



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, August 7, 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, August 7, 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 SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, and TRAPP were present. The City Manager, City Counselor, Deputy City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of July 17, 2017 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Ruffin.

Mr. Skala asked that R105-17 be moved from the consent agenda to new business. The agenda, including the consent agenda with R105-17 being moved to new business, was approved unanimously by voice vote.

II. SPECIAL ITEMS

SI6-17

Shelter Insurance check presentation to Mekhia Thompson, winner of a Success Grant funded by the Shelter Foundation in partnership with the City of Columbia.

Stacye Smith stated she and Brian Jones represented Shelter Insurance Companies and were present to recognize Mekhia Thompson as the first Success Grant winner. She explained the Success Grant was funded by Shelter Insurance and had been developed in partnership with the City of Columbia as part of the strategic plan of targeting certain areas of the community. In recognition of her efforts in organizing a neighborhood get-together project, Ms. Thompson was presented with a \$1,000 annual renewable scholarship to be used towards her education at the University of Central Missouri.

Mayor Treece congratulated Ms. Thompson, and thanked her for her contribution to the community. He also thanked Shelter Insurance for their support. Mr. Skala stated he appreciated the event that had been held at Indian Hills Park as many people had attended and the children had really enjoyed the water balloons. He thanked and congratulated Ms. Thompson.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

IV. SCHEDULED PUBLIC COMMENT

SPC47-17

David Aguayo - Working with the citizens of Columbia, Missouri.

David Aguayo stated he was representing Race Matters, Friends, and was a Doctoral candidate in Educational Leadership and Policy at the University of Missouri and had recently received his Certificate in Community Development and Engagement. As a

member of the Columbia community since 2005, he had been interested in the consultant proposal for a community engagement process to consider concerns about policing in Columbia at the July 17, 2017 Council Meeting. He explained he had been trained to follow evidence-based and research-based practices when working with community organizations and noted there were different management models. The simple-management model, which tended to be used by governments, was one where a people made the decision for many. He noted the Council would make the final decision even if public forums were held. Another model was referred to as "solutions first, people second," and while professing the importance of people tended to forget real human beings were involved. He noted people were denied their humanity when change-management processes identified people as change targets. The notion of community-engagement as a temporary fix and not a long-term commitment was another model. After a lengthy process with broad-based community representation, the Mayor's Task Force on Community Violence had generated a substantial report that had laid out a clear direction for change, but the City was now moving forward with another process convened by professional consultants rather than investing in the implementation of the findings of the Task Force. He explained another model was known as "fear builds urgency," and noted the proposal seemed to be rushed and primarily motivated by a timeline to put public safety funding on the ballot. He believed a genuine process would take time and would not have a pre-ordained outcome. He noted there were four principles for engagement-based management. The first was to widen the circle of involvement by including task-holders from inside and outside the organization. They needed specific information on how marginalized populations would be included in the process. A world café format was only the beginning of a longer process. The second was to connect people to each other utilizing a variety of methods and techniques. He felt the community outreach unit might provide a model that could be replicated, but stated he had been appalled to learn funds would be withdrawn from the outreach unit budget to pay for the consultants. The third principle was to create communities for action by developing ways for people to have a voice for any change that impacted them. He believed executives from public and private sectors should not be in the majority at future meetings and suggested they include those who were alienated from the Columbia Police Department (CPD). The fourth principle involved promoting fairness throughout the process. He believed they needed more details on how the process would handle power imbalances and communication. In addition, broad representation should be envisioned. As a citizen of Columbia, he wanted the government to engage him and those that looked like him. He did not see much representation within government currently, and had little faith in a community engagement process that was not based on the time, knowledge, and hard work required. He believed the engagement process was only a symbolic effort to legitimize a ballot proposal.

SPC48-17 Mary Hussmann - The upcoming eclipse of the sun.

Mary Hussmann, 210 Ridgeway, told the story of a friend who had become partially blind by looking at an eclipse through a telescope in California decades ago. She noted awesome solar eclipse hype was to be expected, but felt it was vital to consistently counter-balance the hype with strong advertisements of the dangers of viewing the solar eclipse with the naked eye and the necessity of the special glasses to protect one's eyes. She provided a handout of articles with safety tips, and noted many had begun with reporting what would not protect them. The lists consistently urged everyone not to view the eclipse with telescopes, binoculars, or cameras unless they were equipped with special filters designed for that use. They also recommended not viewing the eclipse with sunglasses or via colored or smoked glass as those offered zero protection. All of the articles she had read had indicated looking at the sun during a partial eclipse was hazardous to the eyes. Special protective glasses, like the ones the City had distributed, would prevent eye damage. It was only okay to remove those glasses during totality, and they needed to be put back on as soon as the partial eclipse started again. She

explained even a one percent exposure during a partial eclipse was intense enough to burn the retina, and the longer a person looked at a partial eclipse while unprotected, the greater the permanent eye damage. She referred to a NASA article that stated there were no pain receptors in the retina so one would not feel the damage as it occurred and the damage might not be evident for several hours. She stated she was especially concerned with babies and small children who did not understand the seriousness of it or did not have protective lenses. She wondered whether parents should even risk damaging eye exposure outside during a solar eclipse. She suggested teachers not view the eclipse, but focus solely on the children to ensure eyeglass compliance. She stated she was not trying to scare people into not witnessing this once in a lifetime experience, but felt the goal should be to assure every single person knew how to have a 100 percent exciting and safe experience. She acknowledged the many efforts local and private groups had made to ensure safety, but believed more needed to be done. She suggested the Council direct staff to contact all public facilities, specifically those that dealt with children, and provide them with information sheets warning of the hazards along with free protective eclipse glasses. In addition, it was vital for all media outlets to start or continue releasing eye danger warnings and information on where people could obtain protective glasses. She thought it would be very sad for eye doctors to be overrun with appointments the day after the eclipse and to have to tell people they had permanent, irreversible eye damage. She urged the Council to act aggressively to furnish information over the next two weeks in order ensure safe viewing of the August 21, 2017 eclipse.

SPC49-17

Lynn Maloney - National trends in spending on public safety and health and human services.

Lynn Maloney commented that The Center for Popular Democracy had published a report on changes in budgets in cities across the nation since the 1980s, which had demonstrated cities had regularly increased budgets for policing the war on drugs while freezing the budgets for social services. She wondered what that margin was in Columbia, and thought it was about \$300 per capita on policing and \$50 for social services. She stated activists in cities across the country felt those ratios needed to be shifted. There was not any research demonstrating increases in the budget for policing was improving public safety, but there was research showing increases the budgets for social services were more effective for public safety. She pointed out a city's budget was its moral document as it demonstrated what was valued. She noted Columbia valued policing over social services and believed it was time to ask why. The Mayor's Task Force on Community Violence had provided wonderful recommendations, and many had included an increase in social services, but none had included an increase for the number of officers or the budget for policing. She understood there had been a reported drop in violent crime in the neighborhoods where community outreach units were active, and that was a wonderful validation of the recommendations of the Task Force report. She noted the July 21 press release had indicated the CPD's intention to employ saturation policing in certain areas, and believed this was likely one of the causes of the high racial disparity in vehicle stop data, and was an expensive way to police. The decrease in violent crime in the areas community policing was done had been effective without an increase in the budget. She suggested an increase in social services in the areas defined as "hot spots" as it might improve public safety.

SPC50-17

Peggy Placier - The value of policing and assessing the need for more officers.

