermann replied gravity as it was a law and always worked.

Mr. Thomas asked if it was technically feasible to address the environmental public health issues at Midway USA and the Midway Truck Stop with repairs or replacements, and for the costs. Mr. Ratermann replied his question was a facility specific question. In terms of Midway USA, he believed connection to the regional system was better. It had an ammonia limit and removing ammonia could be expensive. The Midway Crossings facility was relatively new, was removing ammonia, had a disinfection unit, and was operating well. The Trails West facility was antiquated as it had likely been built in the 1970s. It was a lagoon that needed to be replaced. He noted their current plan was to build a pump station at Rollingwood to pump to Midway Crossings since it had sufficient capacity. He commented that he could not speak for CPS regarding Midway Heights Elementary School, but thought they had chosen to hook up to the BCRSD because it was better economically to connect to a subregional system than to continue to try to improve the facility there.

Mr. Thomas asked if anyone around the country was building small scale sewer treatment plants at about the size to deal with Midway USA. He wondered if that was a modern technique or if it was not considered in a rush to centralize everything to one large scale treatment plant like they had in McBaine. Mr. Ratermann replied he thought there was likely people doing small scale plants, but pointed out DNR was encouraging irrigation, either spray irrigation or drip irrigation, in rural Missouri, and it seemed to be the preferred technology for small flows. Mr. Thomas understood they would spray the area instead of replacing a malfunctioning system. Mr. Ratermann noted it still had to be treated, but after treatment, it was either spray irrigated or drip irrigation was used. The problem was that it took a lot of land, and in a more urban environment, land was not readily available and was costly. It worked in Northern Missouri where land was available for towns of 500 or 1,000 in population. Mr. Thomas asked for an approximate or best estimate of the cost of building a new small scale treatment plant that would satisfy all of the agency requirements. Mr. Ratermann replied he did not have that information.

Mr. Skala understood there had been some discussion of a deadline to remediate some of the current facilities, and asked if this was true. Mr. Ratermann replied he could only speak for the BCRSD, and explained that of their 21 permitted facilities, 20 of those permits had expired, one of which was expired since 2009. It was up to DNR to reissue permits, and there did not appear to be any priority on their part to reissue permits. He noted some of their new permits would have more stringent requirements. The last capital program involved disinfection, and they had been eliminating facilities and adding disinfection units. Their next round of capital improvements would be to get into compliance with ammonia when the new permits were issued. Mr. Skala understood it was an ongoing struggle and the ground was shifting in terms of the permitting process.

Bill Watkins, 10801 W. Walnut Grove Lane, Rocheport, asked the Council to move the

Henderson Branch sewer project forward to the next step. He commented that this project had appeared to be stuck last fall, so he made it his business to meet with each party individually since he knew them all, and it was apparent that all parties were talking over each other and not to each other. He stated he did not represent any of the parties, did not live within the Henderson Branch drainage area, and did not care, personally or financially, as to whether the project was built. He only wanted to do what he thought was the right thing at the right time for the right reasons. He explained discussions about the Henderson Branch had begun during his tenure with the City of Columbia, not as an economic development project, but as a plan coordinated with their partner, the BCRSD, to clean up the creeks that flowed through Columbia. This was done by eliminating old sewer plants and private discharges. Millions in voter approved dollars had been spent on the Bear Creek, Grindstone Creek, Cow Branch, Mill Creek, and Hinkson Creek, and progress had been made in getting those creeks cleaned up. Their attention then turned to the Perche Creek, but neither the City nor the BCRSD had the money at the time, so they agreed to put it on the next sewer ballot issue, which had been done. He stated this project would eliminate several existing discharges that ultimately went into the Perche Creek, and would provide a framework for preventing others. He thought, as a community, they needed to do this. He commented that anyone that truly believed not constructing the Henderson Branch would stop development in the area was, in his opinion, wrong. He listed some developments that had occurred without sewers, to include El Chaparral, and noted there were partnerships with existing organizations that could help provide some of the municipal services on a temporary or maybe even a permanent basis. He provided the Fire District as an example. He stated the current landowners all had alternatives for wastewater treatment, but none were as environmentally responsible as building a sewer. If the Council felt the project was premature and decided to postpone it, he believed the current landowners would make other arrangements and the BCRSD would withdraw its financial contribution. There was a narrow window of time to move the project forward. If this was not done, he felt the City would be forced to build it in 20 years at a considerably far greater cost. He commented that in his discussion with the landowners, there was a willingness to annex and to partner, but because the plans were incomplete and many details were undetermined, no one, to include the City, was willing to sign a blank check. He felt more details needed to be hashed out before all parties would seriously work to construct a win-win package, which he believed was very doable. He pointed out the hearing tonight was not about whether the project was ready for construction. It was about whether the project concept was sound and whether they should move forward with the final design as another public hearing would be held when the details were determined. He noted staff had indicated the bonds for this project had been sold, and ratepayers were currently paying principle and interest. He suggested the Council move the project forward to design so they had a better feel for the numbers, etc. or kill it on philosophical grounds and allow their successors to deal with the environmental consequences later. He commented that the argument that bond funds could be better used elsewhere was in his opinion a red herring. He thought it would be poor in judgement to repurpose voter approved funds without at least having thoroughly obtained information, such as the cost and route, as that was necessary to make a sound decision. He did not believe anyone could say tonight that it was too expensive to the ratepayers of the sewer utility as they did not know enough to be certain. He asked the Council to direct staff to expeditiously move forward with the final design.

Mayor Treece asked Mr. Watkins how he would balance some of the testimony they had heard tonight that they should take care of what they had first. Mr. Watkins replied he was very sympathetic to those that had sewer backing up in their homes as he had experienced that before, but believed if those projects were easy to solve, they would have been solved years ago. He thought the City was getting a handle on the inflow and infiltration impact and all of the other issues that confronted the sewer utility. He noted a

private common collector they had come across years ago had a sewer pipe that was made out of tarpaper. He thought a balance was needed. He pointed out there was a significant amount of money for inflow and infiltration and other problems in the bond issue, and believed they also needed to begin to deal with future pollution. He noted the Perche Creek was the next step, and stated he did not think it could wait.

Mayor Treece explained his decision tree on this was that they should not extend sewer outside of the city limits without annexation, for the cost-benefit analysis of that annexation to have a positive cash flow, and for some financial participation from the two end users that would benefit as the current 60,000 ratepayers would pay for it. He asked Mr. Watkins if there was a possibility to achieve financial participation from the end users based on his discussions with all parties. Mr. Watkins replied he believed there was a strong possibility, but noted he did not feel they were at that point yet.

