

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
APRIL 2, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 2, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN and CRAYTON were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of March 19, 2007 were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted, per staff request, R88-07 would be added to the agenda under New Business and B133-07 would be removed from the Introduction and First Reading section of the agenda. Ms. Hoppe requested B112-07 be moved from the Consent Agenda to Old Business.

The agenda, including the Consent Agenda and with the adjustments of adding R88-07 to New Business, removing B133-07 from Introduction and First Reading and moving B112-07 from the Consent Agenda to Old Business, was approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Crayton.

At her request, Mr. Janku made the motion that Ms. Nauser be allowed to abstain from voting on R83-07 and R86-07. The motion was seconded by Mr. Hutton and approved unanimously by voice vote. Per the Disclosure of Interest forms, Ms. Nauser noted that, in regard to R83-07, her husband was an alcoholic beverage distributor and, in regard to R86-07, her employer was the named title insurance agency on the contract.

SPECIAL ITEMS

Mayor Hindman welcomed Cub Scout Pack 703 from Fairview School. He noted they were working on their citizenship requirement.

Mayor Hindman also welcomed a delegation of nine Chinese professionals who were visiting Columbia from the Institute for Environmental and Energy Technologies (ENTECH) office in Beijing. He noted this delegation was composed of engineers and scientists interested in learning more about U.S. environmental technologies.

Annual Audit Presentation.

Laura Elliston, 5009 Gasconade Drive, a member of the Finance Advisory and Audit Committee, stated the Committee met with the City Manager, the Finance Director and external auditors on March 14, 2007. They reviewed the financial statements and ten year

trends prepared by the City. The external auditor of KPMG presented the audit, which was conducted according to AICPA standards and governmental standards. There were no significant or unusual findings. The auditors suggested some adjustments of which a couple were made. The City, however, chose not to make a couple of the other adjustments proposed. None were significant or would change the financial presentation of the financial statements prepared by the City. Some of the identified adjustments were self correcting. For example, three of the four adjustments dealt with revenue in minor amounts that should have been recorded in 2005, but were not identified until 2006. There was also a proposed adjustment relating to compensated balances that the City chose not to make. She reiterated it would not significantly impact the financial statements. Both the Single Audit Report and the Passenger Facility Report were reviewed and there were no unusual findings.

Mr. Loveless made the motion to accept the report. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted there were two retiring members of the City Council, Jim Loveless and Bob Hutton, and stated they provided a tremendous amount of service to the City. He commented that there would be a Special Council Meeting recognizing them on Monday, April 9 at 5:30 p.m. He stated he was very thankful for having the opportunity to work with them and for the service they had provided.

SCHEDULED PUBLIC COMMENT

Jon Livingston - Rezoning Request

Jon Livingston, 4043 Creasy Springs, stated he owned property downtown at 1109, 1110 and 1112 Locust and had requested it be rezoned from R-3 to C-2. He understood it went through the first Council board with full support, but stated he was unable to attend the second meeting due to an emergency, so no one knew what he had planned for the property. He noted he specifically waited to do the rezoning until after Sasaki completed a study for the downtown Columbia area. He believed he was proceeding along the same lines as suggested by Sasaki. It was C-2, mixed use with loft apartments and retail. He felt if he would have been in attendance that evening, he would have been able to answer their questions. He stated he was not aware of any neighboring property owners disapproving of the proposed rezoning and wanted this issue brought back before the Board.

Mayor Hindman thanked Mr. Livingston for his comments and explained that in order to bring the issue back before the Board, it would require a Council Member to sponsor it. Mr. Boeckmann clarified the ordinance indicated that if, within twelve months, he brought back the same or substantially the same request, Council would have to authorize it. It did not specifically say a Council Member had to sponsor it. It would need to be done by motion. Mr. Livingston stated he had been writing letters and had called all of the Council Members explaining the situation. He commented that he was at a loss in regard to what the Council wanted him to do. Mayor Hindman thought the Council was taking the position of having a moratorium on activity in that area, so he was not sure if a Council Member would be willing to move this issue further. Mr. Livingston stated he was confused and thought this was the direction they wanted to move. Ms. Crayton asked what needed to be done. Mayor Hindman

replied a Council Member would have to make a motion to rehear the issue, but at this time no one had done that.

Daniel Irwin – Marijuana

Mr. Irwin was not in attendance, and therefore, did not speak.

PUBLIC HEARINGS

B66-07 Rezoning property located on the southwest corner of Grindstone Parkway (State Route AC) and Rock Quarry Road from A-1 to C-P.

Mayor Hindman noted this item had been withdrawn.

(A) Voluntary annexation of property located at 254 West Old Plank Road.

Item A was read by the Clerk.

Mr. Watkins explained this involved the annexation of approximately 1.6 acres in south Columbia for R-3 zoning. The Planning & Zoning Commission recommended denial of the zoning.

Mr. Teddy stated Boone County Public Works raised a question about the dedication of right-of-way and asked if this annexation involved that. He pointed out it did not, but noted future development might. He explained if a plat was involved, they would get a half-width of right-of-way for Old Plank. The County also commented that, at some point, they wanted to discuss roadway jurisdiction on roads like this where the boundary meandered.

Mayor Hindman opened the public hearing.

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

(B) Construction of street improvements on Brown School Road from west of Highway 763/Rangeline Street to Providence Road.

Item B was read by the Clerk.

Mr. Watkins stated this involved the construction of about 3,900 feet of roadway in north Columbia. This project was included in the 2005 road ballot issue and was expected to cost approximately \$3.5 million. The City was proposing to acquire the four lane right-of-way, but would only construct two lanes initially. He noted this project needed to dovetail with the MoDOT 763 project as the eastern most 300 feet of the project, including a culvert, would be constructed by MoDOT as part of the 763 project. He explained that design had been completed, so the City was ready to move forward with the project.

Mr. Glascock pointed out this road was under the jurisdiction of both the City and County, so they would be working closely together as the project proceeded.

Mayor Hindman understood they only planned to build two lanes at this time and asked how that affected the sidewalk and pedway. Mr. Glascock replied the sidewalk would be built with the project. They could either build the pedway in the center knowing it would have to come out or on the outside where it would be built after all four lanes were constructed, which would be quite a distance away from the two lane roadway. Mayor Hindman understood since they planned to do the grading, they could do either one. Mr. Glascock replied that was correct.

Mayor Hindman opened the public hearing.

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

Mr. Janku suggested they build the sidewalks where they would expect it to be permanently placed since they were not constrained by nearby properties. He believed this would be a high volume road, which was part of the northwest loop, and they would not want people crossing the road. He asked which side of the street they would build the pedway on versus the sidewalk. Mr. Glascock replied the sidewalk would be on the north side and the pedway on the south. He explained, in regard to the pedway, with Providence coming through, they would have to cross where a normal lane would be with some kind of connector at the intersection that would be torn out later. Mr. Janku understood it was on the north side on the east side of 763 for a brief period and felt that was fine as long as they received input from all of the interested groups. He noted he saw the advantage since that was where most of the people would be. Mayor Hindman stated he agreed that it should be put in. He felt the 763 accident demonstrated the need for safe places for pedestrians and family bicyclists. He commented that even though it seemed remote to a certain degree, he thought it was the right thing to do.

Jim Hosack, 849 E. Brown School Road, stated he owned property on the north side of the road and wondered how much of his land they would take. He noted all of the utilities were also on the north side of the road and did not think anyone was on the south side. He wondered why they would not take land on the south side. Mr. Glascock replied utilities were on both sides of the road. He explained they were trying to avoid relocating a 12-inch AmerenUE gas line located on the south side as it would be very costly. He noted the cost of relocating the other utilities would not be as much. Mayor Hindman asked how much of this gentleman's property the City would be taking. Mr. Glascock replied they did not know at this time because this was only the design concept. Mayor Hindman understood if they approved this tonight, they were not necessarily approving the alignment and would be getting a detailed design later. Mr. Glascock replied they would be receiving that when they brought back the ordinance to acquire. Mr. Hosack thought the gas line was quite a way from the centerline, so he was not sure why it would be a problem. He commented that he would like to be more informed and stated this was the first he had really heard about it. Mr. Glascock stated a joint City/County meeting was held on December 6 at Derby Ridge. Mayor Hindman asked if notices were sent to the affected property owners. Mr. Glascock replied yes. Mr. Hosack stated he did not recall receiving a letter. Mayor Hindman suggested Mr. Hosack talk to Mr. Glascock regarding the project.

Mr. Loveless made the motion to direct staff to proceed with plans and specifications for this project. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

OLD BUSINESS

B108-07 Authorizing an agreement with Crawford, Bunte, Brammeier for engineering services relating to evaluation of the West Broadway corridor from Garth Avenue to Fairview Road; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a contract to study the various traffic projections and needs of West Broadway from Garth to Fairview Road. The contract cost was \$67,800. He noted they anticipated having the initial report from the engineers to Council in early June. If available, they wanted to have it for discussion at the Council Retreat. He understood there were already tubes going across Broadway and stated the firm did that at their own risk. He explained they had crews in town and chose to install some of the counters. He noted the project would not begin until Council approval had been received.

Mayor Hindman understood the needs on Broadway would be projected out 20 years, but felt the needs on Broadway might be significantly impacted by what was done on Worley and Ash and did not believe that was part of this study. Mr. Glascock explained they were only concentrating on Broadway, but were taking traffic counts on all of those streets in order to work with those as well. He commented that if they found a capacity for Broadway, but Council decided they could not afford that capacity, they would look for other streets. They wanted to do all of the traffic counts now, but did not want to spend money to study everything at this point. Mr. Janku understood they were gathering the data, but not making an analysis. Mr. Glascock replied that was correct.

Ms. Hoppe asked, since this was projected 20 years out, if they could take into consideration a good mass transit bus system on Broadway to get people on the outskirts of town to large events downtown. Mr. Watkins replied he thought it was a possibility in the future, but initially, they were only looking at how many trips would be needed and how the City could handle those trips. He noted it could involve increased bus service, widening Broadway or looking at alternate streets such as Worley, Ash and Stewart. Before decisions in regard to addressing those needs were made, staff felt they needed to obtain good data.

Mr. Janku understood this would provide them information to make decisions. He did not believe they were making any decisions tonight. Mayor Hindman stated he agreed, but noted he was concerned that they were not looking at the Ash, Worley, and Stewart situation. He understood it was providing information and believed they might need to get more information later. Mr. Janku stated they would not be getting an analysis of what those streets might be used for. Mayor Hindman understood they would get an analysis on Broadway and wondered how they could do that without calculating the trips on Ash and Worley. Mr. Loveless noted there were counters there today, so they would be counting trips on at least Stewart and Ash. After looking at strictly the Broadway data and doing the analysis, they might not need to look at the other streets. He understood they might be able to reconfigure Broadway with minor adjustments in order to handle the projected volume for the next twenty years. He did not believe they needed to invest the money in the analysis of the alternative streets without knowing whether or not the analysis was necessary. He believed they were wise in proceeding with the gathering of the raw data because if the analysis of Broadway indicated they needed to look at alternate routes, they could use that data to provide the analysis. He agreed it was not necessary at this stage.

Ms. Crayton thought it would be interesting to note if people were traveling to work, home or if they were just cutting through. Mr. Loveless understood the study would analyze peak traffic times, which on this stretch of Broadway was from 4:45 p.m. to 5:30 p.m., and adjustments would be made in regard to that particular traffic pattern as opposed to special

events. Mr. Glascock stated they would be counting the a.m. peak and the p.m. peak to determine which one was the greatest. He noted this did not take into account public participation. This was strictly raw data gathering. After obtaining the raw data, they would obtain input from the public regarding a solution.

Ms. Hoppe noted item 14 indicated that if the consultant suggested alternative treatments, there would be a half hour work session in order to select a preferred alternative and wondered if the alternatives as well as the preferred alternative would be provided to both the Council and the public for comment. Mr. Glascock explained this was just to gather data to understand the capacity of Broadway and the amount of traffic trying to get down Broadway. A public hearing would be held on the preferred alternative or an alternative decided by Council. Ms. Hoppe asked if all of the alternatives would be presented or would be part of the report the public and Council would see. Mr. Glascock replied everything they did was public information. Ms. Hoppe stated her concern was that there would be a preferred alternative, but the Council and public would not be provided the other alternatives. Mr. Watkins commented that all of the alternatives would be shown and the engineers would provide their recommendation from an engineering perspective in terms of trips. It would not include neighborhood preference, commuters or other things they might want to consider. Alternatives would be provided in terms of how the capacity demands would be met on Broadway for the next 20 years. He noted 20 years was the standard time frame for a study like this.

Ms. Crayton recalled the City participating in a Transportation Task Force through the Boone County Community Partnership. Mr. Janku understood that was a bus transit study. Ms. Crayton thought it involved all transportation. Mr. Watkins believed they primarily looked at buses and how the City could better utilize bus trips. Ms. Crayton asked if that was the same survey. Mr. Watkins replied the Community Partnership study did not cover estimated transportation trips for the general public on Broadway. Mayor Hindman agreed it did not look at the configuration of Broadway. He thought it looked at transportation means.

B108-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B110-07 Amending Chapter 27 of the City Code as it relates to electric connection fees.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Water & Light Department had met with stakeholders from the building community and its various utility partners in regard to electric connection fees. They were proposing an arrangement between the City and residential developers that would share the work and cost in lieu of fees. They believed it was worth more to the City's electric utility than the fees that had originally been proposed.

Mr. Dasho commented that he believed it was a good process where they received input from a number of stakeholders and the other utilities involved. He explained the idea was that once a trench was opened in a new development, it was appropriate and efficient to put all of the utilities into that trench. Additionally, they talked with the stakeholders about the

timing of plans and designs coming out of Water & Light and it was determined they would need to add a staff person to coordinate with the other plans and designs of the City for a more efficient and timely process.

Don Stamper, 2604 N. Stadium Boulevard, stated he was speaking on behalf of the Central Missouri Development Council and noted the solution that had been reached was vastly different than the one originally proposed by staff. He believed it was done in the spirit of creating a better solution in the field in the sense that time and having to repeat work, such as re-seeding and re-fencing, based on different schedules was money. The spirit of their participation involved the idea of the developer gaining control over timing and the one time soil disruption, except for the gas line, in order to save time, the environment, the amount of dirt going into the streams and management costs. They believed the efficiency of being able to control the time of when it happened and how it unfolded benefited the development community and the process. He noted they were reluctant to agree upon any additional fees because the amount of investment being required to do this was significantly higher than the conventional way and cost. Their presence was in the spirit of creating a more efficient process. He commented that they had met with staff and a variety of other utility providers consistently for many months and although they did not always agree, they worked in the spirit of reaching a consensus. He felt the staff report reflected that consensus.

Mr. Stamper congratulated Mr. Hutton and Mr. Loveless on their service on behalf of the development community and noted they were appreciative of the years and time they had given.

Annie Pope, 204 Peachway, stated she was representing the Home Builders Association and also wanted to thank Mr. Hutton and Mr. Loveless for the wisdom they had brought to Council over the years. She explained the Home Builders Association represented residential developers and builders, so they also participated in the process. They appreciated the City's involvement in the process and the staff's willingness to work with them to come up with a pragmatic solution that would work for everyone while still providing the City the revenue needed to help fund the undergrounding of electrical infrastructure. She noted they also supported the plan and agreed with Mr. Stamper's statement regarding this providing more environmental protection by opening a trench only one time. She believed this was a win/win solution for everyone and asked the Council to support it.

Ms. Hoppe stated she agreed with Ms. Pope's win/win statement and congratulated staff for working through this process. She believed it was a benefit to the City and the taxpayers and was more workable for the development community than the original proposal.

B110-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B111-07 Amending FY 2007 Annual Budget to add an Engineering Specialist II/Engineer II position in the Water and Light Department; amending the Classification Plan.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a budget amendment for an additional electrical engineer to help speed and manage the process for designing the electrical system to be put into residential subdivisions. He noted being held up was a major concern of the development community. They were suggesting they use some of the cost savings from the new cost share agreement to fund an additional engineer to help with the process.

Ms. Hoppe asked for the pay range of the additional engineer. Mr. Dasho replied he believed it was around \$50,000.

B111-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B116-07 Adopting the City of Columbia Employee Medical Plan and the City of Columbia Employee Dental Plan.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was an annual review of the City's health plan and noted the City was self insured for prescription drugs and various health benefits. He explained they originally proposed a voluntary mail order prescription drug program and Mr. Loveless asked them to look into some local options. Ms. Buckler, the keeper of the plan, had been involved in meetings with local pharmacists and noted there might be an opportunity to pursue a local option. An amendment sheet was prepared to temporarily remove the voluntary prescription option from the plan until they had an opportunity to look at all of the local options.

Mayor Hindman made the motion to amend B116-07 per the amendment sheet. The motion was seconded by Mr. Loveless.

Mr. Loveless stated he appreciated staff taking the time to do the extra work in looking at this issue.

The motion, made by Mayor Hindman and seