

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
APRIL 21, 2014**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 21, 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 MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER and HOPPE 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 April 7, 2014 and the special meeting of April 14, 2014 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Skala.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Ms. Hoppe asked that R70-14 be moved from the consent agenda to new business.

Mr. Thomas asked that B82-14 and B83-14 be moved from the consent agenda to old business.

Upon his request, Mayor McDavid made a motion to allow Mr. Thomas to abstain from voting on R74-14 due to a conflict of interest. The motion was seconded by Mr. Skala and approved unanimously by voice vote. Mr. Thomas noted on the Disclosure of Interest form that he was a recent Director of PedNet and did not feel comfortable voting on a resolution that involved a contract with that organization.

Upon her request, Mayor McDavid made a motion to allow Ms. Nauser to abstain from voting on B99-14 and R72-14 due to a conflict of interest. The motion was seconded by Mr. Skala and approved unanimously by voice vote. Ms. Nauser noted on the Disclosure of Interest form that her family business involved alcoholic beverage sales.

The agenda, including the consent agenda with R70-14 being moved to new business and B82-14 and B83-14 being moved to old business, was approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

**AIRPORT ADVISORY BOARD**

Hunter, B.J., 4310 Montpelier Place, Ward 5, Term to expire May 16, 2018

**BOARD OF ADJUSTMENT**

Clithero, Philip, 4208 S. Wappel Drive, Ward 4, Term to expire May 1, 2019

**COMMISSION ON HUMAN RIGHTS**

Smith, Stacye, 1802 N. Charleston Circle, Ward 3, Term to expire March 1, 2015

**DOWNTOWN COLUMBIA LEADERSHIP COUNCIL**

Sommer, Andrew, 209 St. Joseph Street, Apt. D, Ward 1, Term to expire May 1, 2017

Gardner, Brent, 315 W. Stewart Road, Ward 4, Term to expire May 1, 2017

Mr. Skala made a motion interview the Planning and Zoning Commission candidates, and to extend the deadline to accept applications. The motion was seconded by Ms. Hoppe and defeated by voice vote with only Ms. Chadwick, Mr. Skala and Ms. Hoppe voting in favor of the motion.

**PLANNING AND ZONING COMMISSION**

Burns, Tootie, 117 W. Burnam Road, Ward 5, Term to expire May 31, 2019

Russell, Lee, 3456 Woodrail Terrace, Ward 5, Term to expire May 31, 2019

Mayor McDavid made a motion to readvertise the Rock Quarry Road Scenic Roadway Stakeholder Advisory Group vacancies. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

**SCHEDULED PUBLIC COMMENT**

**Jeff Frey – Public discussion of the City’s purchase of electricity from the Prairie State Energy Campus.**

Mr. Frey, 300 Maplewood Drive, presented a petition signed by 331 residents calling for a public meeting with regard to Peabody Energy’s Prairie State Energy Campus. This had been sold as a good deal of \$45 per megawatt hour, but since the plant began operating in 2012, the City of Columbia had paid much more. During one month, the price for coal-fired electricity from Prairie State was nearly three times the price initially quoted. He felt this high price for coal resulted in much higher energy rates for Columbia ratepayers, and caused the City to tap into financial reserves. In addition, the City’s contract with the Missouri Joint Municipal Electrical Utility Commission (MJMEUC) forced Columbia to use expensive, dirty coal for almost fifty years into the future. He wondered if it would be better to withdraw from the MJMEUC contract and pay the penalty if the contract was not already void due to the price being higher than promised. He also wondered whether the City should reconsider the other three coal contracts currently in effect. He believed the City needed to transition to cheaper and clean renewable energy sources as quickly as possible, and noted the People’s Visioning’s Renewable Energy Plan for All, which had previously been submitted to the Council, had strong support and could guide the City.

**Charles Rogers – Purported “referendum petition” regarding contract with Opus Development Company, LLC.**

Mr. Rogers, an attorney with offices at 2200 IDS Center, Minneapolis, Minnesota, stated he was representing the Opus Development Company and asked the Council to take action so Opus could proceed with the development of a high-quality project adjacent to campus that had been thoroughly vetted and reviewed. He commented that the ability of Opus to proceed with timely construction of the project would potentially be thwarted by a petition that on its face appeared to repeal an improperly enacted downtown development bill, but the bill had not been improperly enacted, so he did not feel that was true. He did not believe the citizens that had signed the petition had been provided key material facts. He pointed out the Council had announced its intent to consider a development agreement with Opus on March 12, 2014, and had held two meetings thereafter to review the project. The signors had not been told the Council would typically act after only one meeting, and that discussion on the development agreement had lasted an hour at the March 17, 2014 Council Meeting and another hour at the March 19, 2014 Council Meeting. In addition, the plans and depiction of the project had been available at the City for months, and the professionals reviewing the plans had provided positive feedback. He commented that if this project failed to proceed, the City would be deprived of hundreds of construction jobs, millions of dollars in capital infusions, and an increased tax base. He noted the citizens had not been told the development agreement had been fully vetted by City staff, signed by the City Manager, approved as to form by the City Attorney and attested to by the City Clerk. He stated Opus had relied on the assurances and had spent considerable sums of money in preparing plans and drawings, negotiating with existing tenants, and moving tenants out of the existing structure in anticipation of this project. He commented that if the project did not move forward, Opus would likely have to recoup its losses in costly and protracted litigation. In addition, he felt petitions, such as this, were only applicable to legislative acts of the Council, and at least two law firms had opined the Council had not engage in a legislative act in the approval of the development agreement. He reiterated that he believed those signing the petition were misinformed. The Council, however, had not been misinformed, and had collectively, as a body, voted in favor of the project after reviewing the key facts. He asked the Council to continue to lead by declaring the petition to be invalid and honoring the contract. He stated the Council would subject themselves to the payment of damages to Opus if they determined the petition was valid.

**PUBLIC HEARINGS**

**B86-14 Authorizing the construction of restroom projects at the Garth Nature Area and Grindstone Nature Area; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

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

Mayor McDavid thanked those who had left this legacy to the City, and noted he would not live in a city that did not have trails like Columbia as it was a wonderful thing.

Mr. Trapp commented that he had received a lot of constituent feedback regarding the condition of the Garth Nature Area dog park. The restrooms and extra amenities, such as the condition of the pond, were much appreciated. He noted Columbia was lucky to have a Parks and Recreation Department that was responsive to the needs of everyone and was very thankful.

Ms. Hoppe stated the Grindstone Nature Area also had a dog park that was well-used and appreciated, and the restroom was a good addition as it was preferred over the outhouses.

B86-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**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.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid asked for clarification on the EPA acronym. Mr. Johnsen replied it was the Environmental Protection Agency, and they regulated the PCB-contaminated oil and transformers. The City was required to have buildings to contain them, and the building they currently had was old and small. The new rules required the City to be able to contain the dirt that might have been contaminated with oil if it leaked into the ground so more space was needed.

Mr. Skala asked how they disposed of the PCB oil. Mr. Johnsen replied the City tested it to ensure the substance they needed to control was found in it, and if it was found, they had a contract with a company that would dispose of the oil and any contaminated dirt. Mr. Skala understood this building would simply be a place to store the contaminated items until a determination was made. Mr. Johnsen stated that was correct. He explained contaminated items could be stored for up to 30 days, and noted there were time limits by regulation.

Mayor McDavid opened the public hearing.

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

B90-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**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.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Skala explained this was a wonderful facility that had capacity expansion built into it, and he endorsed going out for bids and improving the property as it was an asset for the Police Department.

B94-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of the MKT to Parkade Bike Boulevard Project.**

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Thomas asked if there would be any speed humps or speed tables as part of the project and their locations. Mr. Glascock replied he thought there would be one between Lathrop and Stewart on Edgewood, and one between Maupin and Stewart on Edgewood. Mr. Thomas asked if there would be any on Maupin. Mr. Glascock replied no.

Ms. Chadwick thanked staff for holding off on this item to ensure the roads were correctly named and the maps were labeled with street names.

Mr. Skala made a motion to withdraw Item A. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(B) Construction of sanitary sewers along West Broadway between Aldeah Avenue and Glenwood Avenue.**

Item B was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas understood this was a Private Common Collector Elimination (PCCE) project that would tear out the old sewer and put in a new system. Mr. Glascock replied they would not tear out the old sewer. They would install a new sewer, and re-hook the properties to the public sewer. Mr. Thomas understood the sewers were too deteriorated to line them. Mr. Glascock stated that was correct, and noted those sewers did not meet today's standards as the laterals crossed property lines. The City liked to keep the laterals on their own properties.

Mr. Skala understood inflow and infiltration was a part of this project as well as trying to control backups. Mr. Glascock stated that was correct. Mr. Skala asked what happened to the West Broadway improvement project. Mr. Thomas understood it was on the CIP. Mr. Glascock explained a concept had been completed, but there were no construction funds. It could be included as a project for the 2015 ballot if Council wanted.

Mayor McDavid opened the public hearing.

James Carrel, 412 ½ W. Walnut, provided a handout and explained he and his wife lived behind the house at 503 W. Broadway and owned the house at 505 W. Broadway, which they had been attempting to restore for the past three years, and each year, there had been issues with the sewer system. When they had the main sewage drain mapped out last year, they were shocked to find that 20 feet after it left the house, it traveled to the southwest

and into the property of 509 West Broadway for which they did not have an easement. He noted they would like to for it to be replaced so it traveled toward Broadway as this plan proposed, and stated they were in favor of this project.

Dan Cass, 605 W. Broadway, stated he had numerous sewer backups in his basement over the past 23 years, and had even installed a backflow preventer to no avail, so he supported the project. He explained the City had obtained easements in 2003 or 2004, but nothing had been done, and they continued to have backups. In fact, one backup destroyed his furnace, which cost \$8,500 to replace. He encouraged the Council to support this project.

Lisa Schwartz, 509 W. Broadway, stated she wholeheartedly supported this project as a good neighbor and a member of the community.

Monta Welch, 2808 Greenbriar Drive, explained she was speaking on behalf of People's Visioning and noted they were supportive of the project. She wondered if this sewer project along with those approved previously would add to the demand capacity instead of only repairing the existing lines, and if demand capacity was added, she wanted to know how it would be allocated. Mr. Glascock asked Ms. Welch if she was asking if this would add further flow to the system. Ms. Welch replied yes. She stated she wanted to know if it was over and above what was needed to address the current inflow and infiltration and backup situation. Mr. Glascock explained this project would reduce what was going into the system because it would reduce the inflow and infiltration, which was getting into the system through the private common collector. Ms. Welch asked if making this repair and reducing the inflow and infiltration would add capacity. Mr. Glascock replied yes. Ms. Welch asked for the percentage of additional capacity created by this project. Mr. Glascock replied he did not know. Ms. Welch commented that the People's Visioning wanted new development paying a fair share, which would match the public funds going towards these projects.

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

Ms. Nauser made a motion directing staff to proceed with final plans, specifications, and the construction of the West Broadway Sewer Improvement Project. The motion was seconded by Mr. Skala.

Ms. Chadwick commented that she had heard from many regarding sewer backup issues on Aldeah and further down Broadway, and the inflow and infiltration reduction created by this project would improve the situation for those at the 300-400 block of Broadway.

Mr. Skala understood if inflow and infiltration were reduced, the capacity increased, but that capacity did not increase to the extent of enabling or encouraging large-scale new development. He commented that one of the reasons he voted against the Opus project was due to the fact he could not justify putting high density impact on a system that was already failing. He thought they needed to pay attention to the people that had suffered for many years and stated he would endorse this project.

The motion made Ms. Nauser and seconded by Mr. Skala directing staff to proceed with final plans, specifications, and the construction of the West Broadway Sewer Improvement Project was approved unanimously by voice vote.

**(C) Construction of the Stewart/Ridge/Medavista PCCE #3 Sanitary Sewer Improvement Project.**

Item C was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid opened the public hearing.

Richard Grant, 701 Medavista, explained he would be positively impacted by this project, and asked for the time frame for completion. Mr. Glascock replied it would be dependent on how quickly the City could obtain easements and complete the design of the project. He explained they would break the areas down to smaller groups so the sooner they were able to obtain easements in the area Mr. Gant lived, the quicker they would be able to do the work. Mr. Grant understood the concerns that had been expressed involved the impact of the project on landscaping, and stated this project did not impact his landscaping because he had been waiting several years to landscape his property. He stated he wholeheartedly supported this project and noted he was glad to see the City move in this direction.

Monta Welch, 2808 Greenbriar Drive, commented that the People's Visioning Plan B for funding encouraged green buildings and other ways to reduce the flow and demand for sewers through design features in toilets, showers, etc., and asked that this be considered along with who paid and how much they paid. She also suggested conservation pricing so people would use less water that would have to go through the sewers.

Roy Eichelberger, 1115 W. Stewart Road, asked when the City was considering starting the project and how long it would take to divide the project into sections. Mr. Glascock reiterated there were fifty-five easements, and as long as they received the easements in a timely manner, they could start the project in the fall or next year.

David Vernon, 1115 Ridge Road, stated he would not argue against the necessity of this project, but understood there was variation in terms of the location of the line, how many trees were impacted, etc. He asked if the residents would have an opportunity to influence how the project was done and when that opportunity would be provided. Mr. Glascock replied staff would meet with the residents if they wanted. He noted they would try to directional drill, which meant the yard would not be torn up, but there were instances in which they had to dig, such as where there was a manhole, etc. He explained they could not jog the line from parcel to parcel as they tried to have the sewer go in a straight line, but they would be happy to meet with the residents to try to place the line where they wanted it located.