Mr. Ruffin commented that this project had been a hot topic during the recent campaign because there had been the assumption that the money could just be transferred to solve the infrastructure issues in the First Ward, and as the First Ward Council Member, he was still looking for an explanation that would justify this expansion project and for a commitment to deal with the residential issues they had heard so much about tonight. Mr. Watkins stated he understood, but did not feel they were to the point of being able to make a decision on the public-private partnership, annexations, issues of service, etc. yet. He wondered how the \$2.3 million could be used to fix the problems stated. He noted money could be thrown at it, but it did not mean the problem would be solved. The problem needed to be identified first. He explained years ago they thought inflow and infiltration might address it, and had funded that with the last two ballot issues. They had even undersized the last expansion of the sewer plant because they felt they could get the flow down by fixing the worse inflow and infiltration problems, which he thought had happened. He commented that it was a decision between expanding the treatment plant and solving the problems in the collection system, and he believed balance was needed.

Matt Williams, 2609 Limerick Lane, stated he had chaired the sewer bond committee in 2013 with Jill Lucht, who he believed had brought in pictures of her basement, and noted he was very sorry to hear her problems had not been corrected as she had worked hard on the committee. He commented that he did not know a lot about sewers, but cared for this community. He explained he was asked to work on ballot issues from time to time, and his concern was that they had communicated this project would be included in the ballot issue through marketing materials. He thought they needed to move forward with what had been communicated to the voters regardless of whether it was the Henderson Branch sewer or another project. He understood there was difficulty due to costs, but was concerned about their credibility if they did not follow through with what had been told to the voters. He asked the Council to consider this when making a decision.

Mayor Treece asked Mr. Williams about the situation of telling voters they would spend \$2.3 million, but the cost was now \$4.3 million. Mr. Williams replied he was not an expert in that regard, but noted he was not sure how they could tell them a project was included and then not figure out a way to do it. He thought it was similar to Ms. Lucht's problem. The ballot issue was created to try to rectify both issues.

Mayor Treece asked Mr. Williams if he would support placing the question on the April ballot. Mr. Williams replied he would support anything that moved this along in a way they told the voters it would be done as part of the 2013 bond issue. Mayor Treece noted the list of projects had not been on the ballot even though it had been a part of the presentations done by committee members, and understood Mr. Williams was concerned about his credibility and integrity. At the same time, he explained he was trying balance the comments of Ms. Lucht in that they had represented the cost would be \$2.3 or \$2.6 million, and not \$4.3 million. Mr. Williams stated he understood, and felt a contingency needed to be built into the ballot issue or another method for dealing with these situations was needed. This was being discussed 3-4 years later, and costs would continue to increase. He reiterated they needed a way to deal with these types of situations and

apologized for not having an answer.

John Payne, 1111 Range Line Street, explained he was a property owner, realtor, and a mechanical engineer, and understood Don Fritz owned 561 acres in the area where the line would potentially be placed. He stated 10-15 years ago, there had been a rumor of a Japanese manufacturing plant being built in that area, but another location had been chosen instead. He understood a developer owned another 200 acres south of the Fritz property. As a result, almost 800 acres south of Midway was prime, commercial and manufacturing property. It was not residential. He thought a lot of money could be made with this extension. He believed statistics between new and old subdivisions would show new subdivisions were less expensive to maintain because they were designed to better specifications, but yet those living there paid the same rates as those in the older subdivisions in the First Ward. He felt the way to solve the issues in the First Ward was to get more customers on the system so more people were paying. He commented that he thought he could show Ms. Lucht how to solve her problem as Bill Weitkemper had shown him how to solve a similar problem at 707 Hirth Avenue, which was to install a backflow. He stated he believed the Council had a fiduciary responsibility, and noted those that had voted for the sewer bond understood sewer would be extended to that land. He understood the cost figures that were provided to the voters had been determined by City staff or their consultants, and felt the costs would have been lower if they had moved forward with the project in 2014 because the economy was not as good. Now the economy had turned around and there were higher bids. He understood they were trying to determine the best option tonight, and believed the best option was gravity. He asked the Council to find a way to do it like they had found the \$1 million to purchase overpriced commercial property. In 1989, he noted the City had purchased 772 acres of land without a vote of the citizens with funds from the Water and Light Department for a second landfill site, and it was still sitting there. He stated he would buy those 800 acres for \$800,000 so they would have some money to go towards this sewer project.

Jill Lucht, 100 Aldeah Avenue, commented that she liked Mayor Treece's idea of putting this back on the ballot at the cost it looked like it would be now.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Trapp stated gravity made sense in terms of design. The other options were not good when looking at net present value and the operation and maintenance costs. He commented that they had already approved the gravity sewer and had planned to move forward until the rising costs had caused them to reconsider, and the costs were continuing to rise because of the delay. He understood they could eliminate the cost difference by putting the costs on future sewer users, but did not feel that should be done. He noted one of the speakers had mentioned a return on investment, and he believed this would be a great return on investment as it would allow them to have a clean watershed and environment. The City of Columbia had the size and capacity to manage sewer problems. He explained he attended the Missouri Municipal League Central Division meetings, and it included many people from small communities, and they were really struggling to deal with the ammonia requirements. It was really difficult to do small scale treatment. Regional treatment provided capacity, economy of scale, and the ability to do cutting edge environmental treatments. He pointed out they had the chance to support a major regional employer that provided hundreds of living wage jobs that did not require a college education, and living wage jobs was a focus of the City's strategic plan. He noted the Potterfields had made a \$2 million donation of property, and did not feel that was coincidental as they had been negotiating the sewer cost. He understood some had called that a bribe, but explained the negotiation process involved giving value for value. He stated it was not a situation in that they did not have the money as the City had enterprise funds to meet the difference. He understood they once had not built a fire station in the Valley View area because sales tax had not been generated as expected, and he heard about that during the next election. He commented that they did their best to anticipate the future and make the best decisions possible, but the future was

uncertain. In this situation, they could complete the sewer project as they had enterprise funds and the possibility of receiving contributions from their partners. He understood the struggles of a small sewer provider like the BCRSD, and hoped they could negotiate to obtain the best deal for Columbia, but felt they also needed to keep an eye on the region. This was a chance to help the Columbia Public Schools as well. He stated he believed the bigger issue was that this was going to hurt their ability to raise funds in the future. They relied on the business community to staff, volunteer, and donate to their campaigns so they could ask voters for their support. If they continued to vote down projects that were on the project list, it would hurt their ability to raise funds in the future, and they would not have the funds to try to deal with the interminable problems in the First Ward and inner city. He commented that their solutions had not been as effective as hoped. More needed to be done even though they had experienced considerable relief. He thought another sewer ballot would likely be needed, and programs would need to be created to deal with individual homeowner issues, much like how they dealt with the private common collector sewers. He stated they continued to analyze, see what might work, and adopt best practices. He noted technology might provide some help. The lining of sewers increased their ability to rehabilitate the mains cost effectively as they did not have to tear out sewers. He asked the Council to direct staff to move forward with the gravity sewer design so they could get through this next step. It was a relatively small amount of money to provide more detailed information. They could then get annexations in place prior to moving on with the really expensive parts of the project. This would get them moving forward again toward a solution.