Peggy Placier commented that the increase in spending on policing nationwide seemed to be the result of political decisions that were based on the unexamined assumption that more police spending made communities safer. The *Freedom to Thrive* report from The Center for Popular Democracy had showed that police spending in the twelve cities and counties they had studied had ranged from 8.2 percent to 41.2 percent of general funds

and from \$133 to \$772 per capita with no apparent relationship to crime rates. More was spent on police and jails than on social programs. She noted the report cited that public safety was improved by living wages, investment in education, mental health, and youth services, and stable housing. Her preliminary analysis of the City of Columbia budget suggested the current ratio spent on public safety was approximately 6:1 or 7:1 when compared to what was spent on health and human services. She noted it was difficult to calculate because the budget figures available were not easily aggregated into those categories. She suggested the Council use the *Freedom to Thrive* report as a model to do their own analysis and to ask if they had enough evidence based on past spending and statistics to show whether increased spending on policing resulted in reduced crime, how they measured the value of the investment in police compared to other services, what was the return on the investment, what percentage of the total budget should be spent on policing, and where they stood nationally on the measure. She stated the report indicated a lack of investment in communities of color and an over-investment in criminalization had created the conditions for decreased public safety across the country. The expenditures included saturation policing, increased arrests, and mass incarcerations. She noted the 2014 report from the Mayor's Task Force on Community Violence explicitly stated public health was the means of addressing crime and violence. Also in 2014, the Columbia Police Officers Association (CPOA) had indicated a property tax to increase funds for more officers was not necessary. Recently, the outreach units had requested more support from social services as necessary for doing its job. She stated the *Freedom to Thrive* report had also called for "participatory budgeting," which was different from the usual process for engaging the community. The current pattern was to provide a few times for public comments and questions on the proposed budget, but not a genuine process of engagement or even control over what parts of the community needed to thrive.

SPC51-17 Pat Holt - Columbians cherish Columbia's wild nature spaces.

Pat Holt, 3705 Monterey Drive, referred to a June/July issue of *AARP* magazine that suggested a "tree-huggers" walk. She explained a group of people were sent into a forest to walk while another group was sent into a city for an hour. The group that had walked in the forest had improved heart and lung functions, while the city walkers did not, and that suggested nature walks could be healing. She presented a short film that had several individuals' comments of their walks, the benefits of nature, and the need to protect it.

V. PUBLIC HEARINGS

PH25-17 Proposed construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road.

PH25-17 was read by the Clerk.

Mr. Nichols provided a staff report.

Mayor Treece opened the public hearing.

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

Mr. Thomas stated he strongly supported this project, and liked the targeting of resources in the Lynn Street and Garth Street area as it was consistent with the strategic plan.

Mr. Skala agreed it was consistent with the strategic plan and pointed out it was also consistent with the notion of filling gaps and replacing some of the sidewalks within the central city. He believed these types of projects should be encouraged.

Mr. Ruffin stated this was an exciting project for the revitalization of that neighborhood.

Mr. Ruffin made a motion directing staff to proceed with the final plans and specifications for construction of sidewalks along portions of Lynn Street, Oak

Street, and Sexton Road. The motion was seconded by Mayor Treece and approved unanimously by roll call vote with Mr. Skala, Mr. Thomas, Mr. Pitzer, Ms. Peters, Mayor Treece, Mr. Ruffin, and Mr. Trapp voting yes.

- PH26-17 Proposed construction of improvements at the Valleyview Park to include replacement of the existing playground and baseball/softball backstop and installation of an ADA walkway and drinking fountain.

Discussion shown with B210-17.

- B210-17 Authorizing construction of improvements at the Valleyview Park to include replacement of the existing playground and baseball/softball backstop and installation of an ADA walkway and drinking fountain; calling for bids for a portion of the project through the Purchasing Division.

PH26-17 was read by the Clerk, and B210-17 was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor Treece opened the public hearing.

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

Mr. Trapp stated he was impressed with the number of people who had attended the interested parties meeting in June. Although Valleyview Park was near Cosmo Park, they were separated by Stadium Boulevard, which created accessibility issues to and from Cosmo Park. He explained it was his dream to link the neighborhoods with Cosmo Park and the trail network. He understood there was already cement at the beginning of the trail by the existing playground, and felt it was the desire of the neighbors to continue the concrete in the center of the park to make a connector that would complete a smaller loop as a smaller, concrete loop would make it easier for those with wheelchairs or strollers. If there were washouts, he agreed a larger project to pave the entire trail might be needed. He stated his support the project.

Mr. Skala reminded the public of how well the Parks and Recreation Department was run and complimented them for distributing its assets throughout the city. He also reminded the public of the dedicated tax, which contributed to their success.

B210-17 was given third reading with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

- PH27-17 Voluntary annexation of property located on the east side of Arrowhead Lake Drive and north of Sinclair Road (Case No. 17-156).

PH27-17 was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked for clarification as to what areas were or were not within the city limits. Mr. Teddy pointed to a dashed line on the map and explained the area east of that line was within the city limits along with the areas marked R-1 or PD.

Mr. Thomas understood Arrowhead Lake Drive was not a city street. Mr. Teddy agreed and noted no city street maintenance or additional infrastructure would be required. Mr. Thomas understood the lots would be within the city limits, but the street they would face would not. Mr. Teddy stated that was correct. Mr. Thomas asked if there were other examples of this situation. Mr. Teddy provided a recent example of a smaller, single lot that was closer to the city street system, but was on a Boone County street.

Mr. Thomas asked if this property was in the urban service area. Mr. Teddy replied yes, and explained the project site was within the urban service area.

Ms. Peters asked if the site would be serviced by City of Columbia water and sewer since it was within the urban service area. Mr. Teddy replied it would be served by the Consolidated Water District and the Boone Electric Cooperative for the utilities, but the City would provide sewer. He noted access to sewer was the reason for the request for

annexation.

Mayor Treece opened the public hearing.

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

VI. OLD BUSINESS

B170-17

Approving a Major Amendment to the PD Plan for Residences at Old Hawthorne located on Residence Drive and east of Old Hawthorne Drive West to waive sidewalk construction within the development (Case No. 17-113).

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked how they had come up with the amount of \$40,500. Mr. Teddy replied it was an engineer's estimate, and had only included the lengths of sidewalk between the driveways, so they were short segments of sidewalk.

Mayor Treece understood the testimony of the applicant's representative at the prior council meeting indicated it was cost-prohibitive to regrade the driveways, tear up the concrete, and relocate the mailboxes and utilities, and asked if that could all have been accomplished with \$40,000. Mr. Teddy replied he had not completed that particular analysis.

Mr. Skala understood this was the cost estimate of what would have been required if they had complied with the initial plan. Mr. Teddy stated that was correct.

Ms. Peters asked how staff planned to prevent this issue from happening again. Mr. Teddy replied they would check each and every planned district against the approved plan, and would flag any improvement on the preliminary plan that was not on the construction drawings. Ms. Peters thought this improvement had been on the preliminary plan. Mr. Teddy agreed it had been missed, and was not caught until after homes had already been built. He stated the construction drawings had omitted the sidewalks, and they had proceeded with reliance on those drawings. The absence of the sidewalks was noted when the request was made for final occupancy of the last several buildings. Ms. Peters understood the sidewalks were on the original plan, but not on the construction drawings. Mr. Teddy explained it had been an issue because the homes were on private streets. Inspections normally occurred for residential driveways with approaches in a public right-of-way, and those inspectors would note the presence or absence of sidewalks at the same time. He stated they had resolved to not allow this division of labor to interfere should they have another private street that had sidewalks or another walkway amenity.

Ms. Peters asked if a number of planned developments had private streets. Mr. Teddy replied they did not allow many private streets as a rule. He explained this had been a fairly constricted space between fairways on the golf course. Homes had been built on both sides, but they did not have the typical dimensional section to work with so everything had been narrowed, to include the street and yard setbacks. He thought it had produced a decent look, and felt it had been a good learning experience. The sidewalks that had been approved on the original and amended plans were set back from the edge of the curb, and that was not a great place to put them. If they had to do it all over again, they would recommend putting them behind the curb to allow for space to park in the driveways and for walking alongside the street. He noted it was not their best work in terms of review or the sequence of events that had led to this plan amendment.

Ms. Peters understood there was no longer an option to put the sidewalks right next to the curbs. Mr. Teddy stated it was option, and would involve amending what the applicant had requested and amending the original offer, which was to have intervening green strips. Ms. Peters understood the approved plan was to have a strip of grass with sidewalks,

which the construction plans had not included, and the recommendation now was for the applicant to pay \$40,000 in lieu of putting in the sidewalks. Mr. Teddy stated that was correct. Ms. Peters asked if they could require sidewalks along the curb. She understood it would involve moving the mailboxes. Mr. Teddy replied it was much harder to retrofit than to originally plan.

Mr. Thomas stated he was happy they would put money into a fund for sidewalks in that area and appreciated the developer for making it clear they were willing to make that contribution.

Mr. Skala made the motion to amend B170-17 per the amendment sheet. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

The vote on B170-17, as amended, was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B209-17 Amending Chapter 27 of the City Code relating to the metering of electricity for residential dwelling units.

The bill was given second reading by the Clerk.

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

Mayor Treece asked when a residential dwelling unit could have a master meter under the current scheme. Mr. Williams replied only in planned zoning districts. Mayor Treece understood it was also only when there was an alternative power source that was incompatible with individual meters. Mr. Johnsen stated that was correct. Mayor Treece asked for the exceptions and understood back-up generators and photovoltaic systems had been mentioned. Mr. Johnsen replied that was basically it. In the original situation, it would have been almost impossible to individually meter with a centralized back-up device. This situation involved a photovoltaic project that was outside of a planned unit development so they wanted the change the ordinance to allow for more options.

Mayor Treece asked if master meters had a better rate per kilowatt hour than individual meters. Mr. Williams replied it was dependent upon the rate class of the unit. In this situation, it would be metered as a residential unit so the rate class would be residential. Mayor Treece understood a 400-bed unit that was master metered would have a lower cost per unit than 400 individual meters at the same facility. Mr. Johnsen noted the rate structure would be different. The base charges were tied to the cost of running the meter and billing, so there would not be as many base charges since there would be fewer meters. If the service became big enough, it would move to a demand rate structure. It was dependent upon the size of the service that would be master metered.

Mayor Treece asked if the project that would be presented later in the agenda was new construction or a retrofit project. Mr. Johnsen replied it was a retrofit project. The applicant wanted to change from individual meters to a master meter.

Mayor Treece asked if the buildings downtown, like The Rise or District Flats, were master metered. Mr. Johnsen replied they were individually metered.

Mayor Treece understood staff was really trying to remove the limitation of the director's authority to only planned developments for master meters, and not the circumstances for which a master meter would be allowed. He suggested they only delete the planned development requirement as the proposed amendment would essentially remove any incentive to use an alternative power source. He stated he liked the incentive of a master meter when it came to renewable energy such as photovoltaics. As a result, he had asked Ms. Thompson to redraft the wording in a way that would preserve the existing policy. If they were going to allow master meters it had to be in the best interest of the City due to the utilization of alternative power sources that were incompatible with single meters. Mr. Johnsen agreed and noted the first draft had included the phrase "for good

cause shown" to allow for flexibility. Mayor Treece commented that this Council's version of "good cause" might be much different than another Council, which could create a disparity between one developer and a future developer depending upon their relationship with the Council.

Mr. Skala asked if there was any incentive, assuming the demands were the same, for a single meter rather than multiple meters or if it was revenue neutral. He explained the Council had taken a rather aggressive approach to renewable energy, and if there was an incentive, he wanted it to be built toward renewable sources rather than the opposite. Mr. Johnsen replied he thought it would be revenue neutral because as it reduced costs for the customer, it also reduced costs for the utility from a base charge perspective. It was only a change in metering. Mr. Skala understood there was not any incentive change. It did not incentivize renewable energy or dis-incentivized conventional hookups. Mr. Johnsen agreed. He explained in this situation there was an incentive for the customer. In terms of a utility perspective, he thought they wanted to encourage the development of photovoltaics and other renewable energy in the community. Mayor Treece felt it would be in the best interest of the City to keep the link between a master meter and an alternative power source.

Mr. Thomas asked if individual meters in multi-units apartments were preferable to a single master meter by the utility. Mr. Johnsen replied he thought conservation should be tied to the customer in terms of occupancy, but in some situations maintaining the efficiency link to the occupant was not worth the benefit of the sacrifice. Mr. Thomas understood the primary reason for preferring individual meters was that each resident then paid for what they actually used as opposed to a master meter where a landlord or owner of the building distributed the charge equally. Mr. Johnsen commented that in this case he thought the owner of the facility paid all of the individual utility bills so the extent they could pass it along was limited.

Mr. Pitzer asked why the ordinance had been written to only allow exceptions in the planned zoning districts. Mr. Johnsen replied it was written for the particular instance they had at the time. They were now trying to meet the needs of the community into the future.

Mr. Pitzer asked why staff wanted to give up the discretion to make these decisions to the Council. Mr. Johnsen replied they thought it was justified in this format.

Mayor Treece asked if the building owners who had used a master meter to distribute power had a private meter that allowed them to determine how much each tenant used, and if that made them a reseller of electricity. Mr. Johnsen replied there were systems building owners could use to keep track of the individual panel and where the electricity was going, but understood they were prohibited from reselling electricity. He noted they would effectively be passing it through a lease structure. Mayor Treece understood there was no obligation to charge the utility's rates and the owners could charge what they wanted. Ms. Thompson noted they had to charge the utility's rates since charging a different rate would be an illegal activity. They could pass it through, but could not charge an increased rate. She agreed there was the potential for violation.

Mr. Thomas understood the residential rate per kilowatt hour increased at certain consumption points and asked if that applied to the master meter rate in the same way or if it took into account the number of units. Mr. Johnsen replied he thought this would fall under the small general service rate structure, which would be similar to the residential rate structure. If it was larger, it would go to the large general service category, which would involve a demand rate structure, so they would incentivize load factor performance. Both structures tried to charge for the impact on the system. Mr. Thomas understood this was categorized as a small general service customer and not as a residential customer. Mr. Johnsen stated that was correct. Mr. Thomas asked for clarification on that rate structure. Mr. Johnsen replied tiers were still involved. Mr. Thomas asked if they had larger bands. Mr. Williams explained the general service rate had a break point at 25 kilowatts of demand or less that mirrored the residential rate. Mr. Thomas asked for the

residential rate break. Mr. Williams replied there was not a residential rate break. Anything over the 25 kilowatt threshold entered into the large general service category. Mr. Thomas understood it was determined by the quantity of energy used. Mr. Williams clarified it was calculated as the average demand over a 30 minute period.

Kevin Murphy, 3401 W. Broadway Business Park, explained he was an engineer with A Civil Group and was representing the owners of the apartment complex at 5001 South Providence Road, which had a project associated with R112-17. He explained individual meters created more maintenance and touch points for the City and required tenants to pay a \$15 monthly maintenance fee. He believed they could reduce the number of meters from 143 individual meters to 25 master meters, which meant one or two for each building. This would increase the efficiency of the entire electric system as it relieved infrastructure repairs and allowed for future expansion of the solar system. He provided a handout, which showed a 39 percent reduction in electricity consumption for a project further north on Providence Road where they had installed 575 solar panels and a projected 28 percent reduction in electricity consumption for the proposed project where they would install 2,100 panels. The billing figures for the proposed project included the change in lighting to LED lighting and the removal of the \$15 per month meter charge for each individual meter that would be removed. A master meter was desired for this type of project.

Mayor Treece commented that he supported the project, and only wanted to preserve the nexus with the supplemental power source.

Mr. Pitzer asked if the second project described was master metered. Mr. Murphy replied it was the project referenced in R112-17. He noted the first project described had been master metered since it was in a planned development.

Mayor Treece made a motion to amend B209-17 per the amendment sheet that had been handed out that evening. The motion was seconded by Mr. Skala.

Mr. Pitzer commented that he was fine with the language to preserve the intent of making the exception, but thought the discretion to make those decisions should be left to staff. He did not believe every one of these exceptions needed to come to Council. He thought they should set good policy and ensure staff followed the policy in making the decisions. Mayor Treece stated he tended to agree. Ms. Peters noted she also agreed.

Mr. Skala recalled past discussions with staff, and understood staff was sometimes uncomfortable making the sole decision if there was a potential for it to not work. He thought the airing of those decisions in front of the Council allowed for the sharing of risk. He did not feel they would be overwhelmed by individual requests, and was more comfortable maintaining the perspective of Council review, particularly when dealing with incentives with solar installations.

Mr. Trapp believed this should be a staff decision and liked maintaining the linkage of alternative energy with master metering.

Mr. Thomas stated he agreed with the suggestion of Mr. Pitzer as well.

Mr. Pitzer made a motion to amend the amendment sheet by striking "upon approval of the city council by a resolution which contains a finding that" and reinstating "where in the sole discretion of the director." The motion was seconded by Mr. Trapp.

Ms. Peters asked for the opinion of staff. Mr. Matthes replied they were agreeable to the change.

Mayor Treece asked if there was a reason staff had not bracketed out only the planned district phrasing. Mr. Johnsen replied they did not want to exceed the comfort level of Council since they were opening up the potential for exceptions.

Mayor Treece asked if this would impact the resolution later on the agenda. Ms. Thompson replied no. Mayor Treece asked if it foreclosed the need for the resolution. Ms. Thompson replied yes.

The motion made by Mr. Pitzer and seconded by Mr. Trapp to amend the amendment sheet by striking "upon approval of the city council by a resolution which contains a finding that" and reinstating "where in the sole discretion of the

director” was approved unanimously by voice vote.

The motion made by Mayor Treece and seconded by Mr. Skala to amend B209-17 per the amendment sheet, amended by Mr. Pitzer, was approved unanimously by voice vote.

**B209-17, as amended, was given third reading with the vote recorded as follows:
VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

B212-17 Authorizing a school resource officer agreement with the Columbia School District.

The bill was given second reading by the Clerk.

Deputy Police Chief Gordon provided a staff report.

Mr. Thomas understood there would be four school resource officers and the costs would be split 50/50 between the City and the School District. Deputy Chief Gordon stated that was correct. Mr. Thomas asked how that compared to the arrangements over the last five to ten years. Deputy Chief Gordon replied the number of school resource officers had been reduced over the last five to ten years. Mr. Thomas understood there were six resource officers at one time. Deputy Chief Gordon agreed and noted all the middle schools had a resource officer at one time until the refocus on putting officers back on patrol. They then focused on the high schools and had an officer at the Center of Responsive Education (CORE). Due to uptakes in the middle schools last year, they thought the resource officer assigned to CORE should split his time between the middle schools and CORE. Mr. Thomas asked how long the School District had been cost-sharing with the City on this. Deputy Chief Gordon replied he believed it had been done since the program had originated. Mr. Thomas understood that to be a decade or more.

Mr. Skala asked about the Commission on Accreditation for Law Enforcement Agencies (CALEA) program. Deputy Chief Gordon replied he was uncertain as Deputy Chief Schlude and Sergeant Dochler were the point people for that program.

Mayor Treece made the motion to amend B212-17 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**B212-17, as amended, was given third reading with the vote recorded as follows:
VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

B214-17 Amending Chapter 24 of the City Code to add a new Article X pertaining to public utility rights-of-way management.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Pitzer asked why utilities were not covered under the existing ordinance and why a whole new article was needed instead of adding them to the existing ordinance. Mr. Nichols replied the new article was specific to utilities and not as a right-of-way occupant. The current permitting process regulated new driveway installations, sewer taps, etc. This new article would pertain to work done without staff notification and approval as a lot of work was being done with and without permits at this time. Mr. Creech explained most utilities acted like a franchise utility in that they did not provide any notification of work being done. He noted some did a great job, but others did not meet City specifications in terms of repairs or provide for a traffic control plan that met City requirements. He pointed out utilities were typically regulated differently than private contractors doing work within

the right-of-way.

Mr. Pitzer stated he understood there was a problem with compliance, but noted the existing ordinance indicated no person could reconstruct, repair, alter, or grade anything within an existing right-of-way. He asked why that language could not be amended in some way instead of adding a new article. Mr. Creech replied state statutes regulated utilities differently so it would then also need to be regulated at a city level in a different way. He stated this article was written with the state statutes in mind. Ms. Thompson explained this was more comprehensive than what currently existed. For some reason the utilities did not believe the existing ordinance applied to them as they did not obtain permits to operate under the existing regulations. This article included a more comprehensive definition to ensure they understood it applied to them. She explained it was the City's obligation to protect of the right-of-way in terms of public health, safety and welfare, and there were traffic control and construction standards. At this time, staff did not know when, where, or how utilities were operating in the public right-of-way, which was an asset owned by the public. This created an obligation to at least let the City know where activities were occurring and provide the City the opportunity to inspect them to ensure the repairs and maintenance were being done in a way that was in the best interest of the public.

Mr. Thomas understood this would require the purchase of a permit as well. Ms. Thompson replied yes. She noted she understood staff was developing an annual permit option. Mr. Creech stated that was correct. He explained they would have to be authorized to be in the right-of-way, and there was a permit for each time work was done within the right-of-way.

Mr. Skala noted this appeared to be an attempt at coordination and oversight, and wondered how far the oversight would go. He understood some of the improvements were not up to City standards and asked if this would include an inspection beyond the right-of-way. Mr. Creech replied yes. He explained most of their concern was related to infrastructure replacement. For private developments, when a piece of road or sidewalk was installed or torn out and replaced or repaired, the City conducted an inspection when it was formed up and would re-inspect it after the concrete was poured. The same process of inspection would apply for rights-of-way.

Mr. Matthes pointed out most cities had regulated properties through franchises, and franchises nationwide had been pre-empted by legislation to end franchise approaches. As a result, the right-of-way conditions had been significantly harmed nationwide. He commented that some utilities were wonderful while others were not. He provided several examples to include the removal of a panel of concrete street and refilling it with gravel, stringing cords across streets and down several blocks for extended periods of time, and parking equipment in someone's front yard for months. This article was intended to control those types of situations and protect public property as they had been able to do before franchises were pre-empted.

Andrew Petri stated he was the Manager of Engineering and Technical Services at Boone Electric Cooperative, and noted he planned to discuss what this might mean to them as a Cooperative along with the members they served, which included city residents. He explained he was concerned about relinquishing control of engineering standards and designs to an entity that was not intimate with their system. They had a responsibility to maintain a particular level of service for their members, and not being able to fully control their destiny in terms of the design and planning of a system was one they could not accept. He understood permits could be rejected for conduit sizes, quantity, or placement. Those items were intimate to particular systems and their design. Relinquishing control to a third party or another entity could potentially restrict their ability to provide their members with reliable service within the city limits. He noted the draft ordinance prohibited construction of overhead facilities without the approval of the director. While they preferred to put in underground facilities, the restriction was short-sighted and might not be cost-effective for their members. He stated the ordinance also required all

construction to be compliant with the standards set by City, and reiterated relinquishing design control to an outside entity without an intimate knowledge of their system was a major concern. He commented that he was also concerned with the time requirements. He understood they had ten days to respond to all issues once they were notified of right-of-way plans that involved the movement of utilities, so in reality he only had six business days to respond with any and all conflicts. On the flip side, City staff would be allowed 31 days to review permits. He did not feel that was fair. He appreciated the need for further oversight, but could not support it in the form of this current ordinance. He asked the Council to pause on this issue to allow for further discussion on the topic.

Mayor Treece asked Mr. Petri if there were changes he could recommend to make the ordinance more palatable or if he believed the whole ordinance was junk. Mr. Petri replied there were more issues than what he had summarized as he had only provided the engineering perspective. He stated the City could not define the design specifications of other entities. Mayor Treece asked if the City should have that right if an underground asset was placed in a City corridor. Mr. Petri replied he thought that was up to the lawyers. He did not feel the City should determine the conduit or wire size that was needed as they did not have the expertise.

Mr. Ruffin asked Mr. Petri if he had participated in the meeting in November, 2016. Mr. Petri replied they had participated in a meeting when the initial presentation was shared and had provided feedback. Mr. Ruffin understood these issues had not come up at that time. Mr. Petri commented that there had been a miscommunication amongst the lawyers where some responses had not been directly provided to the lawyers. He explained they had questions regarding the legality of the ordinance, and had felt it would have been a waste of time to discuss their operational concerns at that time. Since the lawyers had not received a response, Boone Electric thought the legislation had been stalled.

Mr. Skala asked about the level of oversight in terms of analysis of the job they were doing to supply energy to customers. Mr. Creech read Section 24-169(2)(b) which indicated the number and size of a conduit or other facilities was to be based upon reasonable need so no user could consume a disproportionate amount of available right-of-way. Mayor Treece understood a 24-inch pipe could not be placed where competitors had 4-inch conduits. Mr. Creech stated there was only so much room.

Mayor Treece asked if right-of-way users compensated the City of Columbia for the public right-of-way or if it was done by a mutual agreement. Ms. Thompson stated a gross receipts tax was paid by right-of-way users, which she believed was either five percent or seven percent for the electric utility. Mayor Treece understood it was cheaper than getting a private easement off of someone else's property. Ms. Thompson stated there was nothing in this particular ordinance that designed the electrical system. It was about knowing what was in the City's rights-of-way and making sure the construction standards were maintained. The construction and design standards referenced dealt with the replacement of City facilities, such as the replacement of streets or sidewalks. It was not about the design of the other party's system. The design of the Boone Electric system would be left up to Boone Electric.

Mr. Skala understood a replacement of a particular designed system in the ground did not necessarily mean they had to upgrade in size as they could proceed with the same kind of design system they had for their needs. The oversight was in maintaining the right-of-way itself. Ms. Thompson agreed. She stated it was about regulating the space based upon needs in a reasonable fashion.

Mayor Treece pointed out this was not intended to be punitive towards Boone Electric as it was likely other secondary and tertiary utility providers. He stated technology was changing and people wanted to place suitcases on telephone poles without compensating the City. He was sure Boone Electric would want the same authority if someone was digging in their right-of-way. He regretted Boone Electric was frustrated with the process used to get here.

Mr. Petri commented that "specifications" was not defined in the document. Ms. Thompson explained it was defined in the unified development code. Mr. Petri asked if the definition was confined so it could not be expanded to include items such as utility plans. Ms. Thompson replied it did not encompass utility planning at all.

Jimmy Goodnight stated he was the Manager of Operations at Boone Electric Cooperative, and noted their crews worked side-by-side with City crews every day and had a good relationship with them. He commented that they had seen the problems of busted sidewalks, etc. As good stewards of the rights-of-way, they understood the intent of the ordinance, but felt some of the language allowed for a potential in the future for overreach in terms of what could be done in the right-of-way. In addition, the permitting process would slow them down significantly. They needed to be able to provide good service to their membership by responding right away. There were several issues with the electrical system they needed to get to within a half a day, a day, or two days, and the 72-hour notification process would set them back. The 31-day approval process would also set them back in terms of the work that needed to be done on the system. He pointed out they adhered to their policy and the state statutes in terms of the tree trimming process, and the ordinance placed additional restrictions on trimming. He suggested an amendment as those restrictions could increase maintenance costs and decrease reliability and the level of public safety to their members and the citizens of Columbia.

Andrew Sporleder stated he was with Johnson and Sporleder, LLP in Jefferson City, Missouri, and served as general legal counsel to Boone Electric Cooperative. He explained he had been approached in January to do an analysis of the then version of the ordinance and had submitted comments directly to Mr. Caldera, a City attorney, in February. Since he had not heard back from him, he had thought this legislation had been set aside and was not being pursued until a week ago when Mr. Petri learned it would be on the agenda. In his review of the current version of the ordinance, he questioned the authority for the definition of facilities maintenance and the facilities maintenance permit as required by the ordinance. His research showed this was governed by Chapter 67 of the Revised Statutes of Missouri (RSMo), and specifically Section 67.1830, in terms of what a city could do in managing a right-of-way, and none of those items appeared to be applicable to overhead maintenance. He understood excavation permits included the repair or maintenance of any type of facility, including poles, and Section 67.1830(4) RSMo specially exempted the change out of utility poles from the term excavation. He believed the definition set forth in the ordinance encompassed the replacement of utility poles. He pointed out tree trimming was addressed in Section 537.340 RSMo, and Boone Electric Cooperative, which was a rural cooperative, had the right to trim, remove, and control trees that posed a hazard to the safe and reliable operation of the system. In the absence of a recorded easement, the statute set forth certain dimensions for tree trimming and removal, even in the limits of a city. The proposed ordinance would require Boone Electric Cooperative to obtain a written approval from the City of Columbia authorizing the extent of trimming and pruning of trees or other vegetation in the rights-of-way. He believed that requirement was preempted by state statute.

Mayor Treece asked if Mr. Sporleder if he would be more satisfied if they cured the three preemption issues and if there was anything else where they lacked authority. Mr. Sporleder replied those three were the big issues, and noted he could not say there were not more.

Mr. Skala understood the position of Boone Electric Cooperative in terms of replacing poles that were needed for the utility, but asked Mr. Sporleder if he could understand the concern if some of the right-of-way was damaged by way of replacing the poles. Mr. Sporleder replied it depended on the type of damage, and reiterated the state statute specifically excluded the replacement of poles from the term "excavation." He thought they had anticipated excavation would include removing the pole, drilling the hole for the

new pole, and everything else related to pole replacement. He commented that he also believed there was an exception for de minimis disturbance of the right-of-way within the same statute section that was not to be considered excavation either. Mr. Skala understood Mr. Sporleder felt state statute would take precedence despite the possibility damage could be done, but thought it was not just the replacement of the pole as it also involved the maintenance of the right-of-way. Ms. Thompson explained state statute specifically exempted pole replacement where there was no street cut or sidewalk disturbance, and read the statute. It was not just pole replacement. There had to be no other right-of-way disturbance. She referred to Section 24-166(a) of the ordinance which indicated nothing herein shall be enforced or interpreted to contravene any superseding law, including but not limited to RSMo Section 67.1830, et seq. to the extent applicable to any given circumstance. This meant that if there was a circumstance, such as that which had been referenced by Mr. Sporleder, the ordinance would not be interpreted or enforced to contravene a statutory preemption.

Mayor Treece asked Mr. Sporleder if any of his other ten clients operated in cities with similar right-of-way management policies. Mr. Sporleder replied no. He replied Boone Electric Cooperative was fairly unique in that it had a territorial agreement and significant miles of line within a municipality.

Todd Culley stated he was the CEO of Boone Electric Cooperative and President of Central Electric Power Cooperative, which was the transmission provider. He asked Council to table the proposed ordinance so a mutual solution to their current concerns could be sought as they believed the proposed ordinance had more negative than positive attributes. In its current form, the proposed ordinance, if implemented, would result in higher costs, less responsive service, and more frequent and longer electrical power outages for the Columbia citizens served by Boone Electric Cooperative. He commented that they had never left anything in a state of disrepair, whether a trench that needed back-filling later, a cracked sidewalk, or other damage. Boone Electric Cooperative consistently ranked in the top quartile performance in reliability, member satisfaction, and affordability. He stated he was certain all three would be negatively impacted by the proposed ordinance for those Boone Electric Customers that resided within the City of Columbia. He commented that continuous improvement would always be a core part of their mission, and the proposed ordinance did not fulfill their philosophy or practice of continuous improvement. He reiterated his request to the Council to table the proposed ordinance to allow for further discussion with the pertinent parties involved.

Matt Kohly, 2703 Clark Lane, stated he was the Director of Carrier Relations and Government Affairs for Socket Telecom, a competitive telecommunications, video, and broadband provider that was deploying a fiber optic network throughout much of Columbia. He explained they competed against incumbent providers with ubiquitous networks, and had to deploy a network quickly and efficiently in order to get customers signed up and serviced quickly. He was concerned the proposed ordinance would negatively impact their ability to compete and also requested it be tabled to allow for further discussions. He commented that they had several concerns, to include the prohibition on aerial construction as it would apply to existing poles. They currently worked with Columbia Water and Light to put fiber on existing poles and did not see the reason to stop that practice. He stated they shared the same concerns as Boone Electric Cooperative so he would not repeat those. He explained Socket was an over-builder that deployed a backbone and signed up customers along the way, sometimes even a year later, and this ordinance would require a permit each time there was de minimis excavation. It was a \$50 cost and a 31 day delay each time. He stated they preferred a permit for the entire new construction project so they were allowed to sign up customers over time and not get a permit each time. He reiterated his request to table this to allow for further discussions.

Mayor Treece asked if they received permission from Columbia Water and Light each time now. Mr. Kohly replied they submitted pole attachment requests and obtained the

necessary permits. He thought they worked well with the City.

Mr. Pitzer asked if the situation would not be covered by the bulk facilities maintenance permit. Mr. Kohly replied he did not believe it would because it was the installation of new facilities. He thought it was debatable, and wondered if a new drop to a new customer would be considered maintenance. He preferred if it be clarified.

Mayor Treece asked if they had a territorial agreement with the City. Mr. Kohly explained they were a competitive local exchange company and video service provider authorized by the Missouri Public Service Commission to access the right-of-way. They also paid a franchise fee of seven percent. Mayor Treece understood it was actually a gross receipts tax. Mr. Kohly stated that was correct.

Mayor Treece asked Mr. Kohly if he disputed the authority of City to do this. Mr. Kohly replied he agreed the City had the right to require permits as they obtained them today. He believed the proposed ordinance needed some work.

Mr. Skala commented that he did not see anything in the ordinance that would prohibit placing lines on existing poles. Ms. Thompson agreed she was not aware of anything with regard to existing poles. She pointed out there was a separate pole attachment agreement requirement, which was the reason they were in contact with Columbia Water and Light. Those facilities were separate and distinct from the ground in the right-of-way. Mr. Kohly understood an excavation permit was required for any excavation in the right-of-way and a maintenance permit was required for any work in the right-of-way. He wondered what permit he had to get for new construction in the right-of-way on existing poles. They thought it might be pre-empted by state law, but did not want to have to argue it.

Mayor Treece asked staff if these were the people they were concerned with or if it was those that were not present that were destroying the rights-of-way. Mr. Creech replied those they were most concerned about were not present. Mayor Treece wondered if there was a way to adopt this while exempting those who had a territorial agreement with the City that spelled out their expectations. Ms. Thompson stated the territorial agreement was not specific. In addition, the use of right-of-way had to be done on a non-discriminatory basis. It had to be fair and equal access, and the same amongst all of the players. Mayor Treece asked if there were no barriers to entry. He wondered if any cable company could obtain access. Ms. Thompson stated yes as long as they had video service provider authority from the State. Mayor Treece understood those here were good, but wondered about their subcontractors. Ms. Thompson stated they were responsible for their subcontractors. Mayor Treece noted the City might not see the damage for 30-40 days and never know who had caused it. Ms. Thompson commented that without inspection, damage was often not found for 6-9 months because it took that long for settling to occur. This was why inspection at the time of construction was important for right-of-way management. They would know who was within the right-of-way and what was occurring within the right-of-way.

Mr. Matthes commented that some utilities tended to harm the facilities of other utilities as it was a very small and compact space so this would protect more than just the City's facilities. He noted there was not any harm in tabling it for a couple of months so they could meet with everyone in order to address the concerns.

Mr. Skala understood there were a few issues in terms of overhead lines, the time necessary for permits, how permits could be handled to address unique situations, such as the installation of a backbone, and legal interpretations, and believed it was reasonable to table this for further discussion. He suggested a meeting after the budget was approved.

Mr. Skala made the motion to table B214-17 to the October 16, 2017 Council Meeting. The motion was seconded by Ms. Peters, and approved unanimously by voice vote.

B215-17

Amending the FY 2017 Annual Budget by adding a position in the

Community Development Department - Building & Site Development Division; amending the FY 2017 Classification and Pay Plan by adding a classification.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked if they wanted to do this now. Mr. Matthes replied he thought it would be great if they could proceed with the change as they would fill the role only when it was needed. Mr. Creech clarified the existing engineering technician position they wanted to reclassify as a right of way technician was currently vacant. His goal was to publicize the position at the right level in order to get someone hired and up to speed.

Mr. Skala understood they could proceed with this being a place holder. Mr. Matthes commented that it would help administratively.

Mr. Pitzer understood this would amend the FY 2017 budget when nothing would happen until FY 2018. Mayor Treece wondered why they did not deal with these reclassification requests as part of the budget. Mr. Matthes replied they could. The fiscal year had been included so they could have started right away if it had passed. They were really just amending the pay plan. Ms. Peters asked it could be changed to FY 2018. Mr. Pitzer pointed out there was nothing to amend for FY 2018 yet.

Mr. Matthes stated it would be helpful if this were to pass tonight as they could recruit for the position and hire when the budget existed. If they preferred to wait, it was fine as well. Mayor Treece stated his preference was to wait and do it within the context of the FY 2018 budget.

Mr. Creech clarified the vacant position he had was also an engineering technician position. He had three other engineering technicians that operated as site inspectors. The vacant position managed the right-of-way in terms of mapping work in the right-of-way and issuing and reviewing right-of-way permits. He stated he was ready to advertise that position, but could not advertise a right of way technician at an A12 grade. He could only advertise an engineering technician at an A10 grade. He wanted the best possible person for the position, which was the reason he was requesting this be done now.

Mr. Ruffin asked if there was sufficient work for the person in this position if someone was hired before the rights-of-way management ordinance passed. Mr. Creech replied yes. Mr. Ruffin understood it was not contingent upon the ordinance. Mr. Creech stated that was correct. They used the ordinance and the previously approved public inconvenience fee ordinance as part of the restudy of the position as it had changed a lot over the years. Right-of-way management was a bigger factor for the position regardless of whether that ordinance passed. He reiterated the goal was to fill the position at the appropriate grade. He noted he was concerned with filling the position at a lower grade, and preferred not to wait as they would have to fill the gap until that time.

Mr. Trapp stated he was persuaded by Mr. Creech's explanation and saw no reason to advertise the position at a lower level. Whether it was dealt with now or in next year's budget did not make a difference to him, but he was supportive of providing Mr. Creech the ability to staff his team at the appropriate level. Mr. Ruffin and Mr. Thomas agreed.

B215-17 was given third reading with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PETERS, RUFFIN, TRAPP. VOTING NO: PITZER, TREECE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

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

B199-17 Approving a major amendment to the C-P Plan for Lots 4 & 5 Discovery Park Sub. Plat 2B and approving the PD Plans for Lot 4 Discovery Park Plat 2-B & Lots 501 & 502 Discovery Park Plat 2-C for property located on

the southwest corner of Nocona Parkway and Ponderosa Street; approving a revised statement of intent (Case No. 17-128).

- B200-17 Approving the Final Plat of Discovery Park Subdivision Plat 2-C, a Replat of all of Lot 5 of Discovery Park 2-B, located on the west side of Nocona Parkway and south of Ponderosa Street (Case No. 17-129).
- B201-17 Approving a major amendment to the PUD development plan of A. Perry Philips Park, Phase I and approving the PD - Plan of Columbia Indoor Sports Complex Philips Park for property located on the northeast corner of Gans Road and Bristol Lake Parkway, west of the current terminus of Philips Farm Road (Case No. 17-142).
- B202-17 Approving the Final Plat of The Villas at Old Hawthorne Plat 9A, a Replat of a portion of Lot 5 of Old Hawthorne Plat 1, located on the west side of Screaming Eagle Lane and south of Old Hawthorne Drive East; authorizing a performance contract (Case No. 17-139).
- B203-17 Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for construction phase services relating to the reconstruction of Taxiways C, C1 and C2 at the Columbia Regional Airport; appropriating funds.
- B204-17 Appropriating funds to cover overages in the parking utility due to the purchase of replacement parking meters and equipment upgrades.
- B205-17 Amending the FY 2017 Classification and Pay Plan by reassigning a classification.
- B206-17 Authorizing construction of improvements, repairs and upgrades to the leachate collection and storage facilities at the Columbia Sanitary Landfill; calling for bids through the Purchasing Division.
- B207-17 Authorizing construction of Bioreactor Landfill Disposal Cell #6 at the Columbia Sanitary Landfill; calling for bids through the Purchasing Division; appropriating funds.
- B208-17 Authorizing an agreement for professional engineering services with Engineering Surveys and Services, LLC for design and surveying services

relating to the Business Loop 70 Phase 6A water main improvement project.

- B211-17 Amending the City of Columbia, Missouri, Money Purchase Plan.
- B213-17 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Missouri Small Business & Technology Development Center, to provide salary and benefits funding of an entrepreneurship program coordinator position.
- B216-17 Accepting donated funds from the Community Foundation of Central Missouri to supplement the funding for the trust specialist position in the City Manager's Office; appropriating funds.
- R102-17 Setting a public hearing: setting property tax rates for 2017 for the City of Columbia.
- R103-17 Setting a public hearing: FY 2018 Annual Budget for the City of Columbia.
- R104-17 Setting a public hearing: proposed construction of the Forum Boulevard and Green Meadows Road intersection improvement project.
- R106-17 Authorizing Amendment No. 1 to the agreement with Alta Planning + Design for consulting services relating to the Non-Motorized Transportation Pilot Program (GetAbout) project evaluation.
- R107-17 Authorizing Supplemental Agreement No. 3 to the professional engineering services agreement with CDG Engineers, Inc. for design services for construction of pedway, trail and shoulder improvements along Clark Lane between Paris Road and the east side of the Highway 63 Connector, and south along Hinkson Creek between Clark Lane and the south side of I-70.
- R108-17 Authorizing an agreement with the National Council on Alcoholism and Drug Abuse, on behalf of the Missouri Opioid-Heroin Overdose Prevention and Education Project, to provide training and a supply of an overdose reversal medication to the Columbia Police Department.
- R109-17 Authorizing an antenna lease agreement with Alamosa Missouri Properties, LLC to expand telecommunication coverage at the Columbia

Regional Airport.

- R110-17 Authorizing an agreement with the Memorial Day Weekend - Salute to Veterans Corporation for an air show to be held at Columbia Regional Airport May 25-27, 2018; and authorizing the City Manager to provide support services for the Memorial Day activities planned by that organization.
- R111-17 Consenting to an assignment and assumption of the agreement for professional engineering services for the Boiler 8 nitrogen oxide (NOx) reduction project at the Municipal Power Plant with SEGA, Inc. to POWER Engineers, Inc.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- R112-17 Granting a waiver from the requirements of Section 27-111 of the City Code to allow master metering of the apartment complex and associated buildings located at 5001 S. Providence Road to accommodate the installation of a solar photovoltaic system.
- Mr. Matthes commented that staff recommended withdrawing this item. Mayor Treece understood there was not any objection to it being withdrawn.
- R105-17 Setting a public hearing: proposed construction of a six-foot wide sidewalk along the west side of Oakland Gravel Road, between Blue Ridge Road and Edris Drive.

The resolution was read by the Clerk

Mr. Skala asked why this would be a six-foot sidewalk instead of the standard five-foot sidewalk. Mr. Nichols replied explained it was the standard when they went to the back of the curb to have a one-foot shy distance as it kept them from getting into yards. Mr. Skala understood this would not have to match up with anything. Mr. Nichols stated it was a brand new sidewalk, and noted they would provide more detail at the public hearing.

The vote on R105-17 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. 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.

- B217-17 Calling a special election, to be held on November 7, 2017, on the question whether to impose a local use tax.

- B218-17 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B219-17 Setting property tax rates for 2017.
- B220-17 Adopting the FY 2018 Annual Budget for the City of Columbia.
- B221-17 Amending Chapter 11 of the City Code as it relates to Public Health and Human Services Department fees.
- B222-17 Amending Chapter 12A of the City Code as it relates to stormwater utility charges.
- B223-17 Amending Chapter 13 of the City Code as it relates to hauled liquid waste rates.
- B224-17 Amending Chapter 14 of the City Code as it relates to parking fees.
- B225-17 Amending Chapter 17 of the City Code as it relates to Parks and Recreation fees.
- B226-17 Amending Chapter 22 of the City Code as it relates to transportation fares.
- B227-17 Amending Chapter 22 of the City Code as it relates to solid waste rates and services.
- B228-17 Amending Chapter 22 of the City Code as it relates to sanitary sewer utility rates and sanitary sewer utility connection fees.
- B229-17 Amending Chapter 27 of the City Code as it relates to accounts and billing and water rates.
- B230-17 Amending Chapter 27 of the City Code as it relates to electric rates.
- B231-17 Voluntary annexation of property located on the east side of Arrowhead Lake Drive and north of Sinclair Road; establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 17-156).

- B232-17 Rezoning property located on the east side of Arrowhead Lake Drive and north of Sinclair Road from District A (Agriculture) to District R-1 (One-family Dwelling) (Case No. 17-155).
- B233-17 Approving the Final Plat of Columbia College Subdivision - Plat 3 located between Range Line Street and Eighth Street to the east and west, and between Wilkes Boulevard and Rogers Street to the north and south; granting design adjustments relating to street right-of-way width (Case No. 17-144).
- B234-17 Approving the Final Plat of Spring Creek Plat 6, a Replat of Lots 401, 402 & 403 of Spring Creek Plat 4, located on the north side of Vawter School Road and east of Scott Boulevard (4103 Vawter School Road) (Case No. 17-153).
- B235-17 Approving the Final Plat of Ridgemont Park, Plat No. 1 located on the south side of Ridgemont and adjacent to the southern terminus of College Park Drive; authorizing a performance contract (Case No. 17-158).
- B236-17 Amending Chapter 29 of the City Code as it relates to planning and zoning processing fees.
- B237-17 Authorizing a right of use permit for transit system purposes with The Curators of the University of Missouri for construction, operation and maintenance of a bus shelter and related facilities on property located on the north side of Southampton Drive, east of Providence Road.
- B238-17 Amending Chapter 14 of the City Code to remove on-street parking along a portion of the east side of Tiger Avenue.
- B239-17 Accepting conveyances for street, sidewalk and transit system purposes.
- B240-17 Appropriating funds to reimburse for a railcar unloading ramp and development of an automotive loading and unloading facility at the Columbia Terminal Railroad (COLT) transload site.
- B241-17 Amending the FY 2017 Annual Budget by adding a position in the Finance Department - Accounting Division; amending the FY 2017 Classification

and Pay Plan by adding a classification.

- B242-17 Authorizing a program services contract with the Missouri Department of Health and Senior Services for public health emergency preparedness services.
- B243-17 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for WIC local agency nutrition services.

X. REPORTS

- REP65-17 Correspondence from Environment and Energy Commission regarding renewable energy.

Mr. Skala thought they might want to discuss the three percent cap for renewable energy in the future if they were trying to incentivize it.

- REP66-17 GO COMO Bus Service Evaluation Final Report.

Mr. Thomas asked if the consultants were in attendance. Mr. Nichols replied no. He explained staff wanted to provide Council the final draft for review as soon as possible. Mr. Thomas asked if there had been any changes since the March work session presentation when four different options had been presented. Mr. Nichols replied staff had made a recommendation for the upcoming budget to reduce some services, which was not fully in line with the report, in order to meet their budget goal of a \$500,000 reduction.

Mr. Thomas explained he wanted to understand the recommendations of the report better because he planned to propose an alternative to the budget proposal of Mr. Matthes that would have a less negative impact on bus riders in the areas of the three proposed routes for elimination. He referred to Figure ES-1 in the report that summarized short-, medium-, and long-term plans, and asked if the savings of \$365,635 as part of the short-term plan was correct. Mr. Matthes replied yes, and explained Olsson and Associates felt the flex-route approach would save that amount. He noted the target of staff was to save over \$500,000, and this report had informed the recommendations made. He pointed out a detailed transit focused conversation would be had as part of the budget process.

Mr. Thomas stated he did not recall this \$365,000 savings in any of the four scenarios presented at the work session, and this had been described as a modified Scenario B. He understood Scenario B only had a \$38,000 savings and asked how they got from \$38,000 to over \$365,000. Mr. Matthes replied he was not able to provide that level of detail tonight.

Mr. Thomas understood there were a number of components to the short-term plan, and one was the elimination of the same three routes Mr. Matthes had proposed with a replacement of an on-demand flex system. It would cost less to operate while still providing a level of service to people in the areas where the bus service was withdrawn. There were also detailed changes to the Black route and the Gold route. He wanted to explore the implementation of the flex service, as soon as January 1, 2018 or April 1, 2018. They could then phase in the rest of the short-term recommendations. He thought this could achieve at least 50 percent of the savings Mr. Matthes was looking to achieve. Mr. Nichols pointed out the report was based on the 2016 budget, and there was a significant decrease in the budget as they looked at 2017 and 2018. In order to continue to provide the same level of service, they would now have to cut the flex-routes and the

frequency of some of routes from the Olsson and Associates proposal. Mr. Thomas understood the figure of \$365,000 was not up-to-date. Mr. Nichols stated that was correct. He noted it had been an eighteen month process so the consultant had worked with older numbers.

Mr. Thomas asked for more accurate numbers. He noted he was open to reducing the number of loops of some of the buses with low ridership, but pointed out those who used the bus really needed it so he suggested they try to keep a few running in the morning and evening to allow continuity to the new system. Mr. Matthes stated he had enough information to analyze that concept in the context of the budget.

Mr. Skala commented that he wanted an indication of the savings they had gained from the electric and gas buses and how that related to the supply of compressed natural gas. He felt that and any other information regarding the transportation system would be useful when analyzing the budget. Mr. Nichols stated they did not have enough data at this time with regard to the electric buses, but would have more over time.

Ms. Peters understood they were not expanding any of the routes, and wanted to point that out as there were many people walking along El Chapparral and Highway WW. She understood this report did not look into the locations where citizens needed to be picked up. Mr. Matthes explained the need changed from year to year, and routing was a part of the concept. Routes had been adjusted to try to maximize cycle times. He noted this was paid for almost entirely by the local sales tax. Other funding sources were the federal government and some grants. Mr. Skala pointed out it also competed with roads and the airport in terms of sales tax. Mr. Matthes stated that was correct.

REP67-17 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

Eugene Elkin, 3406 Range Line Street, asked for an update on his concern at the last meeting of a structure with holes in the flooring, possibly at the corner of Tenth Street and Locust Street. He noted he also had safety concerns for the workers. He suggested the City get involved to ensure safety.

Mr. Elkin stated the rates at Boone Electric would increase as of August 1, 2017 and provided the figures for residential and small commercial business. He stated there was less tax revenue when rates were increased for the poor.

Mr. Elkin hoped there would be another council meeting. He stated he was told as a child to live one day at a time because one never knew what the next day held. He suggested they pray before the next meeting.

Mr. Ruffin understood there were no more free eclipse glasses. Mr. Matthes stated the City had distributed 37,000 glasses. He had heard Central Bank still had some for free. Mr. Ruffin understood those glasses were only for their customers. Mr. Matthes stated he did not know the details associated with their glasses. He pointed out the Health Department had distributed free glasses to their clients, and glasses could be found for sale throughout the community. He did not believe they could obtain more even if they tried, but could look into it. Mr. Ruffin thought they were back-ordered.

Mr. Skala stated he was concerned with the rumors of the production of glasses not conforming to the ISO standard. He felt it was incumbent on the Council to put out as much safety information as possible. He suggested they issue a warning to check the tag on glasses to verify legitimacy. Mr. Matthes noted the Health Department had put information on their website, and he would send information on everything the City had done to Council tomorrow.

Mr. Skala asked for a report on the status of the CALEA accreditation program for the Police Department.

Mr. Trapp noted the location of the building Mr. Elkin had referred to at the previous meeting was at Sixth Street and Elm Street, and they had obtained a building permit. He understood issues of worker safety fell to enforcement by the Occupational Safety and Health Administration (OSHA), and suggested Mr. Elkin contact OSHA if he observed any safety issues.

Mr. Trapp stated the solar eclipse glasses the City had distributed were ISO-certified.

Mr. Thomas commented that he had spoken with Mark Farnan, who represented Jeff Smith, who had several properties with older adults in the Bethel Street area, and they were unhappy with the proposal for changes to the transit system. In conversations with him as to how they used the bus system, he believed the flex service might serve them better.

Mr. Thomas stated Cheryl Price with Public Transit Advisory Commission had invited them all to attend a transportation simulation. He explained it was similar to the poverty simulation except it focused specifically on the issues of mobility for those who lived in poverty. The event was to be held on Tuesday, August 15, from 2 p.m. to 5 p.m. at the United Methodist Church downtown. He planned to be there and encouraged others to attend.

Ms. Peters noted the next council meeting was scheduled for August 21, which was the evening after the eclipse, and they would have a two-hour pre-council meeting prior to the regular meeting. She wondered if they should cancel the pre-council meeting.

Mr. Thomas asked what was on the schedule. Mr. Matthes replied the electric hook-up concept and a request from the CPOA to speak about the collective bargaining process. He thought they both could be pushed back a meeting.

Mayor Treece asked how a change would affect the collective bargaining process. Mr. Matthes replied the process was essentially finished for this cycle. Mayor Treece asked if there was a deadline that fell between August 21 and September 5 that would cause a forfeiture of meeting with the Council. Mr. Matthes replied no. Ms. Thompson noted the only deadline that had an impact was the request to come before Council if they wanted to preserve that right and the CPOA wanted to preserve that right. They did not know if the CPOA actually had anything they planned to present. She thought they would know more by August 21. Mr. Matthes stated he did not believe anything would be lost by waiting two weeks. Mayor Treece asked if a delay could cause a loss of momentum or create an advantage or disadvantage. Ms. Thompson noted all of the agreements would be introduced at the September 5, 2017 Council Meeting. If they came before the Council on September 5, the Council would still have the opportunity to make amendments if necessary.

Ms. Peters noted another option was for a one-hour pre-council meeting. Mayor Treece suggested they try to cancel it, but if the CPOA felt strongly, they could condense the time to one hour. Mr. Matthes stated he would communicate with the CPOA.

Mayor Treece adjourned the meeting without objection at 9:46 p.m.

XII. ADJOURNMENT