Joe Camille, 1313 Ridge Road, stated his residence was not affected, but he and his wife owned property at 410 Crestland, which was affected, and noted he was in favor of this proposal as it was badly needed.

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

Ms. Nausser made a motion directing staff to proceed with final plans, specifications, and the construction of PCCE #3 Stewart/Ridge/Medavista Sewer Improvement Project. The motion was seconded by Mr. Trapp.

Mr. Trapp stated he liked how staff had broken up the project to be able to move pieces forward so one easement did not hold up the entire project. He considered this nimbleness and flexibility to be great innovation.

The motion made by Ms. Nauser and seconded by Mr. Trapp directing staff to proceed with final plans, specifications, and the construction of PCCE #3 Stewart/Ridge/Medavista Sewer Improvement Project was approved unanimously by voice vote.

**(D) Voluntary annexation of property located on the east side of Forum Boulevard and north of Old Plank Road.**

Item D was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser asked if the traffic on Forum would be looked at by City staff as she received a lot of complaints regarding that road. Traffic traveled fast since it was long and relatively straight. Mr. Teddy asked if Ms. Nauser meant if the development of the tract would be considered. Ms. Nauser replied she did not want to pinpoint the traffic situation to this development. She wanted to ensure it was a part of the conversation and for staff to consider traffic calming on Forum as it continued to develop. Mr. Teddy noted it was good to hear that there was a particular concern about a particular area so staff could key in on it with other review opportunities.

Mr. Thomas asked if this property was in the urban service area. Mr. Teddy replied it was and noted it would be connected to City water and sanitary sewer. Boone Electric would provide electric service.

Mayor McDavid opened the public hearing.

Kevin Murphy, an engineer with offices at 3401 Broadway Business Park Court, stated he represented Osama Yanis, the owner of the property, and they had been in discussions with the neighbors since last summer in terms of how the property would develop, and the consensus was for R-1 zoning. There had been discussion about City parkland in this area, but they had not had any further contact from the Parks and Recreation Department. He pointed out that if the City were to purchase it for parkland, it would likely be annexed and zoned R-1 anyway.

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

**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 third reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood the entire tract was subject to the 15 percent impervious cover. Mr. Teddy stated everything within the PUD zoning boundary was subject to the 15 percent, so even if they conveyed it to another entity via a tract split or something else, they would have to deal with the total on the 34 acres.

Mr. Trapp asked if changes to the plan had affected the density of the project. Mr. Teddy replied there were fewer lots and it was now a one-family development. The preliminary plat showed wider lots along Route K that were proposed to be up to 12 two-family units, but that had now been replaced by eight single-family units. There had been other adjustments to lot dimensions, etc., but otherwise this was the same.

Mr. Thomas understood the approval of the final plat was a ministerial act of Council and asked for an explanation. Ms. Thompson replied the discretionary act of Council occurred at the time of a preliminary plat, and once everything was found to be in compliance with the City Code, the discretion of Council on the final plat was minimal as long as it complied with the provisions of the preliminary plat. In this instance, she understood staff had reviewed the final plat and had determined it was in compliance with the preliminary plat. The only areas of concern on this particular project were the additional requirements and conditions placed on the preliminary plat by Council. They needed to ensure the 15 percent impervious surface restriction was adequately documented. She understood that had been addressed by the covenants, conditions, and restrictions on the lots. Ms. Hoppe asked if the covenants had now been recorded. Mr. Matthes replied yes.

Ms. Hoppe commented that the Council had received a letter from the Great Rivers Environmental Law Center and asked if the Law Department had been able to review the concerns identified in the letter. Ms. Thompson replied she had reviewed it. She explained a concern the Great Rivers Environmental Law Center had raised was the Hammerschmidt problem in that there was more than one subject matter in the ordinance. She noted she did not agree with that opinion. The Columbia Code of Ordinances required a zoning classification be attached to a piece of property at the time of annexation so the zoning and annexation had to come together in the same application, and the applicant had the opportunity to withdraw an annexation if the zoning was changed prior to annexation. If a planned unit development was involved, the plan for the planned unit development could also be submitted at the same time because those two items worked together. The Council might not know if they want to approve the planned development zoning without first seeing the plan, and the preliminary plat and the plan for a planned unit development were one in the same. She stated all of those items in the letter that were objectionable were called for under the City Code. The other two items mentioned in the letter involved the sidewalk variance and the impervious surface requirement, and both of those were directly related to the plan and the preliminary plat conditions that would carry forward to the final plat. While the argument was made that they did not all relate to the same subject, it did involve one particular subdivision, annexation and development project.

Mr. Skala asked if the Hammerschmidt problem addressed the issue of whether this was legislative or administrative. Ms. Thompson replied the Hammerschmidt problem involved whether or not there were multiple topics in one bill. Mr. Skala understood there was no distinction between a ministerial act and a legislative act. Ms. Thompson stated that was correct.

Mr. Skala understood there were exigencies in terms of public safety whereby Council could vote against a final plat. He agreed that was not the case here, but asked if that was an exception. Ms. Thompson replied those exigencies would typically be identified at the

preliminary plat stage as opposed to the final plat stage. If there were exigencies related to public health, safety, and welfare, the Council would hopefully identify those at the preliminary plat stage. If something came up between preliminary plat and final plat, it was an issue that could be addressed.

Ms. Chadwick asked why the Council was required to vote if they could not vote against it and it was a ministerial function. Ms. Thompson replied it was because state law required the Council to vote on final plats. She explained there could be a situation where something changed between a preliminary plat and a final plat, and Council could then exercise discretion. In this instance, the actual layout of the property had not changed and the applicant had complied with the 15 percent impervious surface requirement. If the Council had found the applicant had not complied with that requirement, they could vote against it.

Mr. Trapp commented that they knew the streets would create five percent impervious surface so there was really only ten percent remaining, and he understood a spreadsheet would be utilized to track the impervious surfaces, but felt that was thin protection to ensure compliance. He wondered what the remedy would be if the 15 percent had been met when the subdivision was only half built. Mr. Teddy explained the table the applicant provided had allocated impervious percentages to each lot so it equaled the 15 percent. Mr. Trapp understood the impervious surface calculation had already been delineated for each lot. Mr. Teddy stated that was correct, and explained they would compare the individual plot plan for each lot to the maximum allotment on the spreadsheet. He pointed out there was a process within the document the applicant recorded where they could reallocate the percentages, but they would have to create an entirely new spreadsheet and show they were still totaling no more than 15 percent impervious surfaces. He explained there appeared to be three types of lots. Most of the lots had a maximum of either 2,400 square feet or 3,115 square feet, and five lots would be on a private access system with the access drive and would consist of 18,730 square feet of impervious surface. If they went over the square footage on a particular lot, staff would notify them as they would need to revise the spreadsheet or amend the plot plan. Ms. Thompson commented that every time the spreadsheet, which was corresponded to Exhibit A of the declaration of covenants, conditions and restrictions, was changed, the applicant was required to file a new Exhibit A in the land records so lot purchasers had notice of the maximum impervious surface area on any particular lot. In addition, the only people that could agree to change the impervious surface area were owners of those specific lots. As a result, the developer had that opportunity before the lots were sold, but after lots were sold, individual property owners could reallocate the percentages, and if there was reallocation, a new Exhibit A had to be filed in the land records for permanence.

Ms. Nauser understood the individual driveways, sidewalks, and patios associated with each property would be made of pervious material, and rain gardens would collect water from the roofs through gutters, and asked if that was correct. Mr. Teddy stated he had read two rain barrels would be provided to each initial purchaser, but he was unsure as to how the rain barrels would be used. Ms. Nauser thought the bigger issue was the material being used on the driveways as it was not something that would typically be used. It would be more

pervious. Mr. Teddy thought the applicant would have to submit as part of their construction document a product to show it was pervious. He noted he was not expecting there to be a lot of permeable paving materials. Ms. Nauser understood the driveways, sidewalks, and patios were the three items that would count toward the impervious surface calculations. Mr. Teddy stated the calculation would include any kind of service walk, patios, decks, rooftops, etc.

Mr. Thomas asked if pervious pavement was used if it would be featured differently in the formula. Mr. Teddy stated permeable or pervious surfaces could be considered, but engineers had indicated permeable paver systems might not be 100 percent effective as they would also shed some water. Ms. Nauser understood that was beyond the conversation today since it was not in any of the requirements. Mr. Teddy stated that was why staff was not relying on it. They would look at plans that showed the geometry of the driveway and outer limits of the house. Mr. Thomas understood staff would not allow additional square footage on the basis of an argument there was pervious pavement. Mr. Teddy stated they would have to demonstrate it was as good as vegetation.

Mr. Skala pointed out that part of the problem was the soil had to be compacted in order to prepare the land for a piece of pervious pavement, which caused it to become less pervious. He assumed if there was some adjustment, it would have to be based on performance evaluation after it was in place because they would not know whether the soil was compacted or whether it met the specifications of the pervious pavement prior to then. Mr. Teddy stated he understood one builder would be involved and envisioned the lot owners working with the builder to discuss the features they wanted. He did not expect any greater or less eco-friendly products than as could be found in other subdivisions.

Ms. Nauser commented that permits in the future to add a sidewalk or expand a patio by an individual lot owner would not be approved. Mr. Teddy stated he would expect incremental changes through time because not everyone finished their homes at one time. He expected to see a little wiggle room on the lots. Ms. Thompson pointed out that from the City's perspective, Exhibit A to the declaration provided the Community Development Department something to enforce. Without that exhibit, which provided a maximum surface area per lot, this flexible standard would not be enforceable.

Ms. Hoppe referred to page 14 of the declaration where it discussed "Rights to Storm Water Runoff" and stated "The Developer hereby reserved for itself and the Association all rights to ground water, surface water, and storm water runoff within the Development..." and understood that did not mean the developer could stop stormwater that had been recharged for Rock Bridge State Park from that area. Ms. Thompson stated it did not change the laws relating to water being a common concern or common resource between property owners.

Ms. Hoppe noted the declaration also had a provision regarding future annexation and she assumed that meant, if approved by Council, the developer could annex property that would conform to these covenants. Ms. Thompson stated that was correct.

Ms. Hoppe commented that there had been a lot of concern with regard to land disturbance and violations in terms of erosion on this property. She noted the Council had received a letter from Bill Bryan of Rock Bridge State Park indicating the Department of Natural Resources (DNR) had cited Mr. Hill's company for violating the Missouri Clean Water Law. She displayed a few photos of the site which indicated land disturbance had taken

place beyond the berm and outside of the area permitted. In addition, there was significant erosion, and six inches of mud and sand had been deposited into two creeks. She asked if that would provide the basis for denying or tabling approval of the final plat. Ms. Thompson replied that was not necessarily a basis for denial. The role of the Council was to ensure the layout of the property was appropriate. The construction activities and the enforcement of best management practices during construction were a function of another entity. The City was provided a copy of the notice of violation issued by DNR, which cited the developer, and they would continue to follow up on the violations that had occurred as it was a DNR enforcement function. Mr. Teddy explained three areas of violations were cited, and all of them would require a report to DNR by May 9, 2014 explaining how the developer intended to prevent a re-occurrence of the water pollution and sediment discharge the DNR inspector had observed.

Robert Hollis, 1103 E. Broadway, stated he represented the developer and was available to answer any questions.

Mr. Skala understood the southwest portion of the development, which currently held the dirt, would possibly be phased-in or developed depending on how the impervious surface percentages worked out, and asked if that was correct. Mr. Hollis replied it had an allocation of zero at this point, and the only way it could be developed in the future was if there were savings throughout the rest of the development. Mr. Skala understood dirt from that area would be used for necessary fill, and asked whether that area would be returned to a natural state if the 15 percent restriction was met. Mr. Hollis replied he was unsure, but assumed it would not remain as dirt.

Tim Crockett, an engineer with offices at 2608 N. Stadium Boulevard, explained they planned to put in pervious pavements on some lots at certain locations, and did not intend for that to count against the impervious calculations within the development. With regard to the concern of Ms. Hoppe in terms of the receiving waterways, he noted they would not take water away from those areas. It was a condition DNR had asked them to evaluate early in the process and water levels would be maintained at or be very close to the current levels. He pointed out the lot Mr. Skala had asked about would have zero impervious cover per the spreadsheet. They would, however, reserve the right to develop it in the future with impervious cover if they had available impervious area remaining when this portion of the development was built out. If they used all of the impervious area, the lot could be a community park, community gardens, or another entrance to the State Park. He stated they were aware of the erosion control situation and took it very seriously, and explained they had designed to DNR regulations, but those regulations did not account for 6.3 inches of rain in a short period of time. He commented that they had not designed to the bare minimum as the erosion control plan for the site was built in suspenders. Additional erosion control best management practices (BMPs) had been added on the property. As soon as the rainfall occurred and the contractor was able to get to the site, it was the first thing that was addressed. He noted representatives of DNR, the State Park staff, and the City had reviewed the site since improvements had been made, and felt they were doing a lot to protect the downstream environment.

Mr. Trapp asked about the density of this plat compared to what they had initially requested. Mr. Crockett replied he could not provide a specific number, but thought there had been a net decrease of 10-12 units.