Mr. Thomas stated he would not support either option, and that was primarily based on big picture philosophical grounds. He had not been convinced the massive centralized system philosophy was the best one, and wanted to know how much it would cost to create modern, small scale treatment facilities to address the public health and environment issues in comparison to the \$4.3 million. He commented that at one time they had assumed electricity should be centralized in that it should be generated in coal powered stations and wired out everywhere. Distributed energy generation was now happening all over the world with primarily solar but also geothermal and wind turbines. He believed that was more efficient and provided a higher level of service. He understood the centerpiece of the engineering philosophy of the 1970s and 1980s was for economies of scale with large, centralized industrial processes, but noted he was not sure that stood up to rigorous analysis. He stated he wanted to see the analysis before committing to this. He commented that he did not think annexation was a great thing, and that assumption seemed to impact a lot of the discussion. He explained a cost-benefit analysis had been presented in more detail about six months ago, and noted he did not feel those numbers had been accurate. He believed they would spend more than they would receive on annexation in that area. If the west side of the Perche Creek was annexed, they would have renewed pressure for a Broadway extension, and this would cost an enormous amount of money and lead to more low density sprawl, which would further erode their ability to provide cost-effective public infrastructure and public services. He commented that they had a discussion earlier as to whether growth could pay for itself, and stated he believed it could. They just had to analyze the cost of growth and charge it to the entities that were driving the growth. He believed the connection and impact fees on public infrastructure could easily be analyzed as he had done it. He noted they had been moving in the right direction with sewer over the last 3-4 years as they had increased the sewer connection fee for a typical home by 150 percent and the costs associated with other types of buildings had gone up at a similar rate. The impact was that they were now covering 60-65 percent of the cost instead of just 25 percent. He commented that current ratepayers were still subsidizing new sewer capacity for growth at about 35-40 percent. He pointed out electricity connection fees were zero and road development impact fees only covered 10-15 percent of the actual cost to the City, so growth currently was not paying for itself. The money for the additional infrastructure

burdened current ratepayers and taxpayers by making them pay more than they should have to pay and creating a reduced level of service. He stated he did not feel it made sense for Columbia as did most of the Fourth Ward voters he had spoken with about this topic.

Mr. Skala commented that he believed they were obligated to some degree to address the issues of the Henderson Branch sewer to the tune of \$2.6 million. The \$4.3 or whatever the number ended up being was fairly exceptional. He understood staff had not really gotten anywhere in discussions with some of the people that stood to benefit from the project, except for the \$628,000 they would receive from the BCRSD. He noted they had been told the gift of property by Mr. Potterfield was not connected with this sewer extension project. He stated he was worried about public health and the intermittent sewage lagoons in the basements of some citizens, which had been a problem for a long period of time. He suggested a compromise solution. He agreed they were obligated for the \$2.6 million, but thought they should go to the voters with regard to the balance. Meanwhile, they could take some of the funds that were not expending on this project to remediate the problems some people had been waiting on for a long period of time. He thought they needed to take care of what they already had before starting to build more stuff they needed to take care of in the future. Unless they reinforced that principle, they would always have more costs than monies available. He pointed out they would soon discuss the budget, and Columbia was not in good shape when it came to sales tax, primarily due to online purchases that were robbing them of the over-reliance on sales taxes. There were mounting pressures for them to be very responsible with their money. He reiterated he would be supportive of putting the balance of this to a public referendum for the citizens to reinforce their will, but as it stood right now, he could not support the extension until they started to fix some of the problems they currently had.

Mr. Pitzer stated he believed it was important to move ahead, and noted he would support the full gravity system because they too often saw problems arise when they did not make a good initial investment, particularly when discussing infrastructure, such as a sewer. He felt they needed to move forward with the best possible option so problems were not created for future councils and citizens to pay for 20-50 years down the road. He pointed out they were only talking about the design so there would be other opportunities to discuss the project further. He explained he believed there were regional public health and environmental benefits with this project, and noted there was a significant difference between creating electricity and the disposal of sewage, and those should be handled differently. He stated he was fully sympathetic to the problems some homeowners and residents still experienced as he had lived in two houses in other communities where there had been sewage backup in the basements. He felt a promise had been made with the 2013 ballot, and believed it was incumbent upon them to move forward with design. He did not like the fact the costs had increased, but pointed out he did not like when the cost of anything increased. He did not feel the answer was taking this back to the voters as it only relieved the Council of making a difficult decision. He wondered if they would then take every project that had a change in its cost to the voters. He believed that would put them in dangerous territory. He commented that this project had the potential to pay for itself and provide economic benefits. The money was available for it and money was available to do other things. As had been stated by Mr. Watkins, it was a balance. He explained they could do this and do other projects, and noted they had been doing other projects. Tonight, they had agreed to move forward with two other projects that attempted to fix current problems, and they could continue moving forward with other ideas in those areas. He pointed out new sewer customers paid for the sewers of old customers. He thought it was important to move forward and stated he would support the full gravity sewer design.

Ms. Peters explained she would also support the gravity design for this sewer. She thought they needed to look forward for public health and pointed out this had been on the ballot. She believed they needed to know the cost so they could then go to the BCRSD,

Midway Arms, the Midway Truck Stop, and any others to determine how much they might contribute and what it would cost them to correct their problems without this project. If they each contributed \$500,000, it would address much of the anticipated cost difference. She agreed with Mr. Watkins in that the first step was to determine exactly how much this would cost so they could then go to their partners for contributions. It was all speculative until they had a better cost estimate. She believed they should move forward with at least the design.

Mayor Treece asked Ms. Peters if the participation by the end user was in her mind separate and distinct from the taxes they would pay as a result of annexation. Ms. Peters replied yes. Mayor Treece stated it was for him as well. He noted annexation was to pay for the city services they were required by law to extend to them within the first seven years of that annexation. Their agreement and financial participation to hook up to the sewer system was separate and distinct. Ms. Peters commented that without knowing the costs, she did not feel they could go to them to request contributions.

Mr. Ruffin commented that the argument had been presented in terms of environmental issues, economic benefits, and their historic commitment to honor the vote of the previous ballot. He stated he felt uniquely vulnerable with this decision because many of the issues discussed resonated in the First Ward, and those issues were serious. It was hard for him to imagine the City staff had not been able to create a program that would address the issues that were impacting the lives of residents over the past few years. He believed the conversation tonight was timely in that they were preparing to discuss priorities for the upcoming budget, and they could make decisions that impacted the residents. He understood they did not yet have a solution for the backflow issues at this time, but knew there had to be a solution in which the City could partner with the residents to minimize the problem if it could not be eliminated. He stated he planned to support the full gravity option so they could move forward in obtaining more information and have a basis for making an intelligent decision with regard to whether or not to complete the project. He noted he also planned to lobby the Council to make the backflow issues a priority as part of next year's budget.

Mayor Treece asked Mr. Glascock if he had learned anything new tonight in terms of the willingness of the BCRSD to participate at a greater level. Mr. Glascock replied yes in that they did not say "hell no." If the Council voted to move forward with the design, they would go back to them to discuss the issue.

Mayor Treece asked Mr. Glascock for his assessment of the viability of financial participation by the end users beyond annexation. Mr. Glascock replied he thought staff was limited, and suggested a meeting so they knew the vision of the Council in this situation as it was hard for staff to articulate their desires.

Mr. Matthes commented that they fundamentally had two problems they were trying to solve. The Aldeah Avenue neighborhood was built in the floodplain, which dealing with it difficult. The inflow and infiltration program had some impact, but more work still needed to be done. He suggested the Council request a report to really analyze that situation. He pointed out that neighborhood would not be built today as no one would be allowed a basement in the floodplain. He wondered if they could find a funding mechanism to take the basement out of operation. If it was legal, they could maybe dedicate the first few years of revenue from the annexation to the problem as a way to help. He thought they could look at the private common collector program in the neighborhood as well.

Mr. Glascock explained the City had started lining the sewers because they had a problem with their sewers. He thought they needed to get the City sewers in good shape before they could go to property owners asking them to fix their private laterals. He did not feel the City could write a notice of violation to a property owner when the City sewer looked the same. He stated they were trying to fix the public side of the sewers and then determine a way to help fix the private side of the sewers. He reiterated he thought they needed to get the public sewers in better shape in order to convince property owners to fix their sewers as well.

Mayor Treece stated his decision tree had not changed. He believed the property needed to be annexed, the annexation needed to have a positive cost-benefit analysis, and there had to be some financial participation. He explained he was comfortable spending the \$2.6 million the voters had approved, but felt there had to be significant cost participation if the design and construction estimates came back substantially higher.

Mr. Trapp made a motion directing staff to proceed with the design of the Henderson Branch sewer project with the gravity sewer option. The motion was seconded by Mr. Pitzer and approved by roll call vote with Pitzer, Peters, Treece, Ruffin, and Trapp voting yes, and Skala and Thomas voting no.

VI. OLD BUSINESS

B133-17 Amending the FY 2017 Annual Budget by adding and deleting positions in the City Utilities Department - Electric Utility Division.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mayor Treece asked about the typical day of an engineering technician as he wondered if they were out in the field or in the office. Mr. Johnsen replied they were mostly in the office. He understood the person in this position would do more of the drafting and technical work than the associate. The associates handled more walk-in customers and had more of a clerical focus, and the engineers did much of the drafting. They were trying to move more of the drafting work to the engineering technician so the engineers could focus on design. They would divide and shift some of the workload.

Mayor Treece noted the council memo indicated the remaining 0.50 FTE associate engineering technician position would be utilized to address customer service requests that were typically handled by existing administrative staff. He asked if the associate engineering technician or the existing administrative staff would handle customer service requests. Mr. Johnsen replied this position would primarily focus on anyone coming in for new service or for a change in service, or any developer or property owner needing help at the counter. Mayor Treece asked how this would enhance customer service. Mr. Johnsen replied this person would focus on walk-in traffic. They would not do much else. Mayor Treece understood the associate engineering technician was currently vacant and asked why this change was being made now instead of as part of the budget or leaving it vacant for a cost savings. Mr. Johnsen replied he was not sure as to the timing, but thought they were interested in filling the job in order to shift some of the workload off of the engineers. Mr. Matthes pointed out the entire package would result in a cost savings to the Utility Department.

B133-17 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, SKALA, THOMAS. VOTING NO: NO ONE. ABSENT: TRAPP (Mr. Trapp stepped out during the vote on this bill.) Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

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

B127-17 Approving the Columbia College Master Plan Update (Case #17-87).

B128-17 Vacating an existing utility easement across Lots 45 and 54 of Deerfield Ridge, Plat 2; directing the City Clerk to have a copy of this ordinance recorded (Case #17-98).

- B129-17 Vacating a right-of-way easement, a utility easement, and a drainage easement located at the south end of Stonehaven Road; directing the City Clerk to have a copy of this ordinance recorded (Case #17-99).
- B130-17 Authorizing a Memorandum of Understanding with the Missouri Department of Health and Senior Services for STD testing and treatment services.
- B131-17 Authorizing an inspections participation agreement with the Missouri Department of Health and Senior Services for the summer food service program for children.
- B132-17 Amending Chapter 19 of the City Code as it relates to unclassified service; amending the FY 2017 Annual Budget by adding and deleting positions in the Public Works Department and City Utilities Department; amending the FY 2017 Classification and Pay Plan by adding a classification.
- B134-17 Authorizing an agreement with The Curators of the University of Missouri for the 2017 Missouri State Senior Games and Show-Me STATE GAMES.
- B135-17 Approving the revised Performance Contract with Hugh Tincher Development, Inc. regarding Bristol Lake Plat 1 (Case #16-215).
- B136-17 Amending Chapter 27 of the City Code as it relates to the addition of a thermal storage rider.
- B137-17 Appropriating surplus revenue for FY 2017 Columbia Values Diversity Celebration activities.
- R65-17 Setting a public hearing: consider proposed amendments to the FY 2016 Community Development Block Grant (CDBG) and HOME Annual Action Plan; establishing a comment period.
- R66-17 Authorizing application to the Missouri Department of Transportation for cost share partnership funding for the proposed Keene Street and I-70 Drive Southeast intersection improvement project.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP,

SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

R67-17

Authorizing the issuance of Request for Proposals for redevelopment of property located north of The Broadway Hotel and west of the Short Street Garage (1104 E. Walnut Street) in Columbia, Missouri to allow for construction of an approximately 73,000 square foot, seven (7) story hotel tower.

The resolution was read by the Clerk.

Mr. St. Romaine provided a staff report.

Mayor Treece understood the rebate portion of sales tax did not have to be 50 percent. Mr. St. Romaine stated no, and explained it could be negotiated. Mayor Treece understood it could be up to 50 percent. Mr. St. Romaine stated that was correct. He pointed out the real estate taxes did not have to be 100 percent either. The developer would have to prove to the City that there was a financing gap.

Mr. St. Romaine continued the staff report.

Mr. Skala asked if the new Unified Development Code (UDC) would impact this project in terms of zoning. Mr. St. Romaine replied the impacted properties were already zoned appropriately for the particular use.

Mr. Pitzer asked if the County had to vote on this in addition to the Council. Mr. St. Romaine replied no. He explained Boone County would have two representatives on the Tax Increment Financing (TIF) Commission, which was how they would make their voice heard.

Mayor Treece asked when the cost-benefit analysis would be prepared and presented to the TIF Commission. Mr. St. Romaine replied the cost-benefit analysis, return on investment analysis, conservation analysis, etc. was anticipated to be presented with the proposal, which he thought would be in late June. He noted the TIF Commission would then spend some time evaluating the reports prior to setting a public hearing. He did not think a hearing would be held until August.

Mayor Treece understood this project was tandem to another TIF project, which had its own cost-benefit analysis in 2012. Mr. St. Romaine stated he thought the original TIF project, which was \$3.3 million, had been granted to The Broadway Hotel in 2011. He recalled providing a five year update to the Council in February of last year. He explained they kept track of TIF projects and provided updates to the TIF Commission annually. He noted he did not have the information they had provided the Commission in November with him tonight, but it could be provided. He stated he thought those numbers would be of interest to the Commission as they evaluated this application.

Mayor Treece commented that either the "but for" clause had been met in the original TIF application and they were just scraping by or they were exceeding those expectations and there were excess profits that could have gone into the development of the hotel in lieu of using taxpayer dollars. He explained this was what he would look at in his review of the project.

Ms. Peters asked Mr. St. Romaine if he had any idea if the TIF was doing well for The Broadway Hotel now. Mr. St. Romaine replied he thought it was doing fairly well at this point in time. He reiterated he believed it was doing well in terms of performance and the TIF should be paid off within the 23 years. The economic activity taxes collected on this project, if approved, would flow into the original project because the sales taxes were collected at the point of sale. The only increment they would collect on the new project would be the real estate taxes. He hoped sales taxes flowing into the old project had the potential to pay off that TIF a little quicker. Ms. Peters asked what would happen if it was

paid off quicker. She wondered if it would stop at 20 years instead of 23 years then. Mr. St. Romaine replied the applicant was guaranteed a certain sum of money per the redevelopment agreement, which he thought was \$3.3 million over 23 years. It was done once it was paid off. If it was paid off in 20 years instead of 23 years, all of the incremental revenues collected by the City for real estate, sales tax, etc. would then be generated and disbursed to all of the taxing jurisdictions.

Ms. Peters asked what would happen if it was not paid off in 23 years. She wondered if it would continue for a longer period. Mr. St. Romaine replied it would not continue. It would end at 23 years.

Ms. Peters understood the applicant was citing conservation instead of economic development, and asked for clarification. Mr. St. Romaine replied he was not aware of many entities that had used economic development. He thought those tended to be larger areas consisting of multiple parcels. This was really a geographic single parcel TIF project. He did not know if it would qualify under economic development. It would hopefully qualify under the conservation designation, which was the same designation that had been applied for and granted for the first project.

Pat Fowler, 606 N. Sixth Street, explained her neighborhood association boundaries stretched south to Walnut Street. The area in question was adjacent to their neighborhood and overlapped with the Downtown Community Improvement District (CID), which was in this area because of its robust sales tax base. It was a vibrant area and many adults spent time there since there were so many amenities. She stated she was troubled by the language in subpart 9 of the application, which indicated the area was not a blighted area but was detrimental to public health, safety, morals, or welfare, and might become a blighted area because of dilapidation, obsolescence, deterioration of site improvement, deleterious land use or layout, and depreciation of physical maintenance, because none of it seemed plausible to her as a person that frequented the area. She noted she was troubled by the vehicle for assisting The Broadway Hotel. She pointed out she was a fan of The Broadway Hotel and liked what it had brought to the neighborhood. She also liked the idea of a second tower. She was only concerned about the way in which they got there. She commented that they previously had to find their way to the other side of the blight discussion involving the Enhanced Enterprise Zone (EEZ) and the low socio-economic status for a districtwide TIF. She was worried this project would reopen that option for other properties in the downtown and cautioned the Council to proceed very carefully with blight or conservation as the statutory definition of conservation was conditions leading to blight. She asked the Council to consider this carefully before invoking that tool.

John Clark, 403 N. Ninth Street, stated he was a member of the TIF Commission and agreed with the comments of Pat Fowler. He noted he was interested in the definitions of blight, conservation, etc. He commented that he was not sure he would agree with stretching the definition to conservation, and certainly not blight. He noted his simplistic notion of "but for" was that the project would not take place, could not be done, and was not economically feasible without this public participation. He did not feel a banker not providing a loan was satisfactory. He explained he was leaning toward not as much help rather than no help, but pointed out he would need to see the evidence and the analyses.

Mayor Treece asked Mr. St. Romaine if they had looked into whether they could expand the geography of the original TIF project to include this tower. Mr. St. Romaine replied he thought they would lose 5-6 years in terms of the amount of income that might be available for the new tower because the original TIF project had been approved by the Council in 2011. If it was amended now, it would only leave 17 years, and he was not sure that would be sufficient to meet the gap.

The vote on R67-17 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

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

- B138-17 Approving the Final Plat of Creek Ridge, Plat No. 2, a Replat of Lot 26 Creek Ridge Plat No. 1 and a Tract located in the North Half of Section 2, Township 47 North, Range 13 West, located at the western terminus of Waltz Drive and south of the southern terminus of Heath Court; authorizing a performance contract.
- B139-17 Authorizing a participation agreement with the Missouri Joint Municipal Electric Utility Commission for the purchase of wind energy from the Iron Star wind generation facility.
- B140-17 Authorizing a fiber optic system lease agreement with the Columbia School District for use of a portion of the City's fiber optic cable system.
- B141-17 Amending the FY 2017 Annual Budget by adding a position in the City Utilities Department - Utility Customer Services Division.
- B142-17 Appropriating funds for the purchase of a replacement solid waste collections vehicle.
- B143-17 Accepting conveyances for sewer and temporary construction purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B144-17 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Parks and Recreation Department's Adapted Community Recreation Program.
- B145-17 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.
- B146-17 Appropriating funds for emergency repairs to the HVAC system at the Activity and Recreation Center (ARC).
- B147-17 Appropriating funds for air service marketing and promotion services per the terms of the agreement with United Airlines, Inc.; authorizing the

acquisition of marketing and promotion services from Bucket Media in an amount not to exceed \$250,000.

- B148-17 Authorizing a right of use license permit with ESS Properties, LLC for construction, installation, maintenance and operation of a fence, cantilever wind gate and necessary appurtenances within a portion of the Hackberry Road right-of-way.

X. REPORTS

- REP34-17 Correspondence from the North 763 Community Improvement District (CID) regarding CID board membership.

Mayor Treece made a motion to appoint Kim Barnes to replace Gary Meyerpeter for a term ending December 2018. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

- REP35-17 Correspondence from the Board of Health regarding licensing of tobacco retailers.

Mr. Trapp commented that he thought the Board of Health had done a great job in analyzing the situation and determining how they should move forward. Tobacco 21 would not have an impact if it was not followed. He agreed with the recommendations of the Board.

Mr. Skala felt the recommendations were prudent measures to take to address the issue of repeat offenders and achieve compliance. He appreciated the work of the Board.

Mayor Treece stated he had not been on the Council when Tobacco 21 was adopted and asked how they reconciled the issue of people just going across the city lines when the age was raised to 21 within Columbia. Mr. Trapp replied the real intent of Tobacco 21 was to take cigarettes out of the hands of kids in high school. He explained he had spoken with a group of high school students recently and had asked them how many had a friend that was 18, and almost all of them did. He then asked how many had a friend that was 21, and hardly any of them did. He felt people had varying abilities to go into unincorporated Boone County to buy cigarettes. He pointed out this age demographic was only two percent of tobacco sales so it was only a minor part of the economy. Mr. Skala stated he agreed. His understanding was that it was to break up the connection between high school students and those that might purchase tobacco, vaping products, etc. for them. He understood the hope was to break the chain and change habits, and thought it had been relatively successful. He pointed out Jefferson City just passed something similar.

Mayor Treece asked if Jefferson City had a license on local retailers. Mr. Trapp replied they did, and noted St. Louis did as well. He understood most communities licensed tobacco retailers.

Mayor Treece asked if those had fees. Mr. Trapp understood there was an issue with the Hancock Amendment with regard to the fee, so some did not have any fee licenses while others might have been grandfathered or had it been passed by the vote of the people.

Mayor Treece asked Ms. Thompson if she believed a license fee was a tax that would require a vote. Ms. Thompson replied it would be a tax in this particular instance, and would need to be approved by the voters. As a result, this would be a no fee license. She pointed out they already paid a business license, and what they were talking about was a separate tobacco retailer license. Mayor Treece understood that would be taken away from them if an inspection found a violation. Ms. Thompson stated that was

correct. She explained they would make sure there were due process protections in place.

Mr. Thomas asked if there was a fee for the alcohol license. Ms. Thompson replied there was a fee for the alcohol license. Ms. Peters asked if that was because it had been in effect prior to the Hancock Amendment. Mr. Matthes replied yes.

Mr. Trapp understood the fee provided money to do enforcement. As a police function, it did not rank high on the list. It would bring more resources to the Police Department for enforcement.

Mr. Thomas thought it would pass if they placed it on a ballot.

Ms. Thompson commented that if they had violators that were prosecuted, it would provide for a revenue stream to fund enforcement. She thought they could try that to determine if it worked prior to placing it on the ballot as it would be more cost-effective unless they placed it on the April election ballot. Since there would already be something on that ballot, there would not be an additional charge. Ms. Amin pointed out it would cost a little more to put it on the ballot in April because the scheduled items were not citywide issues, but it would not cost what it would if they were the only item on an election ballot.

Mr. Trapp stated his fear with going with the no fee license system was that it would not generate the enforcement that would lead to the fines.

Mr. Thomas asked Ms. Browning for her opinion. Ms. Browning replied she agreed with the Board of Health. She noted there had been discussion about the possibility of going to the voters. She pointed out that when they had passed Tobacco 21, they had understood enforcement would be incredibly challenging because the resources were not there. In addition, it was not a high priority for police officers, which she agreed with in light of everything they were responding to now. This would be a way to generate some revenue for enforcing the ordinance.

Ms. Peters asked if they wanted to think about this and revisit it later. Mayor Treece replied he was agreeable with that approach. Mr. Matthes stated all of the reports tonight were informational, and someone could make a specific request in the future.

Mr. Thomas noted staff could bring forward an ordinance without Council direction if they chose.

Ms. Browning explained this was the work of the Board of Health, and thought it might be beneficial for her and Ms. Thompson to discuss and further flesh out the issue to determine what it might look like. Mr. Thomas stated he thought they would like her to do that. Mr. Trapp suggested a follow up report that might provide more detail in terms of phasing, such as bringing licensing forward and only voting on the cost portion. He stated he wanted something to come forward.

Ms. Peters suggested a pilot program as suggested by Ms. Thompson to determine if that would work prior to putting the issue on the ballot.

Ms. Browning stated she liked the idea of looking at licensing regardless of whether a fee was attached as they did not currently know who all sold tobacco. Mayor Treece understood there was a license at the state level and asked if a list of local retailers could be obtained from them. Ms. Browning stated she would check.

Mr. Matthes pointed out a consideration for a ballot issue was how it might impact other ballot issues, and opposition to tobacco related items had the potential to be well-funded. Mr. Trapp agreed it could draw some opposition so they should be judicious if they chose a ballot. In addition, they might want to go ahead with the licensing regime, and only have the fee on the ballot.

REP36-17

Correspondence from the Board of Health regarding impoundment and licensing of dogs and cats.

Ms. Browning provided a staff report.

Mayor Treece asked how many cat licenses were obtained outside of veterinarian offices.

Ms. Browning replied most licenses were sold via veterinarian offices.

Mr. Trapp understood there had been discussion about streamlining the process involving the Business License Office and asked for the status. Ms. Browning replied they had discussed the issue with some veterinarians who wanted to look into it further, but the Business License Office had been agreeable. She noted it was something they could re-approach.

Mr. Trapp stated he thought cats should continue to be licensed and that they should work harder to increase the participation rate. He noted the percentage of roaming cats was significant at 25 percent, and believed them roaming was risky. He explained dogs tended to roam in the company of people or animal control picked up dogs. Even though a small subset of cats got out, what they did when they were out under their own supervision caused them to be far more likely to encounter rabies than dogs. He commented that he would not support the recommendation of the Board of Health to discontinue the licensing of cats. He thought they could get greater voluntary participation if they could take the growth in animal licensing and direct it to animal welfare. He believed the next step was to streamline the license process as it was not a welcoming, inviting, or easy process. He felt making it an easy process to engage in would be a good first step, and they could then see what could be done to expand it.

Ms. Peters asked Mr. Trapp if he knew cats that roamed were more likely have rabies. Mr. Trapp replied he did not have any statistics, but knew cats that roamed drove animals to extinction as they ate billions of songbirds and were an environmental menace. He noted he received complaints about cats pooping in the yards of constituents that did not have cats. He thought they were only second to humans in driving creatures to extinction.

Mayor Treece asked how the prescription drug monitoring program was going. Ms. Browning replied it was going well. Pharmacists were signed up and submitting their daily reports, and they were getting more and more physicians signed up as well.

REP37-17

City of Columbia Vision Zero Action Plan 2017-2020.

Mr. Matthes provided a staff report.

Mr. Thomas stated he thought this was a really good plan that had paid a lot of attention to the recommendations of the Mayor's Task Force on Pedestrian Safety and the best practices around the country. He commented that he was excited to see the roll out of this as they would see tremendous benefits over the year. He explained he particularly like the portion Nathan Ferguson brought attention to at the beginning of the meeting in that the plan would be equitable as equity needed to be the starting point of all processes. He also liked that this would be data driven and decisions would be made on measurements. He suggested the two critical actions regarding the traffic unit and speed enforcement be modified to include language specifically disavowing racial profiling or reaffirming equity. He thought there had been something similar in the implementation guidelines, and wanted that type of language incorporated in those two elements.

Mr. Thomas stated he would also like Council to consider a ban on all cell phone usage while driving within city limits, and not just texting while driving. Ms. Cole explained there was a state law that preempted cities from implementing ordinances on cell phone restrictions, which was why they only focused on texting. She noted it was the reason they had the initiative to support statewide bans as they came forward. Mr. Thomas understood the ban was recommended for all people, and not just those under the age of 21 years old. Ms. Cole stated that was correct. Mr. Thomas commented that he wanted the ban on texting while driving to come forward as a way to push the State.

Mr. Matthes noted all of these items would come back to Council as they were implemented, and asked if language needed to be added to the document in terms of racial profiling or if it could be incorporated when those items came forward for implementation. Ms. Cole pointed out it could also be changed when they provided the annual update next May. Mr. Thomas stated he thought that would fine if it was easier from an administrative point of view.

REP38-17 Update on sewer system inflow and infiltration reduction efforts and impact on the reduction of overflows and sewer backups into buildings.

Mr. Sorrell provided a staff report.

Mr. Thomas understood this did not address Aldeah Avenue. Mr. Sorrell stated that was correct. He explained everything up north and east of Stadium Boulevard would involve local restrictions and inflow and infiltration reductions. Much of the issue in the southwest was due to more water coming to the plant than they could get through the plant as they could only store about 18 million gallons now. He hoped they could improve that number fairly soon. Mr. Thomas understood Mr. Sorrell could calculate what was needed for a typical big storm. Mr. Sorrell stated that could be calculated if they wanted to do a capital improvement project for storage. What he was suggesting here was to use a lagoon they no longer used for its original purpose so they did not have to budget millions to build a storage unit.

Mr. Sorrell continued the staff report.

Mr. Thomas understood data on sewer backups was somewhat unreliable because it depended on a resident reporting it, and asked if this was true for overflows as well. Mr. Sorrell replied he thought the overflows would be accurate as they were aware of the problems areas. Staff went out every time it rained to clean up any mess if it existed and reported the overflows to DNR.

Mr. Sorrell continued the staff report.

Mr. Pitzer asked about the status of downtown and if more inflow and infiltration work would be done. Mr. Sorrell replied inflow and infiltration investigations would need to be done in the downtown. Mr. Pitzer commented that what was shown appeared to have a high impact. Mr. Sorrell stated it was a very high impact for a very small section of sewer. It had gone from Sixth Street and Broadway to Hitt Street. Mr. Pitzer asked for a time line. He wondered if it would be years from now. Mr. Sorrell replied no, but noted he could not recall the anticipated time frame.

Mr. Pitzer asked what could be done to prevent problems with new construction. Mr. Sorrell replied that was a good question as he was not certain. He explained they were lucky they found it in this situation. If no one had been there to see it, they would not know the connection to the sewer had been made.

Ms. Peters asked if staff could come up with a plan to address private laterals or backflow valves to address problems their citizens were having in terms of backups. Mayor Treece suggested discussion Friday at the retreat with the goal of having something as part of the budget cycle. Mr. Skala thought it might take more time than three days to develop something. Mr. Matthes agreed.

REP39-17 Salvage of brick pavers from Elm Street and Sixth Street associated with the construction of the Flat Branch Relief Sewer Project 3, Hill and Elm Storm Water Project and Ninth and Elm Storm Water Project.

Mr. Sorrell provided a staff report.

Mayor Treece asked for clarification on the \$44,000. Mr. Sorrell replied it would cost \$44,000 to haul the bricks to the plant, and the cost to clean them was \$114,000.

Mayor Treece asked about the scale of the project. Mr. Sorrell replied it went from the power plant entrance on Elm Street to Hitt Street and Sixth Street from Elm Street to Broadway. He thought it was about 5-6 feet wide.

Mayor Treece asked if the brick street policy was to haul, salvage, and store them or to put them back in the street. Mr. Sorrell replied it was salvaging and taking them to a place designated by the Public Works Director until full blocks at a time could be addressed for Elm Street. It only needed to be salvaged for Sixth Street.

Mr. Sorrell explained the purpose of this report was to notify people that a contractor would dig out the bricks and haul them away as some people might call with concerns. He wanted them to know the bricks would be saved. Mayor Treece asked if they would

be in a secured location. Mr. Sorrell replied they would be inside the wastewater plant. Mayor Treece asked about the staff that would be used to clean the bricks. Mr. Sorrell replied they would do it when weather did not allow them to do an excavation. Mayor Treece asked if they would bill against the project. Mr. Sorrell replied they could bill against the project or hire part-time temporary help in the summer.

REP40-17 Report regarding B377-15 Integrated Water Resource Plan appropriation.

Mr. Johnsen provided a staff report

Mayor Treece asked who had the authority in the Utilities Department to contact the Purchasing Division and order an RFP. Mr. Johnsen replied anyone that was a project manager. In this case, it had been him. He was the responsible party.

Mayor Treece asked who developed the RFP. Mr. Johnsen replied they had worked with the Water and Light Advisory Board (WLAB) and engineering staff. A lot of people had been involved in the development of the RFP. He explained the initial draft had not included rate structures, but in working with the WLAB, they had decided to include it to determine if it was worthwhile and affordable.

Mayor Treece asked when the \$450,000 had been set as a target appropriation amount. Mr. Johnsen replied that number came from the final scope of services. If he had been asked during the RFP development stage, a much lower number would have been provided. They had been shocked by the amount, and the goal had been to get it to a more reasonable range so they had decided to remove items from it that made sense to remove or do later in the process.

Mayor Treece understood the underlying RFP had a rate review component in it, and asked when the scope of services that had that component in it had gone to the WLAB. He wondered if it was before or after the RFP. Mr. Johnsen replied they had worked with the WLAB when putting it together because it had not been included in the initial drafts. He was not certain of the exact dates. Mayor Treece asked Mr. Johnsen if they had gone back to the WLAB after the rates were taken out of the scope of services. Mr. Johnsen replied he did not believe they had prior to the execution of the agreement. They would have seen it when it was reviewed as part of the Integrated Water Resource Planning Committee meetings because the WLAB members were a part of that group, and that was in April 2016. Mayor Treece understood when the memo had indicated the WLAB had approved the scope of services, they had. It was just not what had been purchased. Mr. Johnsen stated that was correct. He explained the contract had been executed by the City on January 22. Mayor Treece understood the consultant had signed their side of contract with the scope of services that did not include the rate increase two months before coming to the Council. Mr. Johnsen agreed, but noted it was not executed until the City signed it.

Mayor Treece asked how many people had responded to the RFP. Mr. Johnsen replied he thought it had been three, but noted he would have to go back and look to be sure. Mayor Treece asked if the successful bidder had submitted a scope of services that had included the rate review. Mr. Johnsen replied the scope of services that had come with the RFP had been vague and non-descript, so they had worked with them to put it in there when they did the initial scope of services with them.

Mayor Treece asked at what point the decision to remove the rate review had been made. Mr. Johnsen replied between draft 2 on August 26 and the final version on September 23, so it would have been in late August.

Mayor Treece understood the change was made due to financial concerns, but when he reviewed the award criteria in the RFP, the cost was not even a part of it. It was performance and experience. He asked if there might have been an incentive if the cost was included in the RFP. Mr. Johnsen replied he understood the engineering selection process did not allow costs to be calculated until the end of the process. They first had to select the best qualified candidate, and could then select the services they wanted the engineer to provide. They could not select the engineer based on the cost. Mayor Treece asked if they had asked the other bidders if they wanted to submit another bid

without the rate review after it had been pulled out of the successful bidder's RFP. Mr. Johnsen replied no, and noted they stayed with the qualified bidder. Ms. Thompson explained state law provided for a qualification-based selection process for engineers so the City was prohibited from asking about rates and costs until after the list had been narrowed to the qualified engineer. City staff could then begin negotiating with the most qualified, and if they failed to reach agreement, they could then begin negotiating with the next qualified engineer. They could go down the list, but could not ask for rates or a bid when it came to engineering, architectural, and surveying services under state law.

Mr. Johnsen stated it was not the intent of staff to not conduct a rate review. Due to the costs, they thought they should delay it so it was better timed with the cost of services studies as they would then have a clear picture of the capital and operating costs, which would influence the rate structure.

Mayor Treece commented that any decision-making body's ability to determine the capital improvements that should be considered had to be taken into context with the rates. He asked if at any time they had decided staff was better equipped to determine the rates as opposed to an independent outside consultant. Mr. Johnsen replied he did not believe the intention was for only staff to do the review. He noted they had worked with a cost of service consultant previously. The intent was to have some outside influence. He pointed out they also discussed the rate structure with the WLAB on an annual basis.

Mayor Treece asked Mr. Johnsen if he understood his frustration. Mr. Johnsen replied yes, and explained he could only apologize and learn from the mistake. In order to avoid this mistake in the future, they would not bring any appropriation request to the Council without the contract with it. They had been in a hurry to get it done previously while trying to be informative with what they thought was the accurate scope of services so the Council knew what would be done with the money, but it ended up being misrepresented, which was the problem.

Mayor Treece commented that he felt there were two issues. One was the process error and the other was the policy issue. The process error was that they were given the wrong information through no malintent. From a policy perspective, he felt the proposed capital improvement plan and the recommendations of the integrated water resource plan had to be accompanied by an independent review of the rate structures across customer classes to determine how it would be paid, who would be expected to pay a higher burden, and if the rates were fair. Mr. Johnsen stated he understood, and explained they had a ways to go before the capital improvement plans were developed. He noted they were looking at the water treatment plant, which could become a large factor on capital costs and even operating costs.

Mr. Skala noted a policy decision of the Council would be whether they would have an independent assessment of what had been taken out of the scope of services, which was the rate structure, to help the WLAB to make decisions if they felt it was necessary.

Mayor Treece understood the final contract had come in at \$434,000, and eliminating the first meeting and the rate review had saved about \$55,000. He asked how much of that had been tied to the meeting versus the rate review. Mr. Johnsen replied he did not recall the exact numbers, but the rate review was the lion's share. Mr. Skala recalled a \$489,000 figure. Mr. Johnsen explained the difference between that figure, which was part of draft 2, and the final draft amount was \$55,000. They felt staff could handle the outreach and the rate structure review could be done at a later date with the cost of services review as they would then have a more clear idea of capital costs and operating costs.

Mr. Trapp stated he appreciated the complexity of the job, and noted this seemed like a rare error. He appreciated Mr. Johnsen taking ownership of it. At a policy level, it did not appear it would create a timing issue. He understood the idea of trying to keep rates down and control costs as they were criticized for their frequent hiring of consultants.

REP41-17 Intra-Departmental Transfer of Funds Request.

Mayor Treece understood this report had been provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, commented that he was not destroyed by the fact Council had indicated they needed more concrete information regarding the Henderson Branch sewer extension project, although over the past few years, approval to design something was tantamount to approval of the whole project. In this case, he thought the Council had asked some really hard question and would therefore follow up on existing problems. He stated he thought the presentation of Mr. Watkins had been extremely effective, but asked them to remember the comments of Mr. Payne, which implied this area to the west might be an industrial area whether it was within the city or the county. He noted he had not heard anything about that as part of this process previously. While they were working on getting actual costs, he suggested the Council direct staff to do a northwest area plan as it would identify items such as the 700 acres mentioned by Mr. Payne. He also suggested a southeast area plan and transportation plans for both of those areas.

Mr. Clark noted the increase in the cost of the sewer extension project was due to finding soft soils in the area. It was not a matter of general inflation. It was due to not having basic engineering information.

Mr. Clark stated the City was massively understaffed and under-resourced, which was the biggest problem. When they had put all of the energy into the relief sewers, they did not have the engineering staff to think about programs to combat the inflow and infiltration issues. Parallel systems did not exist because the staffing was not adequate.

Eugene Elkin, 3406 Range Line Street, understood there was research indicating people achieved a high from texting and driving and suggested they seriously consider addressing the issue. Applications, such as Facebook, were tied to suicide due to acceptance issues. He noted he had been without a cell phone for 11 years and suggested that might benefit others.

Mr. Elkin appreciated Mr. Pitzer acknowledging he had lived in homes with sewer backups in the past as it was something he had experienced as well. He suggested fixing the problems for those in the First Ward as it was cheaper than purchasing the property.

Mr. Elkin commented that he understood a person that had witnessed cars getting broken into in the southern part of Columbia was suggesting the need for more police officers.

Mr. Elkin understood more businesses would close this year than during the Great Depression.

Mr. Trapp asked for more enforcement on Range Line Street as it connected to Vandiver Drive. He explained there was a lot of shuffling of cars at the auto dealerships there that backed cars out onto Range Line Street. In addition, cars were parked on the sidewalks on the east side of Range Line Street, north of Vandiver Drive. He reiterated his request to focus on that area.

Mr. Trapp noted he had also grown up in a house with a leaky basement so he appreciated the difficulties of that as well.

Mr. Ruffin commented that the strategic plan with an emphasis on social equity had become a frequent topic during the campaign, and out of that process, the City's endorsement of ban the box had been discussed. He noted he had been surprised by the number of people that had not heard of it. He understood most of the information was

online, but those that needed the information would not necessarily know to look there. He wondered if there was something more they could do to keep that important initiative accessible and available to the people that could benefit from it. Mr. Matthes stated that was a challenge he would take to the Community Relations Department.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 11:54 p.m.