### CITY COUNCIL MEETING MINUTES COUNCIL CHAMBER, CITY HALL 701 E. BROADWAY, COLUMBIA, MISSOURI APRIL 7, 2014

### **INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 7, 2014, 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 HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

### **APPROVAL OF THE MINUTES**

The minutes of the regular meeting of March 17, 2014 and the special meeting of March 19, 2014 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

### APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid asked that R53-14 be moved from the consent agenda to new business as requested by staff.

Mr. Skala asked that B66-14 be moved from the consent agenda to old business.

The agenda, including the consent agenda with R53-14 being moved to new business and B66-14 being moved to old business, was approved unanimously by voice vote on a motion by Mr. Trapp and a second by Ms. Nauser.

#### **SPECIAL ITEMS**

### Presentation of the Financial Audit Results.

Doug Tarwater explained he was the Chair of the Finance Advisory and Audit Committee and noted he was presenting the annual audit to the Council as recommended by audit standards. He referred to a meeting held on February 12, 2014 where Kevin Smith of McGladrey, the external audit firm, presented the process and findings of the audit. The audit was conducted using professional government audit standards, which were developed to provide reasonable assurances that misstatements were detected. Internal controls were considered in audit planning, but the audit did not include examination of the effectiveness of internal controls. He explained Mr. Smith had discussed various accounting policies and the significant transactions outlined in the notes of the financial statements, and none of the transactions noted in the statements were material or unusual as defined by the standards. The auditors were required to disclose any adjustments to the financial statements, and no adjustments were required in this year's audit. In addition, there were not any disagreements between City management and the auditors over the application of significant accounting principles used by the City. Four audit documents were produced by McGladrey. The Comprehensive Annual Financial Report provided an unmodified clean opinion, which was good. The single audit report of federal funds showed the City had complied in all material

respects with the requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133. There were no findings in the passenger facility audit, which was conducted to meet federal aviation requirements. The management letter contained one finding indicating the City did not comply with the reporting requirement of OMB Circular A-133 for the CBDG and HOME programs, but that finding was not significant and no costs were associated with it. He stated Mr. Blattel, the Finance Director, was well-versed in the financial aspects of the City and did an outstanding job of coordinating and reporting.

### APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

### SCHEDULED PUBLIC COMMENT

### Jeremy Root - Downtown development.

Mr. Root commented that the Council had held a special meeting and passed two bills to approve new student housing nineteen days ago. The Collegiate Housing Partners development at Fifth and Conley had passed unanimously and the Opus development at Eighth and Locust had passed by a vote of 4-3. Over the last nineteen days, many citizens had been talking about that process and what they wanted for the community, and had gathered nearly 3,200 signatures to repeal the ordinance that had approved the Opus development. He stated he felt the deviations from normal process began at the February 17, 2014 Council Meeting when a Tax Increment Financing (TIF) resolution was considered outside of the ordinary TIF process. Although the City had a TIF Commission and there were strict statutory guidelines that had to be followed to approve a TIF, a whole TIF project had come before the Council. He explained the Council voted against that idea by a vote of 5-2 because they could not honestly say they would not fund necessary infrastructure improvements if the TIF was not approved. He understood the Council was presented a list of downtown projects that were on hold at the March 3, 2014 Pre-Council Meeting, and that list included the Opus project, which had a red light for electrical and sewer infrastructure needs and a yellow light for water infrastructure needs. Those that reviewed the documents from that meeting felt the Opus development was not a project they needed to be focused on or worried about because it was in the distance, but on March 11, 2014, an agenda was posted for a Special Council Meeting on March 12, 2014. He felt that was where the deviations from process really began. That meeting lasted less than two minutes, and there were no comments from City staff or questions from the Council or public so there was no opportunity to understand the projects. Although these items were included on the normally called March 17, 2014 Council Meeting agenda, only one process question was answered, and that was that the special meetings were called verbally. He commented that he did not feel this was consistent with City ordinances or with what citizens expected, and as a result, many wondered what they could do after the March 19, 2014 Special Council Meeting. They were concerned by the use of this expedited process to rush a development through only sixteen days after the public was told there was insufficient electrical and sewer infrastructure to support it and when there were no plans under review. They wondered if it would be possible for citizens to be heard to stop unpopular ideas from this type of distorted and expedited approval process. The response those involved had gotten from the community had been resounding, enthusiastic, energetic, and grateful. They were thankful for those spent the time on this effort of working to restore ordinary processes to City government. He stated the character and nature of downtown Columbia mattered deeply to everyone in the community, and when the City was considering large impact projects with the potential to pollute the Hinkson Creek and the Flat Branch Creek, crowd out local businesses, and fundamentally change Eighth Street, which was known as the Avenue of the Columns and had been envisioned as a retail and pedestrian corridor, the public wanted and needed to be heard. He commented that the Council needed to take its time, use deliberate processes, and not make mistakes, and the petition they were circulating was an effort to correct those mistakes.

### **PUBLIC HEARINGS**

## (A) <u>Construction of the sanitary sewer main and manhole rehabilitation project.</u>

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid asked for the longevity of the liners. Mr. Glascock replied he guessed it was somewhere in the 20-30 year range as the City had used liners since 1990 and about three percent of the sewer system had been lined.

Mayor McDavid understood \$16 million of the last bond issue would be used for future projects and asked for an estimate of the reduction due to inflow and infiltration. Mr. Glascock replied other communities had indicated reductions of 39-40 percent. Staff hoped for a 50 percent of flow reduction because a little more was being done as they were also looking at connection points to the main.

Mayor McDavid understood a rain event changed the flow from 23 million gallons per day to 50 million gallons per day, so if that could be reduced by half, it would provide more of a reserve at the Wastewater Treatment Plant. Mr. Glascock stated that was correct, and pointed out the mechanical plant had just been increased from about 12.5 million gallons per day to about 25 million gallons per day.

Ms. Hoppe understood the cost of replacing the sewer line was about \$68 per foot and the cost of the liner, which would last about 20 years, was about \$30 per foot, and asked how long the replacement sewer would last. Mr. Glascock replied the pipe that had been placed in the ground 100 years ago was still being used. He pointed out lining the sewers would not tear up yards unlike replacement.

Ms. Hoppe understood the long-range plan was a combination of liners and permanent replacement, and wondered if it would be more cost-effective for permanent replacement as it would last 100 years versus only 20 years even though the cost was twice as much. Mr. Glascock pointed out he was speculating on the longevity and pointed out many did not believe a 15-inch petrified clay pipe would last 100 years, so the liners would likely outlive their useful life and the sewers could be relined if needed as well.

Mr. Schmidt asked if the \$68 estimate took into account the cost of fixing peoples' lawns and other associated costs. Mr. Glascock replied that included only the cost of putting

in the pipe. Mr. Schmidt asked about the justification of proceeding with the minimally invasive procedure of lining as technology would likely be better in 20 years. Mr. Glascock explained they started using cured in place pipe for short liners and structural deficiencies in 1990 because they were able to line the pipe to keep it working instead of digging it up. Ensuring the sewage remained in the pipe and did not get on the ground was a benefit.

Mr. Thomas understood the construction phase of the first few projects had been completed, and the confirmation phase was now under way for those projects, but that 8-10 rain events were needed in that phase, and asked if last week's rain would be one of those rain events. Mr. Glascock replied yes. Mr. Thomas asked how far they were through the confirmation process and when data on the effectiveness of intervention would be available. Mr. Glascock replied about 138,000 feet of pipe, which was about three percent of the system, had been completed from 1990 to 2010. These two contracts would add another 70,000 feet of pipe, which was about two percent of the system. He explained they were just getting started and they hoped to collect good data. He did not believe it should be tested where all of downtown was being tested, and thought they should test in the areas they knew they had lined the pipe to determine if it was effective. He pointed out they were currently installing flow monitors. Mr. Thomas understood they had not collected data last week. Mr. Glascock stated they were able to get the monitors installed before it rained. Mr. Thomas understood they needed 7-9 more of these types of rain events. Mr. Glascock stated that was correct.

Ms. Nauser noted staff had shown them images of what had and would be completed, and asked if that would be the entire inflow and infiltration part of the system for those three areas. Mr. Glascock replied they wanted to see the data because they would do more in these areas if needed. If this was satisfactory in the future, they would then move to the County House Branch.

Mr. Skala understood this was a state of the art attempt at reducing inflow and infiltration, and was consistent with the remediation for inflow and infiltration of the recent bond issue. Mr. Glascock stated that was correct. Mr. Skala explained one reason he voted against the Opus project was due to the extra impact of that development. Since the entire sewer was connected when it came to capacity, he saw no reason to increase capacity despite the fact that better pipes would be connected to the development because it would still cause problems for the rest of the system. He understood this project was an attempt to ensure the residences in the rest of the system were being addressed. Mr. Glascock explained a lot of this was in residential areas north and northwest of downtown, so they were attempting to address issues of water in the basement.

Mr. Thomas understood funding for part of this project would come from the 2008 ballot issue. Mr. Glascock stated that was correct. Mr. Thomas asked if specific projects were listed as part of the 2008 ballot language. Mr. Glascock replied projects were listed and inflow and infiltration rehabilitation had been included. Mr. Thomas understood that within inflow and infiltration rehabilitation, they had not listed specific areas. Mr. Glascock explained they had indicated they would conduct a study to determine the areas because the study had not been completed at that time. Mr. Skala agreed it had yet to be determined then. Mr. Glascock stated the study was done in the 2009-2011 time frame. Mr. Matthes understood

the basins to be studied had been named, but not the specific pipes. Mr. Glascock stated that was correct.

Mr. Thomas asked if the City was managing to fulfill the commitments made for the 2008 ballot issue. Mr. Glascock replied yes.

Mayor McDavid opened the public hearing.

Bill Weitkemper, 3717 Bray Court, understood \$1,175,000 of the \$2,500,000 of public money associated with R31-14 would be used to repair private sewer problems, and that Mr. Glascock's admission that he did not intend to follow the guidelines and criteria of an ordinance establishing how public money was to be spent repairing private sewer problems, which was passed by Council on March 7, 2011, was enough justification to vote against this item. He noted the staff report dated February 17, 2014 indicated the previous sewer rehabilitation project had not been determined to be effective, and that the project had included over \$540,000 of public money that was not spent according to the guidelines and criteria established in the ordinance passed by Council in March of 2011. He felt the decision to use a 50 year old ordinance that did not mention sewers, private sewers, inflow and infiltration, etc., for the spending public money to repair private sewers instead of an ordinance passed three years ago was absurd, and suggested the Council demand accountability. He asked the Council to either table this item or to vote against it.

John Clark, 403 N. Ninth Street, explained a firm from Kansas City had relined 90 year old pipes on North Ninth Street with the Insituform process, and asked how this fit into the report. He noted he had also received a letter from the City asking if he would like to have the connection fixed when they cut the hole to tie into his lateral and he assumed that would be done with the white liner. He also wondered where the City was in the process of relining all of the 90 year old pipes, and asked if the Insituform process would be used everywhere as it was unclear in the report.

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

Mr. Thomas asked staff to respond to Mr. Weitkemper's statement in terms of the 2011 ordinance versus the previous ordinance. Mr. Matthes replied staff respectfully disagreed with Mr. Weitkemper. Staff felt this approach to keep sewage out of the stormwater was the only one that worked as they did not know of an approach other than relining the sewers as it would plug any holes. He noted it had been proven as being effective in every city it had been used, to include Springfield, Missouri, and that staff looked forward to proving the effectiveness of the approach in these basins. He thought the ordinances referenced by Mr. Weitkemper were the public improvement ordinance and the one about lateral sewer lines, and explained he would need time to review those in order to respond.

Mr. Skala understood the Law Department had provided clarification in terms of public safety and cost sharing responsibilities. Mr. Matthes explained there was a public health component to sewage, so there was a certain urgency in terms of taking care of the issues when they had the opportunity. Ms. Thompson noted there was an element of accuracy in both approaches. She explained Mr. Weitkemper was referencing a process that was established to repair private sewer lines by homeowners, so it was really a private repair program the City had in the Code of Ordinances. This particular project was a public

improvement process for the City's public main, and there was an incidental private benefit that occurred when the connection where it entered the City's sanitary sewer main was lined. Depending on each individual circumstance, they would go into the private main a certain distance. She pointed out that as long as the overarching public benefit was there, the City could utilize public funds for that purpose because it helped with the overall good of public health, safety, and welfare by reducing the inflow and infiltration at the Plant. Mr. Glascock explained it was basically the same process they used on Sunset. In that situation, they were installing a brand new main and attaching the private laterals to that main. He noted they would not install a new main and then tell the homeowner it was their responsibility to attach to it. The same process was used whether it was a street with a driveway, a sewer, or sidewalk in the public right-of-way. It was considered a public improvement.

Ms. Hoppe made a motion directing staff to proceed with the sanitary sewer main and manhole rehabilitation project. The motion was seconded by Mr. Skala.

Ms. Hoppe commented that she believed it was crucial to keep rainwater out of the sewer system in order to stop sewage backup in basements. She also thought it was important to keep sewage out of the streams and creeks, and this was a lot cheaper than expanding the sewer system and the Water Treatment Plant to handle both sewage and rainwater as some cities had done. She reiterated this met a lot of their goals and was cheaper than the alternative.

Mr. Thomas stated he agreed with Ms. Hoppe, and thanked staff for a good visual presentation as he felt the demonstration items helped them understand the work that would be done.

The motion made by Ms. Hoppe and seconded by Mr. Skala directing staff to proceed with the sanitary sewer main and manhole rehabilitation project was approved unanimously by voice vote.

# R61-14 Approving amendments to the FY 2013 Annual Action Plan for CDBG and HOME funds; authorizing amendments to the agreements with Independent Living Center of Mid-Missouri, Inc. (d/b/a Services for Independent Living), Boone County Council on Aging, Inc. and the Columbia Housing Authority; transferring funds.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe asked if there was a reason Central Missouri Community Action (CMCA) had not spent the additional amount as the microloan program was a good program. Mr. Teddy replied there were times when things just did not come together. He noted it had to be a City business and meet certain criteria to be fundable. He stated he could not provide an explanation as to why, and could only explain all of the money had not been used. He pointed out CMCA had provided two microloans using CDBG funds. They had just not been able to meet the financial goal in terms of the time allowed by the agreements. He stated he thought there were some City funds for which they had not yet reached the deadline.

Mayor McDavid opened the public hearing.

Phil Steinhaus stated he was the CEO of the Columbia Housing Authority, which had offices 201 Switzler Street, and thanked the City for its support of this. He explained they planned to resubmit the Stuart Parker/Paquin Tower public housing renovation project for

four percent low-income housing tax credits by May 20. They were disappointed with not being funded in the first round, and the timeliness of reallocating these HOME funds required this recommendation. He was supportive and noted they could use the tenant-based rental assistance funds in a timely manner.

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

Mr. Trapp commented that he was familiar with many of these programs, to include the tenant-based rental assistance (TBRA) program, which helped people move out of homelessness. He noted all of the voucher programs were really important. He thought the tax credit situation was unfortunate, and explained some of the costs and expectations put on public entities in Columbia were higher than what was seen in other communities. If they planned to move forward with the critical goal of affordable housing, they had to keep affordability in the equation and be cognizant of that as these proposals were prepared. He commented that as the United Way moved to a community impact model, he was happy to see the City increasing its support for the Boone County Council on Aging's minor home repair program as it was critical. He believed the Community Development Department did an excellent job of administering all of the complicated rules and in working with non-profits. In response to Ms. Hoppe's question, he explained the CMCA microloan program was trying to reach specific clientele, the most struggling people enmeshed in poverty, to help create a path to entrepreneurship, and there were a lot of basics, such as financial management classes that needed to happen first in order to be able to apply for the program. He noted CMCA was trying to build capacity within struggling communities, and he was glad the City allocated some surplus funds that might provide more flexibility. He stated there was also a nice relationship between the Community Development Department and the Public Health and Human Services Department in terms of unprecedented levels of coordination, and that relationship along with the relationship they had with the non-profit sector reflected well on Columbia.

The vote on R61-14 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### (B) <u>Construction of the 16-inch Oakland Church Road water main project located in the northeast pressure zone.</u>

Item B was read by the Clerk.

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

Ms. Nauser understood the red lines on the diagram showed the easements that had already been acquired. Mr. Johnsen stated that was correct. Ms. Nauser asked if they had considered going straight across and then downward instead of going along the street through the wetlands. Mr. Storvick replied they had focused on the Oakland Church right-of-way from the start as it was desirable to stay along the side of a roadway to have access to the main in order to repair it. They tended to avoid cross-country crossings when possible. Mr. Johnsen explained another reason they took it further north was to catch the existing easement they had that was already cleared for utility purposes.

Mr. Skala understood there had been an interested parties meeting in February, but the Oakland Church Road alignment report had not been published until March, so that had not been available during the interested parties meeting. Mr. Storvick explained that report was developed based on the comments received at the interested parties meeting. He noted they had something similar to the diagram displayed on the overhead, which showed the alignment options, but a favorable alignment had not been identified at that time.

Mr. Skala commented that he had spoken to some of the landowners in the area, and understood surveyors had been out prior to notification. He asked if those complaints were fielded at the interested parties meeting. Mr. Storvick replied he thought there had been a few complaints. In order to do a generic study such as this, they still had to do some rudimentary boundary work. He also thought the surveyors might have gotten ahead of themselves in terms of designing the main.

Ms. Nauser asked what would be done to protect the wetlands area and how the line would be installed through that area. Mr. Storvick replied the City would have to obtain a permit from the Army Corps of Engineers for a blue line crossing of the creek, and wetland mitigation would be a part of the permit. He assumed they would mitigate in place and essentially return it to its present value.

Ms. Hoppe asked what amount of this was for existing residents in comparison to new development and whether the City was recouping costs through tie-ins for any new development. Mr. Johnsen replied there were connection fee costs for the connection into the system, but pointed out this project allowed for system reliability improvements that were needed to maintain reliability for that portion of the service territory. It was not really assigned to a development. He considered it system reliability improvements. Ms. Hoppe understood the improvements were contemplating the handling of expansion and development. Mr. Johnsen stated that was correct. It was a part of the service territory where some load growth was expected to occur, and as a result, they needed to expand the basic infrastructure. He explained it was not a distribution line. This would allow for the bulk transfer of water and the maintenance of a loop to address pressure regulation issues.

Mayor McDavid opened the public hearing.

Margaret Booker, 6395 N. Oakland Gravel Road, provided a handout and stated she and her sister, Sarah Booker, were present on behalf of her family and interested in what would happen on their property. She explained a water main currently terminated on the property, and this project would bring the Stephens Tower into that termination point where there was a hydrant. They felt this process had been extremely hasty. Surveyors had been on their property without any notification from the City, and they received formal notification a few days after bringing that to the attention of City staff. They had talked to contractors who were reticent in telling them who they were and what they were doing. Although the contractors might have gotten ahead of themselves, she felt it was bad planning. They were then provided notice of an interested parties meeting, which they attended, and had worked hard to provide written comments. In developing the comments, they had worked with the plans provided by the City and had weighted their preference in terms of the use of City property, keeping the number of easements that had to be accumulated low, and the least use of their property, as their goal was to continue to manage the wetlands, to maintain the

trees important to the wetlands, maintain the pasture lands and the agricultural experience on their property, and to have the least residential disruption possible. She commented that they felt the criteria in terms of the environmental impact in the March 2014 alignment evaluation had been underrated, and understood that without the completion of an environmental study, it was impossible to know if the current standards would be violated with regard to the wetlands. She thought the Council should consider that possible violation, as well as the diminishment of the 100-year floodplain, in its decision. She noted the handout she provided had pictures of a dry season flood taken last week, and explained all of this was moving in the Bear Creek area. She asked the Council to seriously consider the conflicts with existing utilities as the wetlands were already affected by electric, telephone, cable, sewer, etc. She noted they had an alternate proposal, which she hoped would be considered.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and explained their TIF Plan B would address the issues being discussed. She understood this was an investment of infrastructure that would allow for new development, and suggested an update of the zoning codes and building codes in terms of smart growth principles prior to spending this money. She felt environmental studies should be done on a more regular basis. In terms of sewer backups, she understood there was a grinder process that was less costly and could assist, although it did not address inflow and infiltration.

John Clark, 403 N. Ninth Street, understood staff was looking for the authority to investigate a preferred route, and if that was the case, he felt it was a good idea to support the Booker request. He wondered where this construction was in terms of the urban service area. He also thought it would be useful to see all of the pressure zones and connections. He did not feel Ms. Hoppe had received a responsive answer to her questions in terms of who would connect, how they would connect, and how costs would be recouped. The staff report clearly indicated this would allow additional people to connect to the water line. He did not believe the notion this was a system improvement changed the fact additional capacity was needed, and felt an analysis should still be conducted to determine the relative proportion of increased capacity. He also noted it was likely these costs were not considered when the new development equity connection fees were established. He understood an outside consultant was hired to develop the matrix, but thought the weighting of criteria needed to be reviewed. He wondered if all of the major landowners had participated in the interested parties meeting, and felt more work needed to be done in designing and developing the preferred alignment.

Diane Meeker, 2401 W. Broadway, Apt. 1120, stated she was speaking on behalf of Columbia Area Chapter of the National Organization for Women, and they believed the People's Visioning had a good plan, which was referred to as Plan B. She wondered who was paying for this improvement and how much they were paying. She also wondered if the project involved private improvements paid for with public funds as had been suggested as not being in compliance with City ordinances by Mr. Weitkemper earlier in the evening for another project. She suggested a low-interest plan be developed for low-income people needing help and stated she felt green building codes would help reduce infrastructure needs.

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

Mr. Skala asked if staff had reviewed the Booker proposal for a new alignment and if it was a possibility. He also wanted clarification regarding this project in terms of increased capacity versus reliability as it had been sold as a reliability issue with capacity being ancillary. Mr. Johnsen explained this was a loop closure project, and they did not know whether it really added capacity. It provided a redundancy of reliability. In terms of its path, this route was primarily looked at because they had existing easements for a part of it and because they liked being near road infrastructure when possible. Mr. Storvick noted the Booker proposal had not been considered as it came in late in the process after the alignment study had already been completed. Based on a quick review, he understood the Booker proposal did not have access from the roadway, it avoided the wetlands, and it involved several property owners that staff had not been negotiating with at this point.

Ms. Hoppe suggested staff take the time to meet with the Booker family to explore the pros and cons of this new proposal because both options primarily involved their property. They could then come back to Council with a recommendation. Mr. Johnsen stated he believed there was time to review the new proposal if that was desired by Council.

Mayor McDavid understood a motion for approval would not set any particular path in stone as it would only provide permission to proceed with this process, which might involve realignment. He asked if that was satisfactory or if the Council wanted to table the issue. Ms. Hoppe replied she would suggest tabling this item because she felt staff would proceed with Option 4 if a motion was approved. Ms. Nauser agreed with Ms. Hoppe's suggestion to table this issue.

Ms. Hoppe made a motion to table Item B to the May 5, 2014 Council Meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

### (C) <u>Consider the Water and Light 2014 Renewable Energy Report.</u>

Item C was read by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid understood the cost of energy and transmission for wind energy had been compared to the purchase of electricity from MISO, which had been referred to as the location of marginal price (LMP) and was basically a spot price since the City had to pay for capacity and its own facilities whether it was used or not. He asked if the LMP was calculated daily. Mr. Johnsen replied MISO published the calculated LMP every five minutes. Mayor McDavid understood this was a contemporaneous comparison of the cost of wind energy versus the cost of coal-fired energy. Mr. Johnsen stated that was correct, and pointed out it was heavy on location as one spot could have a very different price than another spot. It was not a result of the energy price being different, but was due to congestion and loss charges being rolled into the LMP. As a result, the price varied a lot in every hour on the system, and they had to take that data and compare it to what they were actually paying and selling on the market at that point on the system.

Ms. Hoppe understood the cost of renewable energy was compared to the cost of obtaining energy from MISO, but it was not compared to the cost of other energy sources already paid for by the City, such as coal, the Prairie State energy contract, Peabody energy contract, capital costs, etc. She noted this issue had been raised by the Water and Light

Advisory Board. Mr. Johnsen explained this had been discussed quite a bit, and one reason for the visit to a methodology change was to ensure they understood all of the costs, especially as solar increased. They needed to completely understand how they were accounting for all of the costs. He pointed out there was a big difference between energy from the MISO market and energy from a coal-based power plant. A lot of the coal-based power plant cost included the cost of capacity or the cost to build the plant, etc. The MISO cost did not include capacity value or capacity charge. It was not an equal comparison and was the reason the current methodology involved different categories for costs. Only intermittent resources were compared against MISO energy because neither resource had a capacity value and generated whenever it was wanted or could be generated.

Mr. Skala asked if that was true if the City owned solar arrays or a wind farm, and wondered if it would involve a capacity issue. Mr. Johnsen replied both of those were intermittent resources. He understood there was about a 10 percent capacity value with wind at this time. Those that ran the system were unsure of how to handle wind since they had no control over the generation of wind. They would try to figure out a way to pay for the units they could dispatch and for the ones they could not dispatch. Mr. Trapp asked why wind had a greater capacity value than solar. Mr. Johnsen replied he thought it was because there was more experience with wind in the market. The financial ability to move forward with photovoltaics was more recent while wind had been financially feasible for some time. He noted MISO would have to determine how to integrate it and how to assign a value to it in terms of the ability to serve load.

Ms. Hoppe understood the City would revisit the methodology. Mr. Johnsen stated that was correct, and explained they would hire a consultant that had worked on the cost of service for electric and water and would work with the Water and Light Advisory Board to develop a more detailed and documented approach that could be used for a while.

Mayor McDavid noted the report provided a graph of the wind measurements in Columbia and asked how far off they were in terms of what would be needed to generate wind locally. Mr. Johnsen replied he did not know. He explained the wind maps had indicated Columbia was not in a favorable area, but understood the technology for wind generation was improving to allow generation at lower speeds. Mayor McDavid understood it was possible technology could improve to the point the City did not have to pay for transmission costs in the future. Mr. Johnsen stated that was correct, and noted he thought storage technology created hope in that regard.

Mayor McDavid opened the public hearing.

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

Mayor McDavid stated he thought this was a great report. It had been difficult to understand the difference between buying electricity from MISO and what the City had to pay for a coal plant even when it was not used. He thought it was interesting that there was an issue of wind not being available when needed because the community consumed 77 percent more energy in the summer than in April when wind energy was available. He pointed out he had asked for clarification on some of the methodology, particularly with regard to landfill gas, and was waiting for a report back. In his review of this, he felt the City would have to rely on wind energy to reach its benchmarks unless there was a technological

leap in terms of solar in the near future. Mr. Johnsen explained the Integrated Resource Plan (IRP) had indicated capital photovoltaic prices were decreasing, and he thought that would make a difference as they had enough sun if the capital costs were low enough to make economic sense. He thought the City would need a little of everything to meet the goals, and that was their approach. He agreed wind would likely be the leader for a while in terms of dollars per megawatt hour, but they would continue to look at other options.

Ms. Hoppe commented that the Council had discussed focusing more on solar during the recent budget session because the more energy that could be created locally would lead to more money being kept in the community as she understood \$120 million had already left the community in terms of energy. She noted Columbia was on the same latitude as Germany, and they relied tremendously on solar, so she did not think they should underestimate the potential of solar. She agreed it was important to consider all options and not rely on only one source. She reiterated the cost of solar was decreasing and it would be best for the long term if they could generate it locally.

Mr. Thomas thanked staff and the Water and Light Advisory Board for this analysis. The economics of energy production distribution was very complicated when different sources were involved. He thought they should also consider the external costs of fossil fuel production in terms of its impact on climate change as it was not normally included and was on the minds of residents in their support of the renewable energy goals, and he hoped they continued to move toward increased renewable energy goals.

Mr. Skala stated he felt the City was headed in the direction of increased renewable energy, which had been supported by the diversification policy, an approach he applauded. He thought they needed to be careful in terms of fossil fuels and being locked into contracts, such as the Prairie States contract. He believed the City was headed in the proper direction in terms of having a more aggressive approach to renewables, and agreed storage capacity could really change the face of the renewable debate. He understood methane had reached a critical level in some conversations, and considered methane mitigation, which was being done at the landfill, as a step in the right direction in terms of that potential hazard. Mr. Johnsen explained the facility at the landfill was built for four generators, and they only had room for one more generator to address the future increase in methane. They would need to determine what they would do at that point if production continued. understood the City accelerated degradation to the landfill and asked if they would run out of substrate. He wondered if there was a drop-off. Mr. Johnsen replied his understanding was fuel was still going in out there. Mayor McDavid hoped they had enough to produce methane for a while. Mr. Johnsen agreed the bioreactors accelerated decomposition, which created a sharper curve, but noted he did not anticipate a drop at this point in time.

Mr. Trapp made a motion to approve the Water and Light 2014 Renewable Energy Report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

### **OLD BUSINESS**

B65-14 Approving the Final Plat of Parkside Estates, Plat No. 1 located on the east side of Route K and adjacent to Southbrook Court; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report and recommended this issue be tabled as staff had not had time to review the document recently provided by the applicant.

Mr. Trapp understood the Council was limited to a certain time line when considering a replat. Ms. Thompson explained the Council had 45 days from the time it came before Council, but it could go past the 45 days with the consent of the applicant, and in this instance, they had the consent of the applicant. Mayor McDavid asked when the 45 days was up. Ms. Thompson replied it would be prior to the April 21, 2014 Council Meeting. Mayor McDavid understood it could not be tabled without consent of the applicant. Ms. Thompson pointed out they had written consent from the applicant to table this to the April 21, 2014 Council Meeting.

Mr. Schmidt made a motion to table B65-14 to the April 21, 2014 Council Meeting. The motion was seconded by Ms. Hoppe.

Mr. Thomas asked what this development had in terms of sidewalks at the moment. Mr. Teddy replied the ordinance that annexed, zoned, and provided preliminary plan approval had waived the sidewalks on the interior public streets, so there would be no sidewalks on either side of all of the local streets. He pointed out this had been recommended by the Planning and Zoning Commission with the condition that not more than 15 percent impervious cover be allowed on the entire tract, and that included the total of streets, rooftops, driveways, patios, or anything else that created an impervious surface. The number was estimated to be about 225,000 square feet and would be tracked. He noted Route K would have a five foot sidewalk along it as that had not been waived. understood the sidewalk would be along the property abutting Route K. Mr. Teddy stated it would be along the entire frontage. He explained that during the plan review, staff had informed the developer that it needed to go all of the way to the corner, which was outside of this phase of platting, and he thought they would comply. Mr. Thomas understood that sidewalk was not connected north to Rock Bridge Elementary at this time. Mr. Teddy stated that was correct.

Ms. Hoppe understood there was a minimum footprint of 1,600 square feet for each house and a requirement for a double garage and a driveway to the double garage, and wondered if they could meet the 15 percent impervious surface limitation due to those and other requirements. Mr. Teddy stated staff would review it again. He explained it was common for private covenants to require minimum sizes, but staff was concerned with maximums in terms of stormwater management. They would ensure those reconciled.

Mr. Skala commented that this had the potential for being a controversial issue and asked how the City got to the point of issuing the land disturbance permit, allowing the burning of trees, etc., as this was a sensitive piece of property due to it being adjacent to Rock Bridge State Park.

The motion made Mr. Schmidt and seconded by Ms. Hoppe to table B65-14 to the April 21, 2014 Council Meeting was approved unanimously by voice vote.

## B66-14 Approving a revised statement of intent to allow for removal of a tree preservation area in exchange for a greenspace conservation easement for C-P zoned

## property located on the south side of Grindstone Parkway; accepting a scenic conservation easement.

The bill was given second reading by the Clerk.

Mr. Skala asked for clarification as to what would be given up and what would be received in return. Mr. Teddy replied this was a plan modification, and noted the Council had approved a planned business district development plan south of the Grindstone Plaza development about three years ago. It was the area where The Den apartment complex was under construction. There were also some commercial lots associated with it. The tree preservation area in the foreground when looking at it from Grindstone Parkway was a part of the required permanent tree preservation as agreed to by the developer. There was another tree preservation area in the southwest area of the site that was not affected by this proposal. This particular preservation area was surrounded by a public road or the developer's own property, and was a little over an acre in size. The developer was asking the Council to amend the plan to allow the trees to be removed in exchange for a little over two acres north of Gray Oak Drive and adjacent to existing tree preservation so it would act as an enlargement of an existing wooded area. He stated the ratio was approximately 2 to 1, and staff was supportive due to the acreage and the quality of the environment as it would provide for better wild life support and better survivability for the trees. He commented that it was appropriate to exchange a higher acreage for a lower acreage due to the net present value concept when these mitigation exchanges were done. He noted these trees would be preserved through a conservation easement for permanency.

Ms. Hoppe pointed out an issue that had been raised was that the new transmission line would go down Grindstone and impact some of the tree preservation area, and asked for the percentage of the impact. Mr. Teddy replied he did not have a percentage. He noted staff had prepared an amendment to Chapter 12A recently to avoid that type of situation in future in terms of preservation of trees that would be put at risk by future utility work. Mr. Skala asked if that amendment only applied to future utilities as he recalled a situation in which a bridge project had gone through a large portion of a preservation area. He asked if the changes would apply to development in general and not just for utility purposes. Mr. Teddy replied the idea was to amend the City Code to avoid situations where staff knew there had been a utility easement within the minimum preservation area.

Phebe LaMar, an attorney with offices at 111 S. Ninth Street, stated she was present on behalf of Red Oak Investments and described the location of the tree preservation area, which was on Lots 5 and 6 when the plat for this property was first approved. They had determined tree preservation in the middle of a commercial development was probably not the best location for the health of the trees or for ensuring a quality development on a major corridor of town. In addition, a portion of this tree preservation was likely to be removed in the near future without action by Red Oak due to the proposed location of the new electric easement for the south transmission line down Grindstone. As a result, they had approached the City to determine if there was a way to substitute a more substantial area of trees downstream from this location that was still within the same watershed. This proposed area abutted another conservation area on which the City was looking to build a trail, and would result in the enlargement of that conservation area. Providing for preservation in this area

would allow for an increase in the buffer between the nature trail that might be built and any future development, and was more than twice the amount of preservation property than was located on Lots 5 and 6. She pointed out the two parcels proposed to be traded were a part of the same parent tract, which was initially bisected when Grindstone was constructed and later further subdivided. With regard to the concerns expressed at the Planning and Zoning Commission meeting of the current greenspace area being landlocked and wildlife being forced out, she noted other tree preservation areas were still being preserved in this development on the same side of Grindstone. She asked the Council to approve the trade of tree preservation areas as it met the intent of the tree preservation ordinance.

Tim Crockett, an engineer with offices at 2608 N. Stadium, explained he had spoken with an engineer of the Water and Light Department and the exact extent of the impact of the power lines was unknown at this time as the project had not been designed. He pointed out the City's arborist was in favor of this exchange.

Eugene Elkin, 3406 Range Line, recalled people being upset in the past due to trees not being saved in a proper manner and suggested the Council do what was necessary to ensure trees were properly preserved. He did not believe healthy trees should be touched as trees created shade and shade reduced utilities.

John Clark, 403 N. Ninth Street, asked for the reason these trees in this location had been chosen to be preserved when the development plan was completed as he felt thought had been put into that then, and suggested this issue be tabled until that had been thoroughly examined. He understood really good cities tended to maintain access to open space for their residents every quarter of a mile, so if that was the real goal, he suggested the Council vote against this proposal as it was not just about preserving trees.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and noted they had been advocating for a tree board to ensure tree preservation, greenspaces, etc. were considered ahead of development. She suggested this item be tabled until a tree board was established and an update to the tree preservation ordinance was completed.

Mr. Skala explained he understood the establishment of a tree board was in the works. There had always been a chronic problem of setting aside a 25 percent climax forest and the removal of some of the trees due a new development. He stated he would support this proposal due to circumstances they had not anticipated in terms of the power lines. In addition, the City would get a larger piece of property that was contiguous to another wooded property through this exchange. He felt the survivability of this greenspace was enhanced by the proposal.

Ms. Nauser commented that she liked the idea of allowing people the ability to mitigate tree preservation. While they all wanted to save trees to the extent possible, little pockets of trees that were saved in large developments tented to die due to concrete, pollution, and the activities surrounding them. The opportunity to be able to purchase or have larger preserved tracts would do more for the environment and wildlife. If they could put some of these pieces together, it would create larger completely preserved areas within the community. She hoped the City would move forward with a mitigation policy on some of the requirements, such as tree preservation.

Ms. Hoppe commented that she believed there was a benefit, especially prospectively, in doing an analysis of how much tree preservation should be done on a site as there was value to having trees preserved on-site, but there could also be a benefit of saving a larger area off-site. She noted she had concerns with changing the preservation area after the development and statement of intent was approved as the public had relied on the entire package, which included the tree preservation area, so she did not want this to be a precedent as it could affect public trust and confidence. In this situation, she was not as concerned because the transmission lines would likely impact the existing tree preservation area, there was still 1.19 acres of preservation area on the site, and there would be an additional 2.11 acres downstream. In addition, she did not recall the tree preservation area being an issue when the development was approved. She felt this was a win/win situation for all parties and noted she would vote in favor of it.

Mr. Thomas stated he believed this was an unusual situation due to the power lines, so it would not set a precedent.

B66-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## B72-14 <u>Authorizing a service agreement with Victus Advisors, LLC for a sports community assessment, a market potential study and the feasibility of creating a sports advisory board; appropriating funds.</u>

The bill was given second reading by the Clerk.

Ms. Schneider provided a staff report.

Mr. Skala commented that he recently served as a member of a board with regard to the Boone County Fairgrounds and asked if any consideration would be given to intergovernmental cooperation in terms of venues, needs etc., or if that was beyond the scope of this agreement. Ms. Schneider replied the scope was to look at what was available, and there were ballparks at the Fairgrounds and soccer fields across from the Fairgrounds. She thought the consultant would talk to the representatives of the Fairgrounds to determine what land was available. She pointed out this was an advisory report so there would not be anything beyond that at this point.

Ms. Hoppe understood this was something staff was not able to do efficiently itself. Ms. Schneider stated that was correct, and noted this company had a history of conducting this type of study. In addition, they had resources throughout the nation in order to provide better information.

Ms. Hoppe asked if the University of Missouri had the resources to conduct the study. She thought they might have people locally that could provide this service. Ms. Schneider explained the request for proposals was sent locally, regionally and nationally, and only two companies responded indicating they could do what was requested. Ms. Schneider noted the University could be used as they moved forward as they likely had knowledge and resources on the subject. Mr. Griggs stated they had contacted the University about this, but the timing did not work out as it was dependent on the students they had and whether they already had a project. He pointed out they sometimes worked a year in advance, and since the City was hopeful this would be done this summer, the University was unable to assist.

Mr. Matthes noted one benefit to using a private sector company was the insight they had in the industry, such as youth sports and competitive marketing situations.

Mr. Trapp understood the Convention and Visitors Bureau unreserved fund balance was fundamentally the hotel sales tax. Ms. Schneider stated this would be funded with the lodging tax. Mr. Trapp understood those funds were set aside for things that generated hotel stays. Ms. Schneider stated that was correct, and noted that was why she felt this was a good use of those funds. This would look at ways to bring people to the City to generate more hotel stays. Mr. Matthes understood this had been discussed and hoped for by hoteliers for years.

Mike Kelly stated he was the General Manager of the Stoney Creek Inn and Conference Center, a Missouri Hotel and Lodging Association Board Member, a Missouri Restaurant Association Member, Columbia Hospitality Association Member and the Chair of the Convention and Visitors Advisory Board, and noted this had been discussed at length over the years. The Convention and Visitors Advisory Board wholeheartedly endorsed this as there had been some great successes, to include a development south of Kansas City, which had been able to pay off a \$30 million bond in four years. He pointed out primary and secondary education sports was an industry that did not disappear, even in 2008, when a lot of other things disappeared. He asked the Council for its approval, and noted this was one of the first steps in the process. It would provide a total comprehensive review of the area in terms of what they had and what they could have in the future.

Heather Hargrove explained she was speaking on behalf of the Columbia Hospitality Association and stated the hotel community had been touting the benefits and impacts of sports on and in the City of Columbia for several years. Even during the slowest economic times, the City had been able to rely on sporting activities to generate revenue from participants. Sporting activities and competitions continued to thrive even when parents and families discussed how and where to make cutbacks in budgets. As a competitive softball player, she had traveled to Kansas, Illinois, Kansas City, and several other locations and knew what her team spent when visiting those places. She felt they had an opportunity to take advantage of this by researching all avenues as to the feasibility of Columbia becoming destination in this regard. Columbia was attractive for many reasons, including its location in terms of the ease of getting to and from the community, the option of existing sporting venues, and the history that many in the community had of working with this business segment. The opportunity for immediate economic impact for Columbia was almost a given through sports and athletics as hotels, restaurants, convenience stores, gas stations, movie theaters, retail, etc. would benefit from people visiting Columbia. She thought they had a chance to find a niche for continued growth and economic activity. The designation of funds from the Convention and Visitors Bureau unreserved fund balance fit the mission of the City ordinance from where this money was collected. She asked for the Council to support this research mission in terms of establishing a sports advisory board for Columbia.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and commented that there were positives with sports in terms of public health and economics, but asked them to consider which sports were best in terms of public health and

sportsmanship and the least expensive and damaging in terms of impact, such as bicycling, tennis, softball or baseball.

Eugene Elkin, 3406 Range Line, asked for the cost of this particular study, the reasoning behind collecting the funds, whether they were earmarked, and if this would create a shortfall for any future endeavor. Mr. Trapp explained the consultant fee of \$95,000 came from the Convention and Visitors Bureau unreserved fund balance, which was from the lodging tax and keyed into the economic development angle. He noted he had not considered sustainability of this activity during economic downturns, and this made him even more supportive of the proposal. He agreed there was a public health benefit to promoting recreational activities and organized sports as well.

B72-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### B74-14 <u>Amending Chapter 16 of the City Code as it relates to marijuana.</u>

The bill was given second reading by the Clerk.

Mayor McDavid asked what age would be considered an adult. Mr. Matthes replied the definition was different across a lot of laws, but in this instance, it was 17 years old. Ms. Thompson stated that was correct.

Mr. Skala believed this topic had potential for being controversial and thought they should refer the matter to their expert boards and commissions. He felt it was prudent to keep their responsibilities for public discussion by referring the issue to the Substance Abuse Advisory Commission and the Board of Health for their recommendations, and suggesting tabling this matter for four months in order to allow time for those boards to meet.

Mr. Skala made a motion to table B74-14 to the August 4, 2014 Council Meeting. The motion was seconded by Ms. Nauser.

Mr. Thomas made a motion to amend the motion made by Mr. Skala to allow people who spoke on this issue tonight to speak again at the August 4, 2014 Council Meeting. The motion was seconded by Ms. Hoppe.

Mr. Trapp commented that the counterpoint to allowing people to speak regarding this issue at both meetings was the hours of public testimony the Council would listen to on the matter. He explained he generally supported a robust public discussion, but drawing out and drawing attention to this issue in the context of larger debates did not necessarily inform the public as they would conflate this modest issue. As a result, he did not intend to support Mr. Thomas' amendment. He felt following the normal opportunities to accept public testimony appeared to be adequate. He noted the time Council had to listen to things was finite and believed they should be judicious in the use of that time.

Ms. Hoppe stated she felt the issue of tabling this item could have been previously raised. In addition, they could have entertained referring this to various boards and commissions earlier as this had been proposed months ago. If this was only being continued to next week or next month, she thought it would be rational to decide when they could speak, but since people had sat through this long meeting with no indication it would be

tabled and because it would not be heard again for four months, she thought they should be able to speak.

Mayor McDavid commented that the Substance Abuse Advisory Commission and the Board of Health meetings were public venues, and those boards would provide recommendations to the Council. As a result, he thought it would be in the best interest of those that had a strong feeling on this issue to render their opinion to those boards as well.

Mr. Skala stated if he were going to err, he would err on the side of the public being able to testify. He commented that in terms of parliamentary procedure, it was the custom to not allow public comment on the same issue twice, but he also felt they could change the way they operated, so he would support the motion of Mr. Thomas.

The motion made by Mr. Thomas and seconded by Ms. Hoppe to amend the motion made by Mr. Skala to allow people who spoke on this issue tonight to speak again at the August 4, 2014 Council Meeting was approved by voice vote with only Mayor McDavid and Mr. Trapp voting against the motion.

Ms. Hoppe commented that she thought it was important to go through the boards and commissions as much as possible, but noted they did not do that on every issue. She thought it was important to note this was a small amendment to an existing ordinance that had been initially passed by the public. Currently, the possession of a certain amount of marijuana acquired illegally through a drug deal was a misdemeanor with a fine of up to \$250, but growing marijuana for personal use was illegal and subject to a felony. This proposed ordinance would make the penalty of growing marijuana for personal use the same as possessing it through a drug deal. She felt this was a minor and improved change, and did not believe it needed to be sent to the various boards.

Mayor McDavid stated he would vote in favor of tabling this item as he had heard from some stakeholder groups that did not view this as a minor change and wanted an opportunity to provide input.

Ms. Nauser stated did not believe this was a minor change because people would still have to go to a drug dealer to purchase marijuana seeds. In addition, the Council had always utilized its boards and commissions for recommendations as they were the experts, and this would also allow the public to provide more input at that level.

Mr. Skala commented that the best outcomes were achieved when they allowed people to talk and listened to the advice of those that had the credentials in this field, and this was the reason he suggested the issue be tabled.

Mr. Trapp stated he felt this proposed ordinance change had more to do with felony law than substance abuse, and believed the Council had considerable expertise on the issue as he was a certified substance abuse counselor, Ms. Hoppe was an attorney, Mayor McDavid was a doctor, and Ms. Nauser was a juvenile justice worker. He reiterated he felt the public discourse regarding marijuana was conflating the two issues of the State's movement to decriminalize or legalize marijuana and the Council's more modest decision of how to appropriately punish people that had broken the marijuana law. Not making a decision kept the current status and put people in needless legal risk. He did not plan to support the tabling of this issue as he did not feel it was necessary.

Mr. Thomas explained he would support tabling this issue to allow input from the two commissions. There was tremendous public concern about pushing things through over heated opposition. He noted the vast majority of correspondence he had received was supportive of this proposed ordinance, but he had also received correspondence from people who opposed it. He thought the Council needed to follow their best processes and use the appropriate advisory bodies when they had the opportunity.

The motion, made Mr. Skala, seconded by Ms. Nauser, and amended by Mr. Thomas, to table B74-14 to the August 4, 2014 Council Meeting and to allow people who spoke on this issue tonight to speak again at the August 4, 2014 Council Meeting, was approved by voice vote with only Ms. Hoppe and Mr. Trapp voting against the motion.

Dan Viets, 15 N. Tenth Street, stated he was with the Missouri Civil Liberties Association and asked those in support to stand, and approximately 30 people stood. He felt this was a logical extension of what the voters of this community decided to do ten years ago as 61 percent had indicated marijuana law enforcement should be the lowest priority for the community and nearly 70 percent had endorsed a medical marijuana ordinance, which removed penalties for those that had a doctor's recommendation for treatment of a serious medical condition. This proposal would amend both ordinances to provide a way to reduce the risk medical patients took in supplying themselves. The only people that would be hurt by this proposal were those making money selling marijuana. These laws had existed in Columbia for nearly ten years, and there had been dire predictions then that turned out not to be true. He believed these laws had worked well for the past ten years, and felt the proposed change would work just as well. There was a tremendous increase in the support of marijuana law reform across the nation and this was a modest change. He noted present Missouri law provided at least five to fifteen years for the first offense of even attempting to sprout a single seed, and if it was done within 2,000 feet of a school or school bus, the penalty was ten to thirty years or life in prison. The City had the ability to moderate or mitigate that damage through this ordinance. He understood the Columbia Police Officers Association had concerns with regard to enforcement, but he did not believe that would be an issue, and pointed out this proposal would not apply to children. With regard to the statement that this was not consistent with state or federal law, he noted state and federal law were not consistent with each other, and in fact someone would get less time for six plants under federal law than Missouri law, as Missouri laws were harsh on this issue. He thought Columbia should set an example for the rest of the State on this issue.

Eapen Thampy, 112 McBaine Avenue, stated he represented the Our America Initiative, which was an organization dedicated to advancing the cause of liberty in the United States, and noted they supported this ordinance. He believed it was beyond dispute that the policy of marijuana prohibition had failed, and one of its greatest failures was the risk the poor, sick, and dying had in accessing marijuana they considered a medicine on the black market. The black market was not an institution society found desirable, as black market purveyors of marijuana were not held to reasonable regulations on product safety and disputes that might otherwise be managed through the legal system were instead brokered by violent criminals who preyed on the vulnerable. Honest, non-violent people in need of marijuana had to choose between the risk death and violence in the black market or leaving

Missouri. He provided Abby Rowe, who had Ehlers-Danlos syndrome, as an example of someone with a medical condition in need of marijuana that had moved to Denver, Colorado to legally obtain it. He commented that Council action on B74-14 represented the majority view of Columbia citizens who believed this legislation would benefit those that needed marijuana as they would not have to risk the black market and could grow their own small supply. Passing this ordinance would also provide a signal the Missouri legislature that it was time to take action on sensible legislation to allow for legal, medical access to marijuana. Such political change would gut profit and violence in the black market, and be a great boon to Missourians who suffered negative health, economic, and public safety impacts of prohibition. He believed the Council had the opportunity to propel this issue in a positive direction by voting in favor of the proposed ordinance.

Debra Hardin explained she had Stage 4 cancer and would be a criminal under current law. She noted she had been hospitalized three times in November and her clothes did not fit her at the time, and as a result, asked her oncologist for a prescription for cannabis oil because she could not eat or sleep. Although her oncologist wrote her a prescription, he told her she would have to get it from out of state, which made her even more of a criminal going across state lines. She pointed out she was not a criminal. She was a good person who picked up litter, supported her family, and adopted homeless animals. After taking the cannabis oil, she put weight back on and was able to walk again. She did not feel it was acceptable to say the social risks were greater than passing a responsible law, and believed the true gateway drugs were tobacco and alcohol. She had never known anyone high on pot or taking cannabis oil to be aggressive either. There were models in northern California and Colorado that showed this would work with responsible laws and parameters. She asked the Council to consider the fact there were a lot of people who found comfort taking marijuana responsibly for medical issues, such as breast cancer which was pandemic now.

Jeff Frey, 300 Maplewood Drive, stated he had received a ticket from law enforcement due to marijuana and felt he would have been able avert that situation if this proposed ordinance had been in effect.

James Ginns, 3001 S. Providence, commented that the issue of drug dealers and an appropriate amount of marijuana for personal use had been discussed throughout the country, and many places had determined six plants for personal cultivation was acceptable. He believed six plants had been a reasonable standard for many bodies, and felt it would be a reasonable standard for Columbia as well.

Heather Harlan, 302 Loch Lane, explained she was a certified prevention specialist that advocated for knowledge and policies that prevented addiction, and based on her professional expertise, she urged the Council to vote against this ordinance. The proponents sought to frame this as having to do with legal issues or with people getting medical help, but this was a public safety and health issue. As preventionists, they knew perceived risks and social disapproval were powerful predictors of use, and the passage of this bill would send the message that society did not feel marijuana was dangerous causing the usage to rise. Research showed that 90 percent of all addictions began during adolescence as young brains were more vulnerable to potentially addictive substances. The passage of this ordinance would make this drug more available to young people. Research also showed that

marijuana had an alarming disruptive impact on the cognitive and developmental aspects of youth, including a correlation with a 9 to 10 point drop in IQ, and anyone concerned with the education of youth needed to pay attention to how this affected cognitive development of youth. She commended the Council on using their advisory commissions as resources as they included professionals who were trained in prevention. She agreed marijuana laws were in need of reform, but believed it needed to be more intentional and needed to consider how it would affect the youth. She urged the Council to vote against this proposed ordinance because it was not in the best interest of young people in the community and would put them at risk.

Ryan Worley, 2216 Hillsboro Drive, stated he was concerned with the use of the word modest when discussing this proposed ordinance as he did not believe this was a modest change. He noted there was a proposed change from adult to persons, and wondered what that meant for kids. He did not believe public health was a popularity contest. It was about data, research, and an intentional community engagement to ensure all stakeholders were present so the health of the community at-large was considered. He affirmed the Council's decision to refer the issue to its commissions and boards as Columbia had prided itself in community process and valued collaboration. He agreed the Council had the opportunity to set an example in terms of how seriously they protected kids as they were the community's most precious resource and had to be protected at all costs. He felt facts and figures were thrown out frequently and believed the data and research had to matter. The decision should not be made based on anecdotal stories or personal accounts. The National Survey on Drug Use and Health indicated eight of the top ten states and sixteen of the top twenty states with the highest percentage of past month marijuana users of ages 12-17 were states with medical marijuana programs. He felt that was a number they needed to investigate to determine how it might impact the community. The Journal of the American Academy of Child and Adolescent Psychiatry indicated 74 percent of Colorado teens in treatment had received medical marijuana from someone else. He noted diversion was a serious problem as it related to young people. In addition, he understood the black market in Colorado was still open for business. He thanked the Council for referring this issue to its boards and commissions and noted he looked forward to interacting more with regard to data. commented that if Columbia was going to take the education and safety of kids seriously in terms of violence, substance abuse, graduating from high school, etc., they should be put at the center of the conversation, and each conversation should indicate how it benefited kids.

Carolyn Mathews, 4200 Rock Quarry Road, stated she believed children and public health were important, but noted she also believed in justice, fairness, and looking at all of the factors. As a criminal and family law attorney, she had seen the effects of alcohol and drugs on families. She believed this was a modest proposal and children were more damaged by alcohol than marijuana in terms of families. Alcohol and tobacco were legal, except for children, and those were generally gateway drugs that came before marijuana use and other drugs. She felt public health in terms of marijuana could be better dealt with by legal means, rehabilitation, counseling, and dealing with problems in a common sense way instead of criminalizing it, and pointed out criminalizing it was actually a huge burden on the budget in terms of time, attorneys, courts, other processes, and prison. A felony on a child's

record created a burden as it made it harder to get a proper education, care, etc. She believed the cultivation of up to six plants was a better option than going to sellers on the black market. She pointed out this proposal would not legalize marijuana. It was a modest step for medical marijuana patients or others using it in a modest way within the misdemeanor ordinance as they would be able to cultivate it rather than go through the black market. She felt getting away from drug dealers was a step in the right direction.

Kim Dude-Lammy, 3109 Appalachian Drive, explained she had been involved in prevention for over 30 years and commended the Council for sending this proposal to the Board of Health and the Substance Abuse Advisory Commission as she believed it deserved the same attention shown to the smoking ordinance. She believed this proposal was a decriminalization of marijuana and noted availability tended to increase use, especially among youth when their perception of risk decreased. Research showed that when the perception of risk decreased, youth were five times more likely to start smoking marijuana by the eighth grade and six times more likely to be frequent users by the tenth grade. She hoped the Council would understand the importance of not passing this bill once they received all of the data.

Eugene Elkin, 3406 Range Line, commented that he agreed a child's brain was not developed enough to make proper decisions, and hoped the Council would pass an ordinance keeping marijuana use indoors so children were not exposed to it. He also believed some medical issues could be resolved.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she knew a lot of people who could be helped by marijuana and she did not want them to be considered criminals.

Eleanore Wickersham, 3632 Augusta Drive, stated she had led the League of Women Voters committee that had studied the marijuana issue ten years ago, and they had studied that issue for two years, so she wondered if the City's boards could do a good job with only four months as it was too massive of an issue. She noted Christy Welliver, who many of them knew, had been on the committee as well, and she had not used marijuana at that time. She explained Ms. Welliver had later reached a point where she was in so uncomfortable she could not sleep and marijuana assisted her. Ms. Wickersham understood some prescribed pills were more harmful than marijuana. She believed this was a judicial issue and felt it did not do any good to put people in jail for marijuana use, and that they should not be placed in the same category as rapists and murderers. Criminalizing its use had not worked so she believed a change was needed. She thought Columbia should be on the forefront of this issue, and felt people who thought children could not obtain and smoke marijuana were naïve.

David Huddlestonsmith explained he was a retired family physician who had worked in northern California when marijuana was legalized for medical use and noted he had seen some phenomenal responses from it. There was a worldwide epidemic of Hepatitis C and the chemicals used to treat it induced nausea and vomiting that did not respond to any commercial medication. After he was able to prescribe marijuana, patients with Hepatitis C were able to tolerate a year of chemotherapy in order to go into remission. He pointed out marijuana was a Schedule 1 drug, which put it in the same realm as heroin, LSD, ecstasy, quaaludes, and peyote, and felt that was incorrect and sad. He stated he had not seen an

increase in youth use in northern California. He understood epilepsy was treatable with marijuana oil in children, and noted marijuana was used in multiple sclerosis, Alzheimer's, vascular brain tumors, and glaucoma. He hoped the commissions that reviewed this issue looked at all of the facts and did not listen to the hype.

### **CONSENT AGENDA**

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

- Approving the Southampton Centre C-P Development Plan located on the east side of Executive Drive, between Southampton Drive and Corporate Plaza Drive; approving less stringent setback and signage requirements.
- Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for pavement improvements along portions of Route 163 (Providence Road), Route 763 (Rangeline Road) and Business Loop 70.
- Authorizing a cost apportionment agreement with the Missouri Highways and Transportation Commission for reconstruction of the shoulders along Route 163 (Providence Road) between Route 740 (Stadium Boulevard) and Green Meadows Road.
- B69-14 <u>Amending Chapter 3 of the City Code as it relates to attendance requirements for the Airport Advisory Board.</u>
- B70-14 <u>Accepting conveyances for utility purposes.</u>
- B71-14 <u>Accepting a public health volunteer program award from the Missouri Department of Health and Senior Services; appropriating funds.</u>
- B73-14 Amending the FY 2014 Annual Budget to add and delete positions in the Water and Light Department; amending the FY 2014 Classification and Pay Plan to make title changes.
- B75-14 Appropriating funds to Public Safety and Joint Communications for FY 2014 personnel and operating expenditures.
- B76-14 <u>Appropriating funds for emergency management services and siren upgrades.</u>
- R50-14 <u>Setting a public hearing: construction of the Haystack Acres pump station interceptor sewer project.</u>
- R51-14 <u>Setting a public hearing: construction of restroom projects at the Garth Nature Area and Grindstone Nature Area.</u>
- R52-14 Setting a public hearing: construction of an approximate 2,500 square foot EPA/substation equipment storage building at 1514 Business Loop 70 East.
- R54-14 <u>Setting a public hearing: voluntary annexation of property located on the east side of Forum Boulevard and north of Old Plank Road.</u>
- R55-14 Authorizing a participating provider agreement with Missouri Care, Inc. (a WellCare Company) to allow for reimbursement of approved clinical services provided to WellCare participants.

- R56-14 Authorizing a provider agreement with RightCHOICE Managed Care, Inc. to allow for reimbursement of approved clinical services provided to Anthem Blue Cross/Blue Shield participants.
- R57-14 <u>Authorizing an agreement with North Village Arts District Farmers and Artisan Market for the use of the city-owned Wabash Station parking lot for the operation of a downtown farmers' market.</u>
- R58-14 Extending the periodic closure of a portion of Orr Street between Ash Street and Walnut Street to allow for the construction of a new apartment building.
- R59-14

  Authorizing the temporary closure of a portion of Ponderosa Street to facilitate the construction of a roundabout at the Nocona Parkway and Ponderosa Street intersection and a roundabout at the entrance of the future A. Perry Philips Park.
- Authorizing the temporary closure of portions of streets and sidewalks on the south side of Conley Avenue between Fourth Street and Fifth Street, the east side of Fourth Street between Turner Avenue and Conley Avenue, and Fifth Street between Conley Avenue and Turner Avenue, subject to conditions, to allow for construction of a student housing project.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

### **NEW BUSINESS**

R53-14 Setting a public hearing: construction of improvements to the unfinished second-level space at the Robert M. LeMone Building, The Columbia Police Department Regional Training Center located at 5001 Meyer Industrial Drive.

The resolution was read by the Clerk.

Assistant Police Chief Jones provided a staff report.

Mayor McDavid asked if this would come back to Council for an appropriation once the bids came back. Mr. Matthes replied funds had already been appropriated so it would not come back to Council unless the cost was higher than the amount that was appropriated.

Mr. Trapp made a motion to amend R53-14 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Thomas asked about the simulator. Assistant Police Chief Jones replied they had a driving simulator and a firearms simulator. The driving simulator provided a feel of driving in real time. She noted all City employees that had driving issues used the driving simulator. The firearms simulator provided a shoot or do not shoot armed encounter training for police officers.

The vote on R53-14, as amended, was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### INTRODUCTION AND FIRST READING

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

- PR62-14 <u>Establishing a policy regarding the display and release of utility usage information and data on the City website.</u>
- B77-14 Rezoning property located on the north side of El Cortez Drive and west of Providence Road (215 E. El Cortez Drive) from R-1 to R-2.
- B78-14 Approving the Final Plat of Southland Plat 1-A, a Replat of Lot 102 of Southland Plat 1, located on the south side of Southland Drive and west of Rock Quarry Road; authorizing a performance contract.
- Approving a contract for sale of vacant land between Payne Enterprises, Inc. and the City of Columbia for the purchase of property located on North Eighth Street to be used as a potential site for a homeless drop-in center.
- B80-14 Appropriating funds for a historic preservation hands-on educational workshop as part of the 2014 historic preservation fund grant agreement with the Missouri Department of Natural Resources.
- Authorizing reconstruction of the crosswalk across the north leg of the Seventh Street and Elm Street intersection, reconstruction of the crosswalk across the south leg of the Seventh Street and Locust Street intersection, reconstruction of the crosswalk across the west leg of the Sixth Street and Cherry Street intersection, and reconstruction of the Sixth Street entrance of the alley between Broadway and Walnut Street; calling for bids through the Purchasing Division.
- B82-14 <u>Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for replacement of the Route B bridge over Business Loop 70.</u>
- B83-14 Authorizing a cost apportionment agreement with the Missouri Highways and Transportation Commission for improvements at the intersection of Route 740 (Stadium Boulevard) and Old Route 63.
- Authorizing a right of use permit with Columbia Properties II, LLC for construction, improvement, operation and maintenance of a private storm sewer system, stairs, tree grates and a modular block support system for transformers and switchgear within portions of the Fourth Street, Fifth Street and Conley Avenue rights-of-way (410 Conley Avenue).
- B85-14 <u>Accepting conveyances for sewer purposes.</u>
- Authorizing the construction of restroom projects at the Garth Nature

  Area and Grindstone Nature Area; calling for bids through the Purchasing

  Division.
- Authorizing acceptance of the donation of Lot 232 within Magnolia Falls
  Plat 2, located adjacent to Old Mill Creek Road, from Beacon Street
  Properties, LLC; providing that the land shall be used for public park and open space purposes.
- B88-14 <u>Authorizing a financial assistance agreement with the Missouri Department of Natural Resources for the planning phase of the "Our Natural Legacy: A Plan for Columbia and Boone County" project; appropriating funds.</u>
- B89-14 <u>Authorizing the acquisition of easements for construction of the Grindstone Creek Trail Phase I project between the Grindstone Nature Area and Maguire Boulevard.</u>

- B90-14 Authorizing construction of an approximate 2,500 square foot EPA/ substation equipment storage building at 1514 Business Loop 70 East; calling for bids through the Purchasing Division.
- B91-14 Authorizing the replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle; calling for bids through the Purchasing Division.
- B92-14 <u>Authorizing the acquisition of easements for replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle.</u>
- B93-14 <u>Amending Chapter 16 of the City Code to repeal the requirement for registration of sound amplifying equipment for noncommercial use.</u>
- B94-14 Authorizing construction of improvements to the unfinished second-level space at the Robert M. LeMone Building, The Columbia Police Department Regional Training Center located at 5001 Meyer Industrial Drive.
- B95-14 <u>Amending Chapter 11 of the City Code as it relates to the food code; adopting the "City of Columbia, Missouri Food Code."</u>
- B96-14 <u>Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program.</u>
- B97-14 Appropriating funds for Columbia Values Diversity Celebration activities.
- B98-14 Appropriating funds for Share the Light Program.
- B99-14 Amending Chapter 4 of the City Code as it relates to sidewalk cafes.
- B100-14 Amending Chapter 14 and Chapter 24 of the City Code as it relates to enabling and regulating the use of public streets and parking for mobile vending by food trucks.
- B101-14 Amending Chapter 9 of the City Code as it relates to open burning.

### **REPORTS AND PETITIONS**

## REP28-14 <u>Avenue of Columbia Rezoning/PUD Plan Request - Authorization of Resubmittal.</u>

Mayor McDavid understood this rezoning request could not come back for twelve months without changes, and asked if that was correct. Mr. Teddy replied the same request could not come back within twelve months unless that requirement was waived. Ms. Hoppe understood there had to be substantial changes. Mr. Teddy explained the ordinance indicated no petition to amend the zoning district map would be accepted if it was the same or substantially the same, and the Council, at its discretion, could authorize a resubmittal within a twelve month period after reviewing a written request from the applicant, which provided justification, so the Council had the ability to waive the twelve month period. He noted the difference was April or September, and the applicant preferred not to wait until September. He pointed out PUDs were difficult to evaluate because there was variation within that single zoning category. In one sense, it was the same because it would look the same on the zoning map if passed, but there was also great variations in terms of the conditions involved, and there were some differences in the plans.

Mayor McDavid asked if the Timberhill Neighborhood Association now supported this request. Mr. Teddy replied he did not know as staff had seen competing letters. He noted he

did not believe support was the issue in this decision as it was a procedural issue. Mayor McDavid explained the reason he brought that up was because he felt a threshold of this being sufficiently different was for the neighborhood that previously objected to be supportive as a result of the changes made.

Ms. Hoppe commented that the fact that this had come to Council for a decision was indicative that there was not a substantial change as staff would have made that determination if there had been a substantial change. She pointed out the Shepard Hills Neighborhood Association had not weighed in on this issue, and noted she understood they were not supportive of it. She understood one of the reasons for this ordinance requirement was so neighborhoods and the Council did not have to repeatedly deal with it for only minor changes. She believed there was very little change in the greenspace as it only increased from 60 percent to 65 percent, the number of units had only been reduced from 358 to 321, and the number of four bedroom units had increased. It was still basically a PUD development for students, which they had already seen. She understood some neighbors in the Timberhill and Shepard Hills neighborhoods were trying to rush this through in order to not get something worse. She noted they had a letter from nine individuals out of a neighborhood of fourteen houses that opposed this coming back for consideration now. She suggested they not allow this to come forward at this time. The applicant could come back through the process in September if it wanted. She understood this had caused distressed between and within houses in these neighborhoods, and felt allowing more time was important since the changes made were not substantial in her opinion.

Ms. Nauser made a motion to authorize the resubmittal of the Avenue of Columbia Rezoning/PUD Plan request. The motion was seconded by Mr. Trapp.

Mayor McDavid explained he had supported this development previously, but noted he would have liked to have been provided a compelling reason for why this should be allowed to go back through the process, and a compelling reason for him would have been a strong letter of support from both neighborhood associations. In absence of that, he planned to defer to the procedural legacy described and would not support the motion.

Mr. Skala stated he was inclined to defer to Ms. Hoppe since this project was in her ward and tended to agree there were not substantial changes. In addition, there was no consensus within one neighborhood and not much representation from the other neighborhood. He thought it was reasonable to wait until the one year period was over, and noted he would not support the motion.

Mr. Trapp commented that he believed large changes had been made, but noted he had been persuaded by Ms. Hoppe's argument that it was not a substantially different rezoning request.

The motion made by Ms. Nauser and seconded by Mr. Trapp to authorize the resubmittal of the Avenue of Columbia Rezoning/PUD Plan request was defeated by voice vote with only Ms. Nauser voting in favor of it.

## REP29-14 <u>Correspondence from the Citizens Police Review Board - Request for Supplemental Funding for Increased Board Member Attendance to the NACOLE Conference in Kansas City, Missouri.</u>

Mr. Matthes provided a staff report.

Mr. Schmidt asked how much had been requested. Mr. Matthes replied a little over \$6.000.

Ms. Hoppe explained she thought all of the members could attend at a reduced cost. She suggested carpooling and utilizing only two vehicles, which would reduce the mileage cost to \$284 from \$994 and the parking cost as only two vehicles would be parked at the hotel. In addition, she suggested the sharing of rooms, which would reduce the number of rooms needed to only three or four instead of seven, and would reduce the cost to \$4,130 from \$1,770. She pointed out she had shared a room with a Planning and Zoning Commission Member in the past to reduce costs. She explained the cost could be reduced even further if the attendees paid for their own meals, but even with meals, the total cost could be as low as \$3,320.

Ms. Hoppe made a motion to allocate an additional \$3,320 from the Council contingency account to the Citizens Police Review Board so all of their members could attend the NACOLE Conference in Kansas City, Missouri. The motion was seconded by Mr. Trapp.

Mayor McDavid commented that this was an important Board that did good work, but there were many other boards and commissions that were just as important, and he did not feel this was good policy. He noted he was also concerned about the message being sent as the Police Department was not funded as well as it should be funded in terms of the ratio of police officers per residents. He thought they needed to be frugal and austere, and pointed out he intended to push for three new police officers next year. He stated he would vote against the motion on the principle of the need to adequately fund public safety.

Mr. Skala stated he disagreed and felt Mayor McDavid was conflating this issue with police officers. He believed some professional development was really public safety as well. He explained this conference was nearby so it would save the City money in terms of professional development, and did not believe this was an unreasonable request. It was a relatively modest outlay for an investment in information for an important board.

Mr. Schmidt agreed this conference location provided a special opportunity for training at a good rate. He noted there was public safety and there was the perception of public safety, and he was in favor of this training because it would benefit the Citizens Police Review Board, which helped with public perception.

Ms. Nauser understood the desire to save money, but did not believe they wanted to save money if it put them at a disadvantage. She felt the most public discourse involved law enforcement and referred to the many lawsuits involving the Police Department due to the nature of their jobs, and believed police officers and the individuals on the Citizens Police Review Board needed as much training as possible as it would likely lead to a better Police Department and better community dialogue. This was a relatively small amount of money that had the potential to make a big impact. She stated she supported training for all levels and noted she planned to support the motion.

The motion made by Ms. Hoppe and seconded by Mr. Trapp to allocate an additional \$3,320 from the Council contingency account to the Citizens Police Review Board so all of their members could attend the NACOLE Conference in Kansas City, Missouri was approved by voice vote with only Mayor McDavid voting against it.

## REP30-14 <u>Correspondence from the Downtown Columbia Leadership Council on Future Role of Infrastructure Planning.</u>

Mayor McDavid made a motion for the Downtown Columbia Leadership Council (DCLC) to conduct an analysis within the framework presented in this correspondence. The motion was seconded by Mr. Thomas.

Mr. Skala commented that he and Ms. Hoppe had attended one of the meetings of the DCLC in preparation of this letter, and a lot of information had been exchanged in terms of how they might go about this, which had been included in the letter. He stated he planned to support the motion.

Mr. Thomas thought this was a great opportunity to look at the Comprehensive Plan in terms of how it could guide development, specifically downtown development. The three issues of neighborhood planning, impact fees in terms of the cost share of new infrastructure charged to development, and downtown zoning yielded from his analysis of the Comprehensive Plan were all referenced in the proposal.

The motion made by Mayor McDavid and seconded by Mr. Thomas for the Downtown Columbia Leadership Council to conduct an analysis within the framework presented in their correspondence was approved unanimously by voice vote.

### REP31-14 <u>Correspondence from the Downtown Community Improvement District regarding Infrastructure Needs.</u>

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

### REP32-14 Annual Water and Light Advisory Board Report.

Mayor McDavid commented that he did not have any criticisms of the report, and noted he had asked for clarifications on some issues previously. He thought there was room within the three percent cap to increase renewable energy, but noted they needed to be clear as to the metrics used in these calculations, such as subsidies, add-ons, and additional expenses.

### REP33-14 Media Mentions Report from the Columbia Vision Commission.

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

## REP34-14 <u>Missouri Quality Award and Malcolm Baldrige National Quality Award Update.</u>

Mr. Matthes provided a staff report.

Mayor McDavid credited former Fourth Ward Council Member Jerry Wade who initiated this effort with Larry Potterfield of Midway Arms before he was even on the Council. He appreciated the changes he was seeing and noted this was a terrific framework in terms of setting standards and benchmarks to make the City better.

### REP35-14 <u>Intra-Departmental Transfer of Funds Request.</u>

Ms. Hoppe understood approximately \$35,000 would be used toward two residential compactors for The Den complex and asked if The Den would ultimately reimburse that cost. Mr. Matthes replied yes in the sense they paid for solid waste and it was a service the City

provided for high users. He noted this was the City's standard approach. As the City grew, more compactors were purchased. The utility paid for the compactors and The Den paid the fees to help cover that cost which would pay for it all over time. He pointed out it was a communalized cost. Ms. Hoppe stated she wanted information on how long the compactors would last and how much The Den paid as she felt \$35,000 was a lot for two trash bins. She noted she wanted to see the calculations in terms of the payments by The Den as she wanted to know how long it would take to pay off and what other items the fee that was paid included.

### COMMENTS BY PUBLIC, COUNCIL AND STAFF

Philip Rabbitt, 1415 Godas Drive, understood there were no plans for internal sidewalks in the Parkside Estates proposed development, and had concerns because parents and children could walk safely on internal sidewalks and interactions among humans increased with sidewalks. In addition, bicyclists, skateboarders, those that used foot-powered scooters and those that jogged had the option of using sidewalks when available versus being forced on to the street. He noted a sense of community was created by sidewalks, and believed not providing for sidewalks in new housing developments was a gateway to obesity. He asked the Council to keep working toward preserving sidewalks because they were important. He thanked Ms. Hoppe for mentioning Germany and its incorporation of solar photovoltaic cells.

Mr. Skala stated he had been approached by a couple of people who had indicated the City was paying some of its clerical staff \$8 per hour, which was essentially minimum wage, and asked if that was true. Mr. Matthes replied he would have to check. He did not think that was true for permanent staff, but thought it was possible for temporary staff. Mr. Skala asked if that could be look into because some people had been concerned in terms of setting an example for minimum wage within the City

Mr. Skala asked for the status of the nuisance ordinance in terms of barking dogs as he hoped for some clarifying language.

Mr. Skala commented that in 2010 travel budgets were cut in half, and the Council's travel budget was reduced from \$5,000 per Council Member to \$2,500. He noted he had attended a meeting in Washington that cost close to \$2,500 and had also attended a meeting in Denver, and had only asked for reimbursement of up to the \$2,500 limit. He stated he wanted to restore the professional development funds, but that could be discussed as part of the budget process. He explained he wanted to recover about \$500 in expenses in terms of airfare and lodging in Denver for this year and was unsure of the best way to accomplish that.

Ms. Hoppe noted an additional \$750 had been authorized for her to use to attend the Smart Growth Conference, but she had received a scholarship, and thought about \$350 had been unspent and could be used by Mr. Skala.

Ms. Nauser explained a couple of people had contacted her over the past several months regarding panhandling at community entrances and major intersections, and asked

for clarification in terms of any policy on the issue. Mr. Matthes stated the current policy was that it was not illegal to panhandle. He stated many cities were wrestling with the issue. He explained some cities were trying to restrict panhandling and felt it was a community choice. Ms. Nauser asked for a staff report on the issue.

Ms. Hoppe understood Ms. Nauser did not intend to include people who were performing in terms of playing an instrument, etc. Ms. Nauser stated that was correct. Mr. Matthes noted many cities allowed panhandling if a product was sold or a service was provided. Ms. Nauser stated she was not concerned with those situations.

Ms. Nauser understood there had been another teenage death recently, and noted she was dismayed to learn of the number of service calls for the facility in which that teenage had died. She had been told there had been 81 calls for service out of only 96 days this year. Several years ago, there were similar situations at downtown establishments due to inappropriate activities. She did not believe this was acceptable and suggested they revisit the issue of a nuisance business ordinance. She asked for a staff report and understood Kansas City had a nuisance business ordinance that might be a good model. Mr. Matthes stated it was referred to as a designated crime location in some communities, and the determination of too much criminal activity was made by the Council. Ms. Nauser noted she was open to any ideas as she did not believe the Police Department should have to spend that much time at one location.

Ms. Hoppe stated she understood the Short Street garage was supposed to have hourly parking on the lower floors, but she had been contacted by a constituent that had indicated there was no hourly parking and only permit parking on those floors. She noted she had walked the garage and had not noticed any hourly parking, but pointed out she had not gone all of the way to the top. She had since learned there were 20 hourly spots at the top. She commented that most of the levels were empty when she had walked the garage. She wondered if they needed to provide more hourly parking at the garage as the other City garages had a higher percentage of hourly parking spots. The location of the hourly spots was of concern as well as people were forced to waste time and gas traveling to the top of the garage, and those spots were usually the most used. She also wondered about the formula for the designated parking spaces at that garage and the Fifth and Walnut garage as there were a lot of empty spots. She asked for a report regarding these issues, and suggested a review of the computation of the number of spots sold. If the garages were full and oversold, she did not think they should see that many empty spots.

Mayor McDavid stated he agreed and did not believe the City was efficiently utilizing its parking facilities.

Mr. Matthes stated staff would try to prepare a fairly comprehensive report on parking at all of the City garages. He noted the demand was different at each location. He commented that he was surprised by the number of people that would not walk a block. Ms. Hoppe asked that the report include a discussion of the location of the hourly spots.

Ms. Hoppe noted there were taxi stands on Cherry Street, between Hitt and Tenth, that were reserved for only taxis starting at 9:00 p.m., and asked if that could be revisited as

the students did not get to the downtown area that early and were not using taxis at that time. She suggested 11:00 p.m. instead, and a review of that location as well. She asked for a report, and for the report to indicate whether they were tracking the use of these spots as taxi stands.

Ms. Hoppe thanked Mr. Schmidt for his service to the City for the past three years.

Ms. Hoppe understood Leigh Britt had written an article that had been published in the Columbia Daily Tribune that had indicated the City's rental inspection interval was six years, when most other cities had an interval of three years. She asked staff to review the issue and to provide a report indicating how a three year inspection cycle could be accommodated.

Mr. Thomas thanked Mr. Schmidt for his service on the Council.

Mr. Thomas thanked staff for putting together a spreadsheet, which laid out the actual capital improvement costs for the water, stormwater, sewer, and electric utilities over the last ten years, and for working diligently to categorize those expenses into the two categories of serving new development through the expansion of capacity or the extension of the geographic reach of the system and the replacement or maintenance of existing infrastructure that was essentially serving the same customers before and after the work was done. Those numbers were then compared with the hookup fees and impact fees charged to new development over those same ten years, and while it was not a perfect science as there were large areas where it was difficult to distinguish between the two categories, it provided a good basis for understanding the cost recovery of new development. He noted it was far less than 50 percent, and was likely closer to 10 percent. He thought this was important data for the Downtown Columbia Leadership Council to have for its analysis.

Mr. Skala pointed out Ms. Amin asked for clarification on the travel reimbursement issue. He understood there was \$318.95 left in Ms. Hoppe's budget, which meant another \$181.05 would be needed from another source, such as the Council contingency fund or from Mr. Schmidt's unused budget. He reiterated he only wanted to be reimbursed \$500.00, and that amount was far less than what he had spent. Mr. Schmidt commented that he had shared his travel funds for two years, and as a result, it was now expected. He felt the right thing to do was to leave his travel funds to his successor, and his successor could then decide how to use those funds.

Ms. Hoppe made a motion to allow Mr. Skala to utilize the \$318.95 left in her travel budget for this year, and to provide Mr. Skala an additional \$181.05 from Council surplus funds. The motion was seconded by Mr. Trapp.

Mayor McDavid stated he would vote against the motion because even though it was a small number because he felt they needed to be as frugal as possible and live within their means.

The motion made by Ms. Hoppe and seconded by Mr. Trapp to allow Mr. Skala to utilize the \$318.95 left in her travel budget for this year, and to provide Mr. Skala an additional \$181.05 from Council surplus funds, was approved by voice vote with only Mayor McDavid and Mr. Schmidt voting against it.

The meeting adjourned at 11:15 p.m.

Respectfully submitted,

Sheela Amin City Clerk