Mayor McDavid stated he recalled 24 percent impervious surface had been previously proposed. Mr. Crockett stated that was correct, and explained the initial request had been for 24 percent impervious surface, the State Park had requested it be reduced to 20 percent, and the Council had approved 15 percent. He pointed out the original request also included sidewalks on one side and Council decided to remove sidewalks from both sides of the street.

Mr. Skala understood Mr. Crockett had indicated the intent for pervious surface to be in the design in some cases, and asked if they had addressed the performance issue of pervious surfaces. Mr. Crockett replied yes, and explained they had designed the site to account for it.

Mr. Thomas understood Mr. Crockett was assuming pervious surface was 100 percent pervious and should not be counted against the impervious surface quota. Mr. Crockett stated that was correct. Mr. Thomas asked Mr. Teddy if he agreed. Mr. Teddy replied some engineers would say 100 percent infiltration could not be achieved or at least not an amount comparable to soil, and thought a discussion would be needed and staff would need to see documentation for the product. He explained staff also wanted to avoid a situation where they approved a lot where they were told the driveway would be constructed with permeable paver, but concrete was used instead. Mr. Skala asked how serious of a discussion would be held. Mr. Teddy replied he thought staff would document everything, so if they received a plot plan with an 800 square foot pervious paver driveway, they would document it and count it after installation. Mr. Thomas stated he was not sure so-called pervious surfaces should be counted as zero. Ms. Hoppe pointed out another concern that needed to be addressed was that pervious pavement would often clog-up over time, and she thought that factor should be considered in terms allowing its use and its effect on the overall percentage of impervious surface.

Ms. Thompson commented that she was hearing a disconnect in terms of the developer's representative stating pervious surfaces would not be counted and the definition of impervious surface. Impervious surface had not been defined in the covenants, conditions, and restrictions, and she thought the Council might want to consider adding that definition and indicating under what circumstances pervious surfaces would be allowed to ensure enforceability. Mayor McDavid asked how that could be accomplished. Ms. Thompson stated it would either require the tabling of this item or the quick work of staff to come up with a definition.

Mr. Skala thought this was an important issue that needed to be addressed, and felt they needed an index to evaluate it to ensure compliance.

Mayor McDavid commented that the Council had approved up to 15 percent for impervious area, and asked if they could qualify that by saying so-called pervious construction would not count. Mr. Thomas thought they could also say it counted as impervious construction.

Mayor McDavid asked if the item should be tabled until a solution was reached. Mr. Skala believed it should be tabled. Ms. Hoppe agreed as she did not believe staff should be placed in the difficult position of trying to determine what was impervious and what was not impervious, and to what extent and how long.

Mr. Trapp asked about the 45 day deadline in terms of final plat approval. Ms. Thompson replied the Council would need the developer's consent. Mayor McDavid asked about the Council's authority if the developer did not consent. Ms. Thompson replied the Council could deny the plat if they felt they did not have an adequate definition.

Mayor McDavid asked if Mr. Teddy had any legal authority to challenge the developer's definition of impervious. Ms. Thompson replied she believed the problem was that there were two different definitions. The developer's representative had indicated anything that would carry a moniker of pervious surface would be 100 percent pervious, but Mr. Teddy had indicated that although a pervious surface was better than an impervious surface, a pervious surface was not 100 percent pervious in all cases. Mayor McDavid asked if there was a way to exclude pervious surfaces so it would apply to the impervious percentage. Ms. Thompson understood they would want any hard surface, whether pervious or impervious, to count toward the 15 percent, and stated she did not know if a hard surface would be an adequate definition at this point. She thought it was something City staff would want to review and determine.

Mayor McDavid asked Ms. Thompson for her recommendation. Ms. Thompson replied that if Council wanted to make it enforceable as to impervious surface, a definition of impervious surface was needed.

Mr. Matthes understood a building permit could be withheld if the developer was not compliant. Mr. Teddy commented that if it was represented a plot plan would go over the allotment and the excess would be made up of some type of pervious paver system, staff could document it. They would want to make sure it was installed as well because there would be substitutions if a home was sold and the new owner did not like the pavers. He stated he thought it was fine to do as long as they had documentation indicating they had been allowed to proceed based on a representation of the product and verification that the product was then installed.

Mr. Hollis commented that the statement of intent in the ordinance only required pervious or impervious, so he did not believe the Council had the ability to rely on the lack of a definition in the covenants as a reason to not approve the plat. In addition, as of now, the developer was not willing to consent to a tabling based on that one issue. He explained they found a definition of impervious in Chapter 12A of the Code of Ordinances, and it involved whether percolation could occur, and he believed pervious pavement permitted percolation. If they needed a definition, it was in Chapter 12A, but he did not believe there was a problem to solve since there was not a requirement for the terms to be defined.

Mayor McDavid asked if there was a way to regulate the amount of impervious area that was altered by putting in what was known as pervious pavement. Mr. Matthes replied staff had the capability to manage it to a large degree through the Code of Ordinances. He explained they had definitions of pervious and impervious so there was a way for staff to make that determination. He noted there was an actual, physical test that had to be done to

determine percolation and the amount of water that went through the surface, and staff could then calculate how much of that was impervious or pervious. He pointed out he did not believe it was a one for one calculation as there was some loss. Mr. Matthes commented that pervious was better than impervious in terms of the goal, and he thought it could be managed as the project developed with the tools the City currently had. He noted the Council might want to ask for a maintenance agreement because these surfaces were not as pervious as when they were initially installed.

Mr. Skala asked if the evaluation process in terms of the pervious surfaces would take place at the same time the plot was considered. He did not want a situation where the site was built to 15 percent and a driveway was still needed. Mr. Matthes stated staff was very clear in terms of the desire of Council for it all to be counted as the math for pervious surfaces was likely less than a one to one ratio.

Mr. Thomas asked if pervious pavement was determined to be 50 percent pervious because half of the water went through while the other half remained on the surface, if half of the surface area would be allocated to the 15 percent impervious surface calculation on that basis. Mr. Glascock replied he thought that was the maximum that should be received. Mr. Thomas understood a percentage would be allowed for degradation over time as well, so there would need to be a reduction in the 50 percent. Mr. Glascock stated it would depend on percolation, the type of base under the pervious pavement, etc. because if any of the water was piped away, it would create a reduction.

Ms. Hoppe asked how performance over time would be calculated. Mr. Glascock replied it would be done as was done on commercial developments. The pervious pavements would need to be maintained. The property owner would need to provide a maintenance plan and they would need to ensure it was maintained per the plan. Ms. Hoppe asked who would be responsible for maintenance. Mr. Glascock replied the property owner.

Mr. Thomas asked if the best practices for pavers were in writing, and if they could be referenced in this ordinance. Mr. Glascock replied there were different types of vacuums and methods of washing and cleaning that could be done.

Mayor McDavid asked staff to provide a recommended amendment to the ordinance. Mr. Matthes asked Mr. Crockett if the developer would be willing to provide and commit to a maintenance plan. Mr. Crockett replied yes. Mr. Matthes commented that with the assurance of Mr. Crockett and the City's usual mode of operation, he believed staff could support approval of the plat with the understanding this would be managed on a lot by lot basis moving forward. The calculation would be done as described and a maintenance plan would be in place.

Mayor McDavid asked if staff had the regulatory authority to do this without an amendment to the ordinance. Mr. Matthes replied yes. Mr. Thomas asked if the maintenance plan needed to be addressed in the ordinance. Mr. Matthes replied he did not believe so since this ordinance was related to the plat. He thought they had a commitment to do it on the public record, and it was a fairly common practice as it was done with other stormwater BMPs.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and thought it would be wise to add clarifying language to the ordinance. There

were concerns about the karst topography and Rock Bridge State Park in terms of water runoff and the climate change issues of droughts and heavy downpours. She believed the change in density was of interest, and felt it should be answered along with how water rights issues would be handled.

Ken Midkiff, 1005 Belleview Court, explained he was the Chair of the Missouri Clean Water Campaign and thought the Council should consider how the developer had already violated conditions that had been imposed and the fact they did not have any assurances that the developer would not continue to violate those or other conditions. He understood violations had been reported by DNR, although he had not yet seen the document. He commented that 6.3 inches of rain had fallen from April 4-6, 2014, which averaged to about two inches per day, and felt the erosion control and stormwater control measures should have been able to handle that amount of rain. He explained he hiked the area on April 9, 2014, and found mud over the Deer Run Trail in Rock Bridge State Park. He also saw muddy water flowing, and believed the only source of the muddy water was from the subject site because it was the only drainage area for the stream. If they were discharging wastewater, they were doing so illegally. He noted he had filed a complaint with DNR and the Environmental Protection Agency (EPA). He commented that he disagreed with the City Counselor as the City Charter indicated there could only be one item per motion and there had been five or more associated with the approval of this annexation, and he believed that was an egregious violation. He recommended the Council table the consideration of all matters pertaining to the proposed Parkside development until the state and federal investigations were complete and a report was issued. In addition, he suggested B229-13, which contained 4-5 issues, be divided into at least four separate motions for consideration after the state and federal investigations were complete and a report was issued.

John Clark, 403 N. Ninth Street, recommended the Council deny the plat, given the 45 day rule, on the grounds the final plat was not in conformance with the preliminary plat in terms of the impervious surface requirement. He thought they should be open to reconsidering it only if an agreement could be reached regarding the definitions, how the measurements would be conducted, etc. as he had very little confidence in the will or ability of staff to implement it. He was concerned with the administrative issues involved with following up on this development for years and determining when an item needed to be cleaned, etc., especially since the lots would be sold to individual owners. He felt the Council had been clear in terms of what was required for conformance, and if the developer would not grant an extension, he believed the Council should not approve the plat. He also suggested all preliminary plats include a condition that a land disturbance permit would not be provided until a final plat was approved.

Alyce Turner, 1204 Fieldcrest, stated she believed how the 15 percent impervious surface restriction was calculated should have been more clearly laid out, and provided a handout of two photos of the Bearfield Meadows development that had been approved by the Council in 2001. She explained she had walked the neighborhood to find homeowners in the neighborhood, and had asked if they had been told by the neighborhood association there were restrictions on using pesticides, and those homeowners she had spoken with were not aware of that or any other restriction. She noted this was a development that had strong

restrictive covenants, but the homeowners she had spoken with were not aware of the restrictions, and she wondered whose responsibility it was to enforce the covenants over time. She pointed out the stormwater retention pond contained a lot of water and appeared to be in disrepair as the swallows were mowed, and wondered if it would do its job if they had a heavy rain. In terms of the proposed development, she also wondered who would monitor the BMPs over time. She understood five percent of the impervious surface allotment for this development would go toward roads, so there was only another ten percent remaining. She felt the BMP's should be included in the impervious surface calculations because there would likely not be oversight over time.

Sandy McCann, 500 E. Lake Forest Drive, commented that she was really concerned with the lack of a clear definition between impervious and pervious and noted the State Park would be forever damaged by the development if not done properly. She did not believe best practices had been incorporated thus far in term of pollution, runoff, rocks and the breakage of everything in the area. She thought the Council needed to view the site. She was concerned by the lack of a clear plan, clear definitions or any real repercussions to note meeting the restrictions. She felt they were just hoping no one would use pesticides over time and would police themselves, and did not believe that would happen.

Don Stamper, a lobbyist with offices at 2604 N. Stadium Boulevard, stated he was concerned about process and noted much of the testimony tonight did not have anything to do with platting or the approval of a final plat. He believed it was an attempt to manipulate public process. He commented that the Council had the authority and responsibility to create rules and to ensure those rules were followed, and felt they were asking for a lot of trouble when changing rules in the middle of the process. He pointed out that almost everyone in the room lived in a neighborhood that had not been held to anywhere near the standard of this development. The impervious surfaces were greater, stormwater management was not treated, and there were no BMPs. The issue before the Council tonight was whether or not to approve the final plat. He referred to a Baysinger versus Boone County case whereby the County Commission changed the final plat at the objection of the developer and surveyor, who then sued and prevailed on the basis the role of that body was ministerial on a final plat. He commented that the Council needed to provide leadership and recognize that in a situation such as this, if it met the rules, it needed to be approved. They could discuss what was impervious or pervious all night. He agreed the Council needed to ensure those definitions were in place, but did not believe any project should be held hostage to the fact it was a classic or good interpretation. He reiterated this subdivision had been held to a higher standard than any other neighborhood in town.

Ms. Hoppe commented that she had been shocked by this process and felt she had been tricked and deceived in terms of the statement of intent and what had been approved. She explained they had waived the sidewalk requirement to provide a reasonable amount of impervious surface area to the developer, and pervious surface had not been discussed. The developer was now saying it would use pervious surfaces, which had a different calculation. She felt that was a basis for not approving the final plat. She noted that she planned to ask staff and the Environment and Energy Commission to look at revisions to the land disturbance ordinances, and for the zoning consultants to review the recommendations in

Chapter 6 of the Bonne Femme Watershed Study for potential incorporation into the zoning code.

Mr. Skala stated he was equally concerned and thought this was reminiscent of the Crosscreek development. With regard to the comment of Mr. Stamper that their neighborhoods had not been held to the same standard as this development, he pointed out that their neighborhoods were not adjacent to Rock Bridge State Park. He commented that he had been lied to in the past in terms of BMPs and the maintenance of those BMPs, and although he was not suggesting he was being lied to in this instance, he wanted to prevent being lied to by ensuring the evaluations and definitions were in place prior to making a decision on the plat. He noted he was uncomfortable for voting on this due to the flawed process. He pointed out this was the second time the Council had been faced with the 45 day ultimatum because a developer would not provide consent in order to allow time to work out any problems, and felt it would be prudent for Council to take its time to get this right as there was only one Rock Bridge State Park. He stated he planned to vote against approval of the plat.

Mr. Trapp commented that he was disappointed the reduction from 24 percent to 15 percent impervious surface area did not lower the density of this project, and noted he had not realized the sidewalk variance would allow for a fairly dense development when he had voted in favor of it, which was a mistake on his part as the Council had discretion at that time and did not have to approve the annexation or zoning. Instead they approved a compromise that had been crafted in the moment, which allowed for unforeseen issues since they did not have the time to vet everything. This had now come forward as a final plat, and he understood it was now a ministerial act per the laws and regulations. He stated he would own up to the decision he made and support the rule of law. He thought they wanted to pause when developing in areas with losing streams, caves, endangered species, etc. in the future. He noted he would support Ms. Hoppe's efforts to ensure the zoning regulations had more teeth, but with regard to the matter at hand, he felt his hands were tied. He stated he planned to vote in favor of the final plat, and asked the developer to make a conscious effort to protect the shared natural heritage of the State Park and the endangered species that might live in the water and streams. He hoped everyone involved in the process would do their maximum due diligence to protect it the best they could.

Mr. Thomas stated he would vote against approval of the final plat as felt there had been a lack of transparency with regard to the plans to include the pervious and impervious issue, which he interpreted to be part of the platting process.

Ms. Nauser commented that this was a prime example of why it was bad policy for the Council to develop policy based on individual plats. They had done this with lighting in the past, and were now doing it with land abutting a park. She stated many of them had been on the Council for many years and should know the process. They had a preliminary plat with conditions that had to be met for the final plat to be approved, and those conditions had been met by the covenants. In addition, City staff had stated they could ensure the limitation of 15 percent total impervious cover would be met. This development would meet standards not placed anywhere else in Columbia, to include property along the Hinkson Creek, which was an impaired waterway. She believed they had an obligation to approve the plat, and they

could learn from this process as they moved forward in terms of a standing policy so they were not faced with this situation again and everyone was on a level playing field and knew what was expected.

Ms. Chadwick commented that she would not support this because there were too many unclear issues.

Mayor McDavid asked what would happen if the Council denied approval of this final plat, and whether the City would be subject to litigation. Ms. Thompson replied she was unsure as to whether the City was subject to litigation, and thought the developer could come back to try to address the concerns of Council.

The vote on B65-14 was recorded as follows: VOTING YES: MCDAVID, TRAPP, NAUSER. VOTING NO: CHADWICK, SKALA, THOMAS, HOPPE. Bill declared defeated.

**PR62-14    Establishing a policy regarding the display and release of utility usage information and data on the City website.**

The policy resolution was read by the Clerk.

Mr. St. Romaine, Mr. Gerike, and Ms. Buffaloe provided a staff report.

Mr. Skala understood this information was already provided by request, but it did not include this graphic and that only the numbers were provided. Mr. St. Romaine stated that was correct. Mr. Skala understood that took some time to provide. Mr. St. Romaine agreed it took time to research and provide the information. He noted it was also provided in a tabular format, which did not provide the benefit of displaying the information graphically. He commented that from a Geographic Information Systems (GIS) perspective, the ability to map data and see it visually would assist staff from the energy efficiency standpoint in terms of identifying areas that appeared to be deficient. They could then talk to property owners and landlords in terms of improving energy efficient standards.

Ms. Nauser asked what problem they were trying to solve with this proposal. Mr. St. Romaine replied by providing this information on the website, it would allow staff to be more efficient since it took time to process these types of requests. In addition, the public could research all of the properties they might be interested in renting and know the approximate cost of utilities, which was sometimes as much as or more than the rent.

Ms. Nauser wondered how this would really help as they could have two identical homes whereby one person left their lights on all day and another sat in the dark. She asked how the information provided would assist the consumer in terms of energy efficiency in that situation. Mr. St. Romaine agreed occupants would have different habits, but if someone were able to look at multiple units in an apartment complex, they could determine a potential average cost. Ms. Nauser did not believe anyone would take the time to average out the costs of different apartment complexes. Ms. Hoppe noted this would be done for them. Mr. St. Romaine agreed that information would be in front of them with this program.

Ms. Nauser understood staff would use this to target property owners that were potentially not using the best practices the City wanted to promote, and asked how that would be done. Mr. St. Romaine replied staff could present some of the energy efficiency programs to those property owners. He hoped this would incentivize landlords to make improvements in order to be more cost competitive.

Mr. Trapp understood this information was already available to the public. Mr. St. Romaine stated that was correct. Mr. Trapp asked for clarification as realtors had indicated to him that they had to submit a signed authorization to the City of Columbia in order to obtain utility information for a particular property. Mr. St. Romaine replied he had been told the data was public per the sunshine law. Mr. Trapp understood that if the realtors submitted a signed authorization, it was probably a practice that worked for the City, Ameren and/or another private utility where it was not a matter of public record. Mr. St. Romaine thought it was a practice on the part of the realtors. Ms. Buffaloe agreed as it was a requirement of Ameren.

Ms. Nauser wondered where the limit of public information ended. Mr. St. Romaine explained they were a data-driven society, and the City had the data and technology to provide this information readily. He agreed the question was whether this information should be provided. He pointed out the Columbia Daily Tribune had an app that showed information streamed from a City RSS feed that showed restaurant food inspections, public safety events, etc.

Ms. Hoppe understood the City only provided the information requested at this time even though they had other information that might be helpful unless the requestor was wise enough to ask for it. She also understood this information would be easily accessible in order to compare it to other units, and that it would be a lot of work for people to individually ask for comparison type information. Mr. St. Romaine stated this information would be available 24 hours a day. Ms. Hoppe understood that would provide them more information when deciding on where to live.

Ms. Nauser asked if the City had discussed this with any corporate partners in the community as she thought this might be information they did not want on the web for their competitors to view as it might provide an indication of when they were increasing or decreasing production levels. Mr. St. Romaine stated he did not believe they had approached anyone in the corporate sector. Ms. Hoppe pointed out anyone could ask for that same information now.

Ms. Chadwick understood the City was not providing anything that was not already provided. Mr. St. Romaine stated that was correct. Ms. Chadwick stated she felt this tool would provide students an opportunity to review usage rates for rental property, and understood the student population was excited to have access to this information.

Mr. Skala commented that he viewed this as an efficiency process, and not a process of releasing new information. It was not only more efficient for staff since it relieved them of this duty, but it also made the information more readily available. Since they were a public utility, they had to comply with the sunshine law unlike Ameren and other private utilities. Mr. Skala stated he did not feel the City was violating anyone's privacy as this was public information made more readily usable.

Phil Steinhaus, 201 Switzler Street, stated he was the CEO of the Columbia Housing Authority and provided a handout of sample websites. He explained they were trying to solve the problem of affordable housing as energy efficiency was a part of the affordable housing equation, and if someone did not know how much utilities would cost or if that cost was much more than the rent, that person would have trouble budgeting. They also wanted to reduce the demand on the City's utilities, and reduce pollution and the carbon footprint caused by

excessive utility usage. One sample website he provided was from Gainesville, Florida where the University of Florida was located. It showed the different apartment complexes and provided energy ratings for each of them and a comparison over a period of time. He pointed out he believed this information needed to be looked at over an aggregate period of time, such as five years, because different tenants had different utility usage patterns. This would also eliminate any concern regarding the violation of privacy. He commented that he was personally recommending the use of this for rental properties since they already had to register with the City, and noted some communities had required a certain level of energy efficiency based on this information. He noted the proposed was a consumer market driven model as it did not require anyone to do anything, but it could be combined with assistance and incentive programs already offered by the City of Columbia. Landlords could decide whether they wanted to make investments into their homes, and could market their properties as energy efficient in some cases. He pointed out the Rental Housing Energy Efficiency Committee had been working on ideas, such as this, for a number of years, and felt that unless this was addressed for all tenants in the community, it would not have a real effect.

John Clark, 403 N. Ninth Street, commented that he believed in property rights and markets, but did not believe in hidden markets. He stated this kind of information was available in other cities, and felt this was about the government providing information so the markets could do their jobs in the short-term and long-term to better allocate capital resources. He suggested the City take these steps in this direction for many reasons to include making the market system more efficient and fairer.

Geneva Moody, 1421 Torrey Pines, stated she was a landlord and very much opposed to this proposal. She noted there might be different numbers of people living in identical apartments so she did not feel it provided a good overall perspective of the cost of utilities. If people wanted to know the usage background, they already had the ability call the City for that information, and if the City needed additional staff to handle these types of requests, the issue could be looked into again.

Pat Fowler, 606 N. Sixth Street, stated she was delighted to see this proposal come forward as tenants did not have the understanding or knowledge of how to obtain utility data and how utility bills kept a lot of families in Columbia in poverty. She understood this might not be a perfect solution, but it was a way to create a social norm where all tenants would know they could access utility information in order to make more careful choices with regard to where they lived. She believed they all knew utilities were used differently by consumers, but felt they were also smart enough to ask questions and formulate those answers into their decision-making. She commented that some outstanding tenants had moved in near her, which helped address the drug and prostitution problems in her neighborhood, but they moved out after a year because their utility bills were too high, and she wanted to increase the opportunities for tenants such as them, so they could hold onto good tenants and improve the energy efficiency of rental units.

Dan Cullimore, 715 Lyon Street, encouraged the Council to support this proposal. He believed Columbia would need to find ways to incentivize conservation as it looked at its energy future because an increase in demand would create an increase in costs, so any way to save energy and water should be considered. He commented that he was in the process

of developing a business and was working on a business plan, which included cost projections. The kind of business he wanted to develop was dependent on the size of the building, and he had called the City to obtain utility information, but they were only able to provide it as long as he had an address. This took a staff person's time, and if he asked for information on six properties, it took six times as long. He wondered why they would want to pay a staff person to provide that information when, as a potential businessperson, he could do it himself more efficiently.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and noted that the People's Visioning Renewable Energy Plan for All had strong support in the community, and this was one of the suggestions made in that plan. She commented that they were very supportive of this proposal.

Dick Parker, 215 W. Sexton Road, stated he was a member of two of the groups that made recommendations in support of this proposal. He understood the City had developed a mechanism to efficiently evaluate the energy efficiency of a building, and suggested that people who did not want their utility information to be used to be permitted to substitute that information with the energy score information, which he suspected was more accurate.

Ms. Hoppe asked if that was information the City presently had or if that would take a lot of time to compile. Mr. Parker replied that information had been produced from the Home Performance with Energy Star program. Ms. Hoppe understood this rating would only be available for homes that had received an assessment. Mr. Parker stated that was correct.

Mayor McDavid commented that they had discussed the need for prospective renters to know utility costs as those costs could be alarming as they had learned from those living in one of the newer apartment complexes, so he thought it was a great idea for prospective renters to have a way to analyze and benchmark potential costs. In terms of individual homeowners, he wondered what business they had in knowing the cost of their neighbor's utilities. He understood he could ask for and obtain that information now, but was not sure he should be entitled to it. He stated he would support a program that would benchmark rental properties, but would not support it as it was proposed.

Ms. Hoppe asked if one of the options included only rental properties, and not non-rental properties, as was suggested. Mr. St. Romaine replied the recommendation of staff was to provide this information for all classes of property.

Mayor McDavid asked how difficult it would be to limit it to only rental property. Mr. St. Romaine replied the City had a code for rental properties, so they could extract information for rental properties only if the Council desired. Mayor McDavid asked if it would be possible to provide information on rental properties or owner-authorized residences only. Mr. St. Romaine replied they had discussed the option for an owner opting in or out, but felt that would be an administrative nightmare. Mayor McDavid understood they could limit this to rental property. Mr. St. Romaine stated that was correct, but pointed out they also received a lot of requests from the real estate community for single-family homes. Ms. Nauser thought only 1,200 properties sold in a year, and that included lots and commercial property, so she did not feel a large number of requests came from the real estate community.

Mr. Thomas asked if it would be possible to create an automatic opt in that could be built into the software. Mr. Skala suggested the opposite, which would be an automatic opt out since this was all public information anyway.

Mr. Skala asked if staff would be providing any educational strategies in addition to the information, such as how this data might be interpreted. Mr. St. Romaine replied he felt they needed to educate the public, and noted he thought the reason the City did not receive many requests was due to the fact many people did not know this information was available. Mr. Skala stated he was suggesting an online interpretation of the information in addition to a community campaign. Mr. St. Romaine stated that could be done as well.

Ms. Chadwick understood this information was public so even if someone opted out from placing their information online, it could still be released if requested, and as a result, that would not prevent a person's utility information from being given out. Mr. St. Romaine stated that was correct.

Mayor McDavid commented that it made sense to him to make this information available to potential renters because they were very transient and needed the information. Mr. Skala believed that if they only provided this information for rental property, it would be less efficient and more difficult to allow people to opt out as well. Mayor McDavid suggested it be limited to rental property. This would allow the existing system to remain in place for other property types, and they could allow for an opt in or opt out system if needed in the future.

Mr. Thomas stated he liked this as it reminded him of the accessory dwelling unit position they took since some people were supportive while others were opposed. He did not like the idea of pushing for this when some people were opposed and viewed this as a first phase or pilot program.

Ms. Chadwick asked if there was ever a time that City staff was unavailable to provide this information because of time constraints. Ms. Buffaloe replied it would be difficult for someone to obtain this information during non-working hours. Mr. St. Romaine stated it could be difficult during working hours at certain times of the year or if people wanted this information for more than one property.

Mayor McDavid asked how apartment complexes such as The Grove that had one address were analyzed. He thought a prospective renter would want to know the average energy use there compared to other apartment complexes. Mr. Gerike replied information would be provided by unit if each unit had an electric meter or water meter. Mayor McDavid understood a potential user would have to review the information unit by unit to come up with an average.

Mayor McDavid made a motion to amend PR62-14 so the information available on the website was limited to rental property. The motion was seconded by Ms. Nauser.

Mr. Trapp stated he opposed the amendment as this was not private information and they were only providing the illusion of privacy, which he did not believe served the public well. He also did not believe dividing the community between people who rented and people who owned their properties in terms of the accessibility of their information was fair, reasonable or equitable. He noted this was a market driven solution, and they would be pulling out the largest portion of people as most people owned homes. He agreed it was an

imperfect measure because there was some human variability, but people were able to make better decisions based on having more information. He pointed out a lot of people wanted to facilitate this information so consumers could make more informed choices, so he did not support the amendment.

Ms. Chadwick asked if the City was opening itself up for a lawsuit in terms of discrimination by limiting this to rental property. Ms. Thompson replied anyone could sue for anything at any particular point in time. She thought the Council should ensure they had a rational basis for determining whether and what types of information they would include or exclude. Mayor McDavid pointed out the amendment did not exclude privately-owned property. It just did not provide for an expedited method for those properties. Mr. Skala pointed out even rental property was privately-owned.

Ms. Chadwick asked for the cost of implementing this for only rental property as she wondered if it would be more laborious than not providing any information on the web. Mr. Gerike replied the issue of sorting out rental service locations from non-rental service locations was probably the easiest way they could extract the information. If they looked at other options, such as residential, non-rental, or non-residential, they would probably have to rely on service locations and sort the data based on the zoning map.

Ms. Hoppe commented that 60 percent of the housing in Columbia was rental, so she felt the amendment would address those that would most frequently need and use this information. She believed this was a good first step, and noted an assessment could be done at a later time. In terms of the affordability issue, it was mainly the cost of rent and the cost of utilities people needed to know to determine where they could afford to live. She noted this information could also change the pattern of energy efficiency in the future.

Mr. Skala stated he was inclined to support this on a City-wide scale in terms of energy efficiency since this was public information, and not new information.

The motion made by Mayor McDavid and seconded by Ms. Nauser to amend PR62-14 so the information available on the website was limited to rental property was approved by voice vote with only Ms. Chadwick, Mr. Trapp, and Mr. Skala voting against the motion.

Ms. Hoppe stated this amendment would still save staff time and would help tenants obtain utility cost information easily. She hoped the website would include a tutorial. She thought it would reward landlords for making improvements and would improve the City's overall housing utility costs. It would also reduce the carbon footprint, help people make good choices, help the market system in terms of working better, and was a good way to incentivize conservation. She noted she would support this proposal.

The vote on PR62-14, as amended, was recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

**B79-14 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.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Trapp understood Columbia Interfaith Resource Center was denied CDBG grant funds to build a homeless drop-in center because they did not have site control in a previous CDBG grant application. Mr. Teddy recalled they had applied, but the project was not on the list of funded projects. Mr. Hollis stated that was his recollection as well.

Ms. Nauser asked if the City would hold this property, lease it, or relinquish it. Mr. Matthes replied the initial thought was for this to be the City's contribution to a community-based solution, so in his mind, he felt it meant giving the land to an organization once a plan that was acceptable to the community was developed. He noted anything from giving it away to keeping it was an option, and it was dependent upon how it developed.

Mr. Skala understood there was a distinction between a drop-in resource center and a facility that had accommodations, and asked if the City would seek someone to help with this as just a resource center. Mr. Teddy replied he thought it would provide for changing rooms, an open floor space and offices for possible support professionals. He believed it would be about 50-50 in terms of those two functions. Per some preliminary discussions, he understood the site could support a 10,000 square feet of building with maybe a 5,000 square foot footprint, so there would be two levels.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she would support this if the building was ADA compliant.

Dan Cullimore, 715 Lyon Street, stated he was President of the North Central Columbia Neighborhood Association (NCCNA) and urged the Council to approve this purchase. He explained NCCNA was home to many social service agencies and they welcomed the proposed use for this site as well as it was needed.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and noted they fully supported solutions for the homeless and disadvantaged in the community. Although they had a longer-term vision, they felt this day center could provide for a lot of needs in the interim. She reiterated the comments of Ms. Weinschenk in terms of incorporating ADA aspects to the building, and suggested green building design as well. She thought she had seen different bids for this property in the supporting documentation, and suggested they purchase it at a lower cost if possible so the community received a better deal, while still being fair to the seller.

Ms. Nauser commented that she reviewed the appraisal, and it appeared to be at an average cost when looking at the square feet per lot of the comparable properties.

Mayor McDavid stated he would support this because he believed this was a very wise and prudent use of onetime surplus funds.

Ms. Chadwick stated she would support this as well and thanked the constituents of her ward for their support of the project.

Mr. Trapp thanked Steve Hollis and Randy Cole for their leadership as their departments worked well together and with the diverse coalition of churches, synagogues, other religious institutions, and social services agencies that served the homeless. He commented that Columbia was a blessed community as many would not be supportive of this type of facility in their neighborhood, but the NCCNA was supportive.

Mr. Thomas commented that he believed this cooperation spoke volumes in terms of process as it was a well-communicated and well-managed process.

Mr. Skala thanked those that had worked on this project, and understood they were moving forward with another project to assist homeless veterans on the Business Loop. He thought this showed there was a need, and that everyone was working to satisfy it. He stated he would endorse this proposal.

Ms. Hoppe explained the City had a variety of strategic goals that interacted and intersected, and one of those goals was to improve the economy and economic development, which could be partly accomplished by helping the homeless so they had jobs and lives like everyone else.

B79-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B82-14 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for replacement of the Route B bridge over Business Loop 70.**

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas understood the width of the bridge pillars were currently too narrow to allow sidewalks on Business Loop 70 underneath the bridge, and asked if the bridge would be reconstructed with a greater width to allow for sidewalks to be constructed. Mr. Glascock replied he did not know, and explained he had not seen the plans. He noted he could check with MoDOT and thought it would be the same size bridge it was today.

Mr. Skala asked if the City knew the detour route. Mr. Glascock replied it would like go down Ammonette to Old 63 to the ramp.

Mr. Thomas asked City staff to request the bridge be designed so it was widened to allow for sidewalks, and asked how much that would likely add to the cost of the project. Mr. Glascock replied he would ask, and noted MoDOT was paying for the project. Mr. Thomas recalled language associated with the street design standards indicating major reconstruction of roads would be consistent with the new street design standards. Mr. Glascock pointed out MoDOT did not follow the City's street design standards, but they could ask. He noted they would likely ask what it would tie into on either side. Mr. Thomas understood, but pointed out the reason to do it was so they could eventually build the network.

Jeanine Pagan, 701 Bluffdale Drive, commented that she thought it was great MoDOT would replace the bridge as it needed to be replaced, and asked that the City publicize the detour more prior to construction when the detour was decided.

B82-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**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.**

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas asked if this project would have crosswalks on all four legs. Mr. Glascock replied that was the plan.

Ms. Hoppe stated they had been waiting for this improvement since before she was initially elected to the Council. She understood it had been delayed to add a turn lane, and hoped the wait was worth it.

B83-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B89-14 Authorizing the acquisition of easements for construction of the Grindstone Creek Trail Phase I project between the Grindstone Nature Area and Maquire Boulevard.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Ms. Hoppe noted the diagram in the packet referenced Lots 10 and 11, but they had not been identified on the depiction on the diagram, and asked for clarification. Mr. Griggs replied those lots would not be impacted since they were not utilizing any individual residential lots.

Mr. Trapp made a motion to amend B89-14 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B89-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B95-14 Amending Chapter 11 of the City Code as it relates to the food code; adopting the “City of Columbia, Missouri Food Code.”**

The bill was given second reading by the Clerk.

Ms. Browning provided a staff report.

Ms. Hoppe thanked staff for its work as it was a 186 page document. Ms. Browning stated it was a big effort, and they had tremendous support from the Law Department.

B95-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B99-14 Amending Chapter 4 of the City Code as it relates to sidewalk cafes.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Chadwick understood alcohol could be served until 12:00 a.m., and this created two different times alcohol could be served at an entity that had the authority to serve alcohol because service on the patio could only occur until midnight, but service inside the restaurant could occur until 1:00 a.m. She felt that would cause confusion and require more oversight, and asked for the reason for the difference in times. Mr. Matthes replied he understood the reasoning was to allow the movement of any potential conflicts inside before closing time.

Ms. Chadwick asked if the Downtown Community Improvement District (CID) would be opposed to changing it to 1:00 a.m. so it was consistent. Mr. Matthes replied the CID representative, who was in the audience, was shaking her head no. Ms. Thompson explained the actual consumption of alcohol had to be completed by 1:00 a.m. as the liquor laws actually required that consumption end and businesses be closed at 1:00 a.m. She thought the concern was that patrons had to leave the business at 1:00 a.m., and if the patrons were already outside at a sidewalk café, they could walk away with it if served until 1:00 a.m. She explained that when patrons were leaving an indoor business, the door was actually monitored to ensure patrons did not leave the premises with an alcoholic beverage, and this was more difficult on a sidewalk café. Mr. Matthes suggested the issue be studied and a report be provided in six months to determine how the proposed changes were going prior to changing it to 1:00 a.m.

Carrie Gartner, 11 S. Tenth Street, stated she was speaking on behalf of the Downtown CID, 11 S. Tenth Street and commented that they liked to encourage economic activity in the dining industry as much as possible, which was why they were discussing sidewalk cafes and food trucks at the same time. She explained none of the problems anticipated when they proposed sidewalk cafes in 2008 had materialized. As a result, they were proposing the elimination of the food requirement. They had also proposed the serving times to be the same indoors and outdoors so it was easier on a server, but staff had recommended a staggered time. She thought these changes would help increase activity at restaurants and create a great sidewalk culture. It would also add eyes on the street and people on the sidewalks later into the evening, which was great in terms of public safety. She stated they recommended the proposed changes and noted they were not opposed to making the indoor and outdoor serving times equal as long as it was compliant with the law.

Monta Welch, 2808 Greenbriar Drive, asked how the smoking prohibitions applied to outdoor seating. She wondered if people had to be a certain number of feet from doors and entrances in order to smoke. She thought that should be considered and monitored.

Ms. Chadwick made a motion to amend B99-14 by changing the time alcoholic beverages could be served to 1:00 a.m. so it was consistent whether the patron was indoors or outdoors. The motion was seconded by Mr. Skala.

Mr. Trapp stated he believed staff made a reasonable argument that moving people inside made it easier to ensure less drinks were on the street, so he would oppose the motion to amend the bill.

Mayor McDavid commented that he understood the reasoning of Ms. Chadwick, but would support the current proposal. He noted they could amend it at a later date after they determine how well this worked.

The motion made by Ms. Chadwick and seconded by Mr. Skala to amend B99-14 by changing the time alcoholic beverages could be served to 1:00 a.m. so it was consistent whether the patron was indoors or outdoors was defeated by voice vote with only Ms. Chadwick and Mr. Skala voting in favor of the motion and with Ms. Nauser abstaining.

B99-14 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, HOPPE. VOTING NO: NO ONE. ABSTAIN: NAUSER. Bill declared enacted, reading as follows:

**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.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Nauser made a motion to amend B100-14 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Chadwick wondered why the University of Missouri campus had not been included and asked that they consider amending this to include streets within the University of Missouri campus as she had been contacted by a number of University students with regard to this issue. Mayor McDavid asked if the specific streets needed to be included in the motion. Ms. Thompson replied yes. Mr. Thomas asked if they could remove certain language like they did with the Columbia Public Schools. Mayor McDavid suggested tabling this issue to the next meeting so they could determine the specific streets. Ms. Chadwick thought the motion would include the legal metered parking areas within the boundaries of the University of Missouri campus pursuant to parking restrictions in Chapter 14. Mayor McDavid thought they might want to address the number of parking spaces and zones like they did in the downtown. Mayor McDavid asked if this could be tabled for two weeks to allow specific language to be developed. Ms. Thompson commented that from the perspective of staff, they would have to review the area and determine City jurisdiction.

Bryan Maness, 210 W. Forest Avenue, stated he was the owner and operator of the Ozark Mountain Biscuit Company food truck and was present on behalf of the Columbia Food Truck Association. He noted he had worked with the Downtown CID and City staff for the better part of a year in terms of this ordinance revision. He explained that early on they had discussed allowing food trucks outside of the downtown vending zones, which would have allowed vending around the campus area, but that did not come forward in the final proposal because there were prohibitions in terms of vending in certain zoning districts. He understood most of the University of Missouri campus area was zoned R-3, which prohibited vending. He noted he had been in contact with John Murray, the Assistant Director of Business Services at the University of Missouri, and he had indicated the University could not officially comment on any ordinance, but would comply with whatever the City chose to do. He had also indicated that all of the metered spaces on campus belonged to the City of Columbia. Mr. Maness suggested they not create a specialized vending zone, and instead make an exception to the zoning regulation restriction to allow the R-3 area around campus to become a valid vending area as an exception. He thought they needed to discuss the issue with the University as well.

Carrie Gartner, 11 S. Tenth Street, stated she was speaking on behalf of the Downtown CID and noted they were very much in favor of food trucks. She had worked with Mr. Maness, the restaurant owners, the Downtown CID Board, and City staff for about a year on this issue, and a lot of work had been done in determining locations within the Downtown CID so they were far enough away from restaurants and retailers so the trucks did not block existing businesses or were not in direct competition with existing restaurants. They found there was general support through the public meetings and survey conducted, and most

comments were minor and could be addressed. She believed they had a really great plan, and although it was outside the Downtown CID, she thought expanding food trucks on to the University of Missouri campus would be fantastic. She suggested this proposed ordinance be passed tonight due to the complexities on campus, and to then take the time to look at expanding to campus because she did not want those complexities to further delay this proposal.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and noted they supported small businesses and food trucks so they were generally supportive of this ordinance. She commented that she would be concerned with any zoning changes near and around the University of Missouri to accommodate food trucks, and preferred other avenues, such as the City designating certain areas. She agreed more time to review that issue would be beneficial.

John Schultz, 1301 W. Colchester Road, explained he was the Chair of the Boone County Libertarian Party and stated he supported this ordinance, but had concerns with prohibiting mobile food vendors from being within 300 feet of a restaurant or 500 feet of a festival. He noted the Council would not tell Hardee's they could not go in across the street from McDonald's or The Heidelberg. In addition, they would not tell Shakespeare's Pizza, it could not serve food if there was a festival at Peace Park. He suggested the Council strike Section 24-152(e)(1) and (2) and determine if there were problems prior to including that prohibition in the ordinance. He also believed limiting food trucks to certain zoning districts was a good idea, but was concerned with food truck operators being able to easily obtain that information from the City.

Mayor McDavid stated he planned to vote in favor of the proposed ordinance, and although he respected the amendments requested by the citizens tonight, he was concerned with making those amendments since they had not had enough time to think it through. He pointed out they had been in a situation where they had approved amendments and later regretted making those amendments due to unintended consequences. He reiterated he would support the proposed ordinance as written.

Ms. Chadwick commented that she had received comments from several students to include the Missouri Student Association (MSA) President that wanted food trucks to be allowed on campus, but understood the desire of Council to review this further. She reiterated the University of Missouri Administration had indicated they were not for or against the ordinance, but would comply with any ordinance the City passed.

Ms. Hoppe appreciated Ms. Chadwick raising that issue of food trucks on campus and believed the City should look into it. She did not want to hold this ordinance up while they looked into that issue since it would likely take some time. She noted that although she preferred to vote on this now, she was very interested in the suggestion by Ms. Chadwick.

Mr. Skala agreed it would be prudent to move ahead with this proposed ordinance, while reviewing the potential expansion of the food trucks on to campus for future consideration by Council.

Mr. Trapp thanked staff for shepherding this through the process as there were many stakeholders. He thought they needed to move forward with this as some businesses were trying to make a living. He noted he was very interested in opening the campus area to this

as there was a lot of support, but he also believed it would be complicated. He did not feel this would hurt restaurants. He thought it would create a local food culture and bring people to the downtown. There were reasons McDonald's, Wendy's and other similar restaurants opened next to each other. He felt this was an important step in supporting entrepreneurial efforts and was pleased this was moving forward.

Ms. Nauser thanked all of the interested parties for working on this issue for the past year as it showed people with varying interests could work out a compromise where everyone was satisfied. She did not believe it would be productive for them to amend the proposed ordinance tonight since it had been previously vetted. She agreed they should look into allowing food trucks on the University of Missouri campus for the future. She stated she planned to support the proposed ordinance as it was written.

B100-14, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B101-14     Amending Chapter 9 of the City Code as it relates to open burning.**

The bill was given second reading by the Clerk.

Ms. Browning provided a staff report.

Mayor McDavid understood this was modeled on other cities. Ms. Browning stated they had looked at a number of communities, and noted Springfield, Missouri prohibited all open burning within City limits.

Mayor McDavid understood he could obtain a burn permit to clear brush if he owned three acres of land. Deputy Fire Chief White stated it would depend on the size of the burn pile and explained this ordinance would limit the size of the burn pile to three feet in diameter and two feet tall. Anything larger would require coming before the Council for approval. Mayor McDavid understood the ordinance stated that for open burning associated with land clearing larger than three feet in height, the fire code official would recommend a permit only if it could not be safely utilized for logs or firewood, or be chipped, or shredded, or put to other reasonable use, so he thought that provided the fire code official authority. Ms. Hoppe stated it provided the authority to forward it to Council for approval. Mr. Matthes pointed out it could only go to Council if it could not be reasonably handled in another manner.

Ms. Nauser asked what would constitute whether something could be done in a reasonable manner. She noted five acres of trees could be chipped, but it would cost thousands of dollars to do it, and asked if that was a reasonable alternative to burning. Mr. Matthes understood trees could be delivered without being chipped. Ms. Nauser asked who the trees could be delivered to and how. Mr. Matthes replied they could be delivered to the landfill. Ms. Nauser understood this would require people to hire heavy equipment operators and pay to allow the trees to be dumped in the landfill. Mr. Matthes stated that was correct. He agreed chipping and delivering the trees to the landfill were more expensive than burning.

Ms. Nauser asked how many known individuals had to go to the hospital for asthma-related issues associated with burning. Ms. Browning replied a direct correlation could not be made as there was not a reporting mechanism by hospitals for this issue. Ms. Hoppe pointed

out that even if it could be documented, it would not account for everyone negatively affected since some did not go to the hospital.

Mayor McDavid asked about the origin of this proposed ordinance. Mr. Matthes replied this issue had come up at a Council Meeting a couple of years ago, and there had been a unanimous request for a proposed ordinance to move away from open burning. Ms. Hoppe stated she understood an ordinance had been requested in May 2011, and it had taken longer than expected to come back to Council.

Mayor McDavid asked if this approach was fairly standard for municipalities the size of Columbia. Mr. Matthes replied yes. He pointed out this tended to become more common in larger cities, and was generally based on a public health approach even though it was hard to measure.

Mr. Thomas understood burning was a standard management practice for prairies or restored prairie areas, and asked if those types of burns would be accepted in the ordinance. Ms. Browning replied yes if the property was government-owned. Ms. Hoppe understood permits could be provided for privately-owned areas. Deputy Fire Chief White stated they would have to come to Council with a recommendation from the fire code official in order to obtain a permit.

Ms. Nauser asked what criteria Council would use to make this determination. She wondered if it would be dependent upon the number of people that spoke in opposition. Ms. Hoppe replied criteria had been included in the ordinance and a recommendation of the Fire Department was required. Ms. Browning pointed out the Health Department would provide recommendations when appropriate as well. She noted they would look at what was in proximity to the area where the burn would take place. Mr. Skala thought it was a density issue. Ms. Browning agreed they would look at density as well.

Barbara Wren, 615 Bluffdale Drive, explained she did not have asthma but was susceptible to sinus infections from smoke, so she tended to stay inside when her neighbors were burning. She commented that a lot of her neighbors did not listen to the radio or read the papers, so her biggest concern was burning during times, such as this spring, when burning should be limited to due windy and dry weather. She thought these controls were needed in the City where there was density. She believed this was good in terms of safety.

Don Stamper, 2604 N. Stadium Boulevard, commented that he was unaware of the need or the crisis here. The current system had worked pretty well. It was a permitted system, more or less, as they worked hand in hand with the Fire Department. He did not believe there had been an extraordinary outcry of asthma cases or pollutants in the air. He pointed out they might create more pollution with the proposed ordinance as trucks with diesel engines would be used to haul the tree, and diesel powered chippers would be used for chipping, which would create microdust. He thought they would create more of a problem than they were solving. He commented that from the perspective of the Home Builders Association and the Development Council, this was an aggressive and overreaching policy. He asked if the Council really wanted to act on burn permits, and if they wanted it to be subjective or a competition between subdivisions. He thought the decisions were better made at the staff level. In addition, he believed the ordinance included wording that was conflicting. He stated they did not believe enough stakeholder input had been included, and

thought it would be nice if those that pulled the permits were involved in the process could review it. He felt pit burning should be considered as well as it was a process that included a forced air pillow technique, which held a lot of the sediment.

Monta Welch, 2808 Greenbriar Drive, stated she had environmental illnesses and understood the need to protect oneself from environmental challenges. She also understood the difficulty in bundling and hauling off trees. She stated the present system allowed the Fire Department to determine if a burn permit should be issued depending on the situation. She wondered if this happened a lot and asked how many burn permits were granted annually. She also wondered how many were situations of burning at a residential location, and how many were the result of a development. She thought the current system worked well for residences unless there were more requests than she realized.

Mr. Trapp asked what kind of volume they would be looking at for the Council approval process and how many people used burning for prairie management. Deputy Fire Chief White replied it was difficult to breakout into categories, and explained that since January 1, 2010, they had issued roughly 495 burn permits. Of those 495 permits, 326 were for open burning, which included larger grass burning or land clearing activities. He thought there might be confusion in terms of a backyard chimney or fire pit as those were considered recreational fires and the Fire Department did not provide permits for those. The Fire Department only responded when there was a nuisance situation. Mayor McDavid understood those types of fires did not require a permit. Deputy Fire Chief White stated that was correct.

Mr. Thomas asked if Deputy Fire Chief White had stated the 326 applications would now come to the Council in a four year period with a change in the ordinance. Deputy Fire Chief White replied those would come to Council if they exceeded the three feet by two feet size threshold and fuel load situation. He could not provide a percentage for how many of those 326 permits would come to Council. He pointed out a bonfire for a Homecoming event could be larger than three feet by two feet in height, and that would require a recommendation to Council and Council approval. Mr. Matthes noted that would be about 3.4 requests per Council Meeting.

Ms. Hoppe explained this issue had been brought up in 2011 due to The Grove development as there was a brush pile the size of a house that burned non-stop for weeks causing the residents to complain and bringing up the health issue. As a result, she felt there might be a different and more environmentally positive way to handle the issue other than burning as was seen in many other cities. She commented that they were in the development season now, so they did not have the time to fine tune the ordinance, and pointed out it could be revised again in the future. In addition, she believed the Fire Department had been involved solely for safety issues, and noted there was a health component as well. Ms. Hoppe suggested approving this ordinance and fine tuning it if they received too many requests, and pointed out the requests would be fairly standard like street closures. She noted they had been waiting three years, and something needed to be done now.

Mr. Skala asked for clarification regarding the pit technique with pillow suppression, and asked if it was routinely used for larger projects. Deputy Fire Chief White replied it could

be used for larger burns. He explained for larger area burns, the applicant would come to the Fire Department for a permit, and if the Fire Department granted the permit, they would go to the Department of Natural Resources for approval of the burn activity. Once that was in place, the applicant had a window of time in which to burn, and they had to contact the Fire Department every day to get the weather conditions so they knew weather a burn was allowed that day or not. As a result, a 30-day permit did not mean someone could burn any time during those 30 days. If the applicant chose not to use an air curtain destructor, which was the device mentioned, and the Fire Department received complaints in terms of smoke or ash production, etc., they could require the applicant to stop burning and use an air curtain destructor in order to continue to burn. He noted they could always use an air curtain destructor from the beginning as well. Mr. Skala understood there was more to the review process, and technique was complaint driven. He commented that he was not only concerned about air quality, but was also concerned about more requests coming before the Council when they could be handled by the Fire Department with some provisions for special circumstances and to help mitigate health issues. He noted he would like to see the incorporation of the air curtain or pillow technique for large scale projects if that was an efficient way of dealing with land disturbance issues.

Ms. Chadwick asked how approval would not be subjective if they were approached with 326 applications. She wondered if there would be criteria in their review. Ms. Browning agreed there would be some controversial requests, and the idea was for items where there was public pressure in terms of a burn for Council to provide input. She noted City staff would follow the rules of the ordinance established, and this did not provide them a lot of discretion. She did not think there was a perfect system, and noted they would be happy to go back and take another look at it. She pointed out there was an outright ban for burning or references to air curtain destructors as the required way if trees were burned in the ordinances she had reviewed.

Ms. Hoppe understood staff could review the issue again in order to limit what might come before Council. Ms. Browning stated yes.

Ms. Nauser stated she would recommend working with the interested parties on this issue so there were no conflicts since that had not been previously done.

Mr. Thomas understood Section 307.2 allowed an open burning permit to be obtained from the fire code official for wildlife management practices, and asked if that meant that type of permit would not come to Council. Ms. Browning replied that would not come to Council. Mr. Thomas asked if wildlife management practices included prairie management. Ms. Browning replied it would not be included. Deputy Fire Chief White pointed out the total fuel area was limited in size. Ms. Thompson stated a wildlife burn would go to Council. Mr. Thomas stated there was redundant language in the bill so it was confusing, and asked if it could be made clearer. Deputy Fire Chief White pointed out the three feet by two feet was included as a definition of a recreational fire in the fire code.

Ms. Nauser commented that she believed they needed to consider projects that were already in the works because enacting a new ordinance could add thousands of dollars to a project and put people in a difficult situation. Ms. Hoppe pointed out Council had asked for this ordinance in 2011, so she felt people had notice.

Mr. Skala stated he was in favor of tabling this issue, and asked if it could be table to the June 2, 2014 Council Meeting instead of the May 19, 2014 Council Meeting. Mr. Matthes stated he believed they would need three months if they were going to engage stakeholders.

Mr. Trapp commented that he would prefer only a few of these requests to come to Council and for the ordinance to provide some allowance for habitat management and prairie restoration on private land as the benefits of those burns outweighed the temporary issues of burning. He felt it was something they wanted to encourage, and therefore should not create an extra regulatory hurdle for it.

Ms. Hoppe stated she agreed wholeheartedly with regard to taking burn permits out of the Council purview for prairie restoration, but was concerned about delaying this issue for three months as this construction season would then be missed.

Mayor McDavid made a motion to table B101-14 to the July 21, 2014 Council Meeting. The motion was seconded by Mr. Trapp.

Mayor McDavid understood the Council was agreeable to this being a ministerial act, and did not want to necessarily allow open burning as they felt an air curtain technique or something more restrictive was better.

Ms. Chadwick commented that council meetings already lasted a long time, and adding this type of approval at the Council level did not appear to be a good idea.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table B101-14 to the July 21, 2014 Council Meeting was approved unanimously by voice vote.

## **CONSENT AGENDA**

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

- 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.
- 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.
- B81-14**      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.
- B84-14**      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**      Accepting conveyances for sewer purposes.

- B87-14 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 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.
- 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 Authorizing the acquisition of easements for replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle.
- B93-14 Amending Chapter 16 of the City Code to repeal the requirement for registration of sound amplifying equipment for noncommercial use.
- B96-14 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.
- B97-14 Appropriating funds for Columbia Values Diversity Celebration activities.
- B98-14 Appropriating funds for Share the Light Program.
- R63-14 Setting a public hearing: installation of audible pedestrian signals and countdown timers at the intersection of College Avenue and Broadway.
- R64-14 Setting a public hearing: construction of roadway safety improvements on College Avenue between University Avenue and Rollins Street.
- R65-14 Setting a public hearing: special assessments against property in Sewer District No. 165 (Maple Bluff Drive).
- R66-14 Setting a public hearing: replacement and upgrade of a water main along Hinkson Avenue, between Old Highway 63 and William Street.
- R67-14 Setting a public hearing: consider an amendment to the FY 2014 Annual Action Plan for CDBG and HOME funds.
- R68-14 Authorizing a first amendment to the PCS antenna agreement with Sprint Spectrum Realty Company, L.P. for the installation of conduit and related facilities at the Walnut Street water tower site (15 E. Walnut Street).
- R69-14 Authorizing Amendment No. 1 to the agreement for professional consulting services with Bartlett & West, Inc. for the design of the Worley Street Sidewalk Phase 2 project.
- R71-14 Transferring funds for the purchase of two (2) MV-1<sup>®</sup> ParaTransit vehicles.
- R72-14 Granting a temporary waiver from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for a Ninth Street Summerfest event.
- R73-14 Granting a temporary waiver from the requirements of Section 14-5 of the City Code to allow a long-board/skateboard race on the top level of the Fifth Street and Walnut Street parking facility during a Bike, Walk and Wheel Week event.

**R74-14 Authorizing an agreement with the PedNet Coalition, Inc. for design services for the development of new bus shelters for CoMo Connect; transferring funds.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS (except R74-14 on which he abstained), NAUSER (except R72-14 on which she abstained), HOPPE. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

**R70-14 Authorizing a professional engineering services agreement with TranSystems Corporation for an alignment/conceptual study of three potential connections of Rollins Street to the pedway and bike lanes on Old Highway 63 and a new pedestrian bridge over Hinkson Creek.**

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Hoppe commented that she wanted to add a fourth option for consultants to consider, and understood that would require the item to be tabled in order to address the additional cost for that review. She explained the fourth option was a result of stakeholders from the major neighborhoods reviewing nine routes, and involved connecting the Old 63 pedway on Stadium to the Ashland pedway that would be built this year and whether a bridge was needed or if it could be widened.

Mr. Glascock stated he believed the City would have to rebid the project since this involved the federal process and this option had not been in the original scope of work when the consultant was selected. This would likely delay the project 3-4 months. Ms. Hoppe understood they would not be building the trail in the winter regardless of the delay. Mr. Glascock explained staff had planned to provide the report to Council by the end summer and would then finish the design work on the option Council chose so they would be ready to start the project in the spring. This time line would be delayed by the addition of the fourth option.

Mr. Thomas commented that he did not think the mode shift potential for that route would be as good as ones that would serve the Broadway Village Apartments area or the extended Hominy Branch Trail, which continued to go east. Ms. Hoppe stated she did not feel they would know the mode shift potential until it was analyzed.

Ms. Hoppe suggested proceeding with this agreement while going out for an RFP for the fourth option. Mr. Glascock thought they should have it all together. The only way the three alignments could be done was through two phases, and if a fourth was added, it needed to be included. The federal process was very particular and he did not want to lose any funds for doing something out of order.

Mr. Skala commented that they had already waited a long time for this project, and he preferred to err on the side of inclusiveness in terms of exploring all of the options. He did not believe it was a pressing or critical problem and would rather have the information to make an informed decision, particularly due to stakeholder interest.

Ms. Hoppe made a motion to amend R70-14 by adding a fourth option of a potential connection of the Old Highway 63 pedway on Stadium Boulevard to the Ashland Road

pedway to the alignment/conceptual study. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Sutu Forte, 627 Bluffdale Drive, stated she was an Executive Board Member of It's Our Wild Nature, a community organization, and they were requesting the fourth option be included in the engineering design contract so the Council and the citizens of Columbia had objective and complete data to analyze in order to come to the best decision. She asked for those in favor of adding the fourth option to the engineering design contract to stand, and about five people stood.

Katlin Beaven, 910 N. Seventh Street, stated she had a Bachelor's Degree in Soil Science and was in the process of obtaining a Master's Degree in Forestry at the University of Missouri. She stated she planned to read the first part of the testimony written by her colleague, Ashley Hall, from their shared research experience. She commented that the three proposed bike roads had failed to adequately address the ecological disturbances and environmental impacts because they would fragment 35 acres of undisturbed riparian forestland adjacent to the Hinkson Creek, a federally-recognized impaired waterway. Construction of a concrete bike road through this terrain would result in increased pollutant-loading to the Hinkson Creek, degradation of habitat for terrestrial and aquatic organisms, a loss of species richness and diversity, and the net loss of atmospheric carbon storage potential for the City of Columbia. The EPA's TMDL report indicated the actual pollutant impairing the Hinkson Creek was unknown, but issues identified included urban stormwater runoff and urban non-point source pollution. She explained that naturally riparian vegetation and soils mitigated the transport of contaminants to the Hinkson Creek through interception, infiltration, storage, and cycling. In addition, impervious surfaces substantially increased the volume of stormwater runoff and the transport of pollutants to the creek, which would have otherwise been attenuated by the vegetation and soils. While it was respectable to construct a bike trail with the intent to reduce carbon emissions, it was counterintuitive that carbon storage potential was reduced in the process by diminishing forestlands in Columbia. Urban forest soils and vegetation played a tremendous role in sequestering atmospheric carbon dioxide that originated primarily from combustion of fossil fuels. Other than the ocean, soil was the largest carbon pool at the earth's surface, thus the conversion of forest lands to an urban recreational bike road could result in a considerable flux of carbon to the atmosphere, and as a result she was in favor of adding the fourth option and keeping the Hinkson Valley wild.

Ashley Hall, 1201 W. Ash, stated she had recently received a Bachelor's Degree in Soil Science at the University of Missouri and was currently a teacher of an introductory soils lab course at the University while pursuing a Master's Degree in Environmental Soil Sciences. Since the late 1980's, the scientific community had recognized that preserving and enhancing forestlands was a long-term and inexpensive approach to mitigate significant amounts of carbon dioxide emissions. As a result, she believed it was crucial to ask whether the amount of bike road use could counterbalance the substantial loss of long-term natural carbon storage potential for Columbia. Habitat loss and fragmentation, due to urban development, endangered more species and resulted in more local extinctions than any other human activity. The 35 acres of forestland was a dynamic ecosystem encompassing diverse

communities of birds, mammals, insects, native plants, etc. The biodiversity reflected the intactness of this community and the ecological services provided. She explained urban ecologists recognized the most effective and cheapest long-term conservation strategy was to preserve existing remnant habitats. Interrupting the area with a paved bike trail would fragment the habitat on which many organisms depended. She asked where these species would go when nearly all of their native habitats had been converted to student housing, parking lots, and bike roads. She commented that there would be a loss in biodiversity, native forestlands, carbon storage potential, and soil, and an increase in pollutant loading to the Hinkson Creek, and wondered at what cost the City was willing to construct this bike road. If the community truly cared about the health of the Hinkson Creek, the ecological integrity of Columbia's natural areas, and the sustainability of the natural resources on which they depended, she thought the City should reconsider the proposed bike routes and come up with a less destructive option that did not involve degradation of Columbia's natural areas. She stated she fully supported the fourth option of connecting Old 63 to Ashland along Stadium because it was a safe alternative that avoided disrupting one of Columbia's few remnant urban forest ecosystems.

Barbara Wren, 615 Bluffdale Drive, commented that she lived close to the land involved, and noted she could currently see one bike road out of her bedroom window, which was disturbing because it had done a lot of environmental damage. She suggested a hands-on environmental study be done as she did not believe a desktop study was appropriate because it would not allow them to see the wildflowers or habitats. She pointed out the wording of the resolution indicated the three pedways would connect Rollins to Shepard, but only one of the options actually provided for that, and the fourth option accomplished that in a roundabout way. She thought the wording should be changed and pointed out Bluffdale was not a pedway, and although that option began at Bluffdale and went to Rollins, there was no pedway access there. One of the other options went from Rollins to Stadium so it made sense for part of the GetAbout funds to go toward improving safety with sidewalks as part of the MoDOT intersection project to allow people from Shepard to get to campus by going around the corner. She noted the terrain through the valley would be subject to weather and would be destructive to the environment. She believed Old 63 to Stadium to Ashland could be a safer and better transportation mode instead of a rough recreational trail.

Ms. Thompson pointed out the federal process had to be used so this item could not be amended and needed to be voted down instead per Mr. Glascock. Ms. Hoppe understood the Council would need to vote it down with the recommendation that staff go out to bid with the fourth option. Ms. Thompson stated that was correct. Mr. Matthes explained staff knew what the Council wanted so they just needed to defeat the resolution.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and suggested a connection of Old 63 to Rollins via a gondola approach for bicycles and people as it would keep the Moon Valley/Hinkson area intact and add to economic development and tourism.

Mr. Thomas commented that he did not have any objection to adding the fourth option to assess all of the different possible trail connections between the campus area and the entire east side of the City as this was not only about a connection to Shepard Boulevard. He

pointed out it was a spurious argument to say that pollutant runoff, carbon emissions, and habitat destruction were reduced by making an inconvenient trail system that people did not use for transportation. They were not talking about a recreational trail as non-motorized transportation pilot program grant funds from the federal government would be used, and its express purpose was to replace car journeys with walking and bicycling journeys. The goal for the City was to maximize that mode shift, which was why this study needed to be completed. If it was successful, which it would be if the trail system was well-designed, pollutant runoff, carbon emissions and habitat destruction would be significantly be reduced over the entire City. He thought it was important to ensure a system that would allow the most people to give up their car and use gentle modes of transportation to get around, and part of that involved providing options that allowed people to be away from busy, dangerous roads and to avoid unnecessary hills.

Ms. Hoppe stated she appreciated the inclusion of the fourth option so Council had all of the information available when they made a decision.

The vote on R70-14, as amended, was recorded as follows: VOTING YES: NO ONE. VOTING NO: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. Resolution declared defeated.

**R75-14      Establishing the Mayors Climate Protection Agreement Awards program.**

The resolution was read by the Clerk.

Ms. Buffaloe provided a staff report.

Ms. Hoppe thanked Ms. Buffaloe for providing people an incentive as she believed recognizing people for doing the right thing was a good route.

The vote on R75-14 was recorded as follows: VOTING YES: MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. 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.

**B102-14      Voluntary annexation of property located on the east side of Forum Boulevard and north of Old Plank Road; establishing permanent R-1 zoning.**

**B103-14      Rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 and 1206 Coats Street, 808 North Boulevard) from District C-P to District C-3.**

**B104-14      Authorizing an annexation agreement with Davis Rentals, LLC for property located on the northeast corner of Wagon Trail Road and Highway 763 (5951 Wagon Trail Road); directing the City Clerk to have the agreement recorded.**

**B105-14      Approving the Final Plat of Wyndham Ridge, Plat No. 3 located on the east side of Scott Boulevard, west of State Route KK and north of Astoria Way; authorizing a performance contract.**

- B106-14 Approving the Final Plat of Bedford Walk – Plat 9 located on the southwest corner of Nifong Boulevard and Bethel Street; authorizing a performance contract.
- B107-14 Authorizing a right of use permit with Katy Lake Estates Homeowners Association for construction, improvement, operation and maintenance of two (2) decorative subdivision entrance signs in a portion of the Cedar Crest Lane right-of-way.
- B108-14 Authorizing a license agreement with Stephen A. and Nicole A. Johnson to allow installation and maintenance of a fence on City-owned property located on the southwest corner of Worley Street and Woodlawn Avenue.
- B109-14 Authorizing Amendment No. 2 to the general cooperative agreement with Boone County Regional Sewer District relating to sewer service within Abilene Acres Subdivision.
- B110-14 Appropriating funds for the construction of traffic calming devices on Elleta Boulevard.
- B111-14 Authorizing the replacement and upgrade of a water main along Hinkson Avenue, between Old Highway 63 and William Street; determining that the work shall be done by City employees.
- B112-14 Authorizing an agreement with American Public Power Association, Inc. for a Demonstration of Energy and Efficiency Developments (DEED) grant as it relates to the feasibility of using manufactured biomass fuel product at the City’s Municipal Power Plant; authorizing an agreement with Missouri Corn Merchandising Council, Inc. for professional and grant management services relating to the DEED grant; appropriating funds.
- B113-14 Accepting conveyances for utility purposes.
- B114-14 Authorizing a program order to the Statewide Transportation Improvement Program (STIP) agreement with the Missouri Highways and Transportation Commission for work zone enforcement activities; appropriating funds.
- B115-14 Authorizing a summer food service program inspections participation agreement with the Missouri Department of Health and Senior Services.
- B116-14 Authorizing a right of use permit with BMT of Columbia, LLC for installation, construction, improvement, operation, use, keeping, maintenance, repair and replacement of approximately 350 lineal feet of two-inch PVC sewer force main to extend in portions of an alley right-of-way located north of Broadway, between Tenth Street and Short Street; authorizing a right of use permit with BMT of Columbia, LLC for construction, improvement, operation and maintenance of private storm sewers in portions of the Tenth Street and East Broadway (1007 E. Broadway) rights-of-way.

**REPORTS AND PETITIONS**

**REP36-14 Barking Dog Ordinance.**

Mayor McDavid understood staff was recommending no change because of the difficulty of enforcement. Ms. Browning stated that was correct as what they were proposing would make it more difficult to prosecute if there was a violation. Ms. Thompson commented that from the Law Department’s perspective, they had actually faced a vagueness challenge on this particular ordinance, which the prosecutors had successfully defended. She noted it was virtually impossible to enact a noise ordinance that had a level of meticulous specificity or use language that could not withstand some sort of manipulation, and the courts had

routinely upheld the City's current ordinance language. It also appeared to be fairly common language. Ms. Browning noted the City had 53 barking dog complaints last year, and only five were issued summonses, which meant only five people were upset enough to go to court and testify.

Ms. Hoppe stated she appreciated staff reviewing this and providing input. She noted she planned to meet with those she had received responses from regarding this issue to determine the problems or perceived issues to see if anything could be addressed through enforcement or other processes, or if it had been addressed by another community's ordinances. Mr. Clardy pointed out staff had looked at the ordinances of 40 municipalities across the country, including the ones that had been brought up during public comment, and the ones brought up during public comment were the exception and not the rule.

Ms. Chadwick commented that from the complaints she had received, it appeared that not enough could be done when there were barking dog issues.

Ms. Hoppe stated she would pursue the concerns and get back to staff.

**REP37-14 Ridgemont Road Bridge Mitigation Project.**

Mr. Glascock provided a staff report, and noted this report had been provided for informational purposes.

**REP38-14 Municipal Programs and Policies for Encouragement of Green Building Standards.**

Ms. Buffaloe and Mr. Matthes provided a staff report.

Mr. Skala understood this was based on the idea of incentive-based zoning. Ms. Buffaloe stated that was correct.

**REP39-14 Correspondence from the Water and Light Advisory Board – Renewable Energy Programs.**

Mayor McDavid commented that the data indicated the cheapest form of energy right now was wind backed up by natural gas in terms of new capacity. He explained he brought this issue up because he wanted to ensure they had a structure in place that accurately measured how much renewable energy the City was using. He pointed out the City had a rate system that increased as energy usage increased, but felt there were two flaws. One was that it was not so much a rate as it was a cost because the City used 70 percent more energy in July and August than in April. The other was that this structure adversely impacted middle class families as they were paying nine percent more than Boone Electric customers for 1500 kWh in July and August. He noted the students were benefitting because they lived communally and in smaller units, and were getting a better rate than the middle class family and were not in Columbia during the summer. He pointed out he was not asking for a change, but thought they needed to understand the unintended consequence of their progressive rate structure.

Ms. Hoppe asked for clarification regarding middle class family. Mayor McDavid replied he thought it was a family in a 2,000 square foot house with an income of about \$50,000 per year.

Mayor McDavid commented that he was not satisfied with the answer regarding landfill gas costs. He felt there was a cost, but they placed that cost off of the books, and it did not seem right to him. Employees of the Solid Waste Division were opening those bags to create electricity. There was also maintenance and associated equipment. He understood the ordinance was written for electric generation, but 2.9 percent of people heated their homes through wood burning, and he felt that was renewable energy.

Mr. Skala stated he believed the most compelling thing in this report was the difference between the inverted rate structure and the declining rate structure in terms of the inverted structure encouraging energy efficiency. He stated he saw that as a real positive and felt it was appropriate for Columbia.

**REP40-14 Summary of Stormwater Calls for Five Years and Ten Years.**

Mayor McDavid understood the City had received fewer stormwater calls in the last five years, which was also during a time the population had increased, so he suspected a per capita or per household analysis would show there was a decline in stormwater calls. He was not sure what that meant as it was still probably too many, but he was reading it as indicating they were making progress.

Ms. Hoppe commented that it could also mean that people stopped reporting the problems because the response received was that the City did not have money to help fix the problem.

**REP41-14 Walkway Repairs and Improvements at Stephens Lake Park.**

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

**REP42-14 Citizens Police Review Board – Supplement to the 2013 Annual Report.**

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

**REP43-14 New Council Memo Form.**

Mr. Matthes provided a staff report.

Mr. Skala asked if there was an index of how these items fit within the Comprehensive Plan similar to how its fit with the Vision Report and Strategic Plan was identified. Mr. Matthes replied it could be added. Mr. Skala thought that would be helpful.

Mr. Thomas stated he thought the form looked great.

**REP44-14 Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John John, 33 E. Broadway, explained he was born and raised in Columbia, and left for 15 years prior to returning, and when he returned the downtown area was pretty much dead. Most of the stores were vacant and the downtown retail rates were \$8-\$10 per square foot. He noted the University of Missouri sat at its growth peak from the Vietnam War to 2003. The town grew around it, but the University did not grow. In 2003, the University determined the only way it would be viable was if it grew by bringing in students from other

states and countries, and 11,000 students had been added since then. He pointed out they were talking about getting to 40,000 students. He agreed they were in a dip in the State of Missouri, but next year was the last year of that dip, and the University had been going after students, and the downtown was now vibrant. He understood the old Columbians did not like to go downtown because it was not like it was, but those people had not been coming downtown since the 60's and 70's when many of the older shops closed. He believed the only thing that would keep the downtown growing were downtown people, which included those with offices downtown and those living downtown, who ate downtown and shopped downtown. They supported the retail. He commented that Opus had looked specifically at trying to get on Ninth Street where they could do retail on the first floor because only Ninth Street and Broadway would support both. He believed it was a great development that would be without retail because Columbia did not support retail there yet. He asked the Council to let the town grow.

Mr. Trapp commented that when the Council referred the marijuana ordinance to the committees for input, they should have also referred it to the Disabilities Commission. He had seen information indicating medical marijuana was a spurious claim by able-bodied persons. He suggested the issue be referred to the Disabilities Commission for their input. He also thought it should be referred to the Human Rights Commission for input with regard to felony law and the perpetual second class citizens created by felony convictions in terms of the prison system, finding employment and being entitled to government benefits.

Mr. Trapp made a motion to refer the marijuana ordinance to the Disabilities Commission and the Human Rights Commission for their input. The motion was seconded by Ms. Nausser and approved unanimously by voice vote.

Ms. Chadwick asked staff to work with the University of Missouri to explore the food truck option on campus as she had heard from a lot of students and business owners in support of it.

Ms. Chadwick understood many people from the University of Missouri were walking to Lucky's and noted there was a stoplight at the corner of Locust and Providence, but there was not a crosswalk or crosswalk light. She asked staff to look at the area to determine if that intersection could be designed so crossing Providence at Locust was more pedestrian-friendly.

Ms. Chadwick noted Ms. Nausser had mentioned the idea of a nuisance ordinance in terms of crime and properties with multiple incidents. She wondered if there was at least a way to notify the owner, and wanted to know how other cities handled these situations. She explained there had been a shooting down the street from her house and she knew right away the location because it was an area with issues that had persisted and escalated to the point of a shooting. She also wanted to address the downtown vandalism issues that had occurred, and asked staff for suggestions.

Ms. Chadwick explained the University of Missouri students had asked that the public hearing for the construction of roadway safety improvements on College Avenue between

University Avenue and Rollins Street be held when they were in town, and at this time, it appeared to be set for a date when they were out of town. She asked if the public hearing could be held when they returned to town.

Ms. Hoppe asked the Environment and Energy Commission to review the City's land disturbance policies to determine if improvements could be made in the City in general, and particularly in the Bonne Femme Watershed. She pointed out pages 78-84 of Chapter 6 of the Bonne Femme Watershed Study made specific recommendations, and a recommendation had been made by CH2M Hill with regard to the Philips tract in terms of a staged disturbance instead of a total disturbance. She asked that those studies be provided to the Environment and Energy Commission for their review and recommendations.

Ms. Hoppe made a motion for the Environment and Energy Commission to review the City's land disturbance policies and provide recommendations. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe understood there had been recent questions and concerns about the City's energy contract with Prairie State, and residents were encouraging the Council to take a closer look at all contracts, operations, and methods for obtaining electricity for the City.

Ms. Hoppe made a motion for the Water and Light Advisory Board to review, clarify, comment on, and make recommendations regarding the City's existing energy portfolio. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala understood the Indian Hills neighborhood had been on the list in terms of street repairs, but pointed out immediate attention was needed in the area of Mohawk Drive to the Indian Hills Park in terms of potholes. He felt the roads in the area had deteriorated sufficiently, and asked for those roads to be reviewed and placed on the list for improvement. He asked for a report to be provided.

Mr. Skala stated Kathleen Weinshenck had pointed out there were connectivity issues in terms of sidewalks in the inner-city, and suggested a proportion of the GetAbout money spent on new trails be used for infill sidewalk project as well. He asked for a report with options to determine if some costs could be shared and reapportioned to the inner-city.

Mr. Thomas commented that staff had provided the Council some budget data for water, electric, sewer and stormwater utility capital projects during the Tax Increment Financing (TIF) discussion, and he had then asked for the amount collected in impact and equity fees charged to new developments at the time of permitting and the amount the City had spent on capital expansion projects for comparison purposes over the past ten years. He noted this involved reviewing the capital projects to determine the amounts that represented the repair and maintenance versus the amounts that represented capacity expansion or extension to accommodate new development. He pointed out he had analyzed the data and had provided a copy of that analysis to staff and the Council. He asked that those numbers be reviewed by staff to ensure they were in agreement. He provided percentages of the total of equity and impact fees spent for each of the utilities, and determined the aggregate cost of utility and hook-up fees collected versus the total spent for

expansion was about 8 percent. He stated 92 percent of the cost of expansion was borne by the ratepayers and taxpayers, and he did not believe that was sustainable. He asked for clarification on the projects that could not be categorized as either expansion or maintenance. He understood PCCE projects were categorized as expansion, but felt those should be categorized as maintenance, and asked for clarification. He also had a question regarding the stormwater fee. In addition, he wanted this same type of data in terms of the development fee and how much of that had been spent on the expansion of capacity on arterial and collector roads. He noted these questions had been provided in an e-mail to staff as well.

Mayor McDavid commented that if the City grew at 2.4 percent per year over 20 years, which it had historically, the wastewater utility would collect \$101 million more at \$185 per capita than it did now, and he did not feel that had been considered in the calculation. Mr. Thomas stated there would then be \$101 million more in work to do as well. Mayor McDavid did not feel that was necessarily true.

Mayor McDavid commented that he believe the referendum petition involving the Opus development was reckless and irresponsible because it placed public safety and infrastructure funding throughout the City at jeopardy. He noted there would be an expense of litigation and a risk of damages. He understood Opus was saying the damages would be \$5 million, but that would be determined by a judge. He believed a \$5 million loss to the City's general fund would cripple some of the infrastructure needs. In addition, if there was a break in a contract, it had potential repercussions in terms of the reliability of the City in paying back loans and bonds. He stated he had been told a drop in the bond rating of just one level would cost \$2 million more per year. Although he was not sure that would happen, he believed it was a huge and crippling risk to the community. He asked the staff to invalidate the petition as it did not comply with the Charter since it did not include the City ordinance it wished to repeal. He also felt the petition mischaracterized the City Council action and created a false pretense to those that signed it. He did not believe the signatories had been informed of the financial risk of defaulting on the development agreement. He commented that he would be irritated if the City was hiring attorneys to manage this lawsuit at the expense of firefighters and police officers. He noted the signatories of the petition had not been informed of the potential bond rating risk either. He felt there were compelling reasons to invalidate the petition, and noted he believed the health of the City demanded him to ask staff to invalidate the petition.

The meeting adjourned at 12:53 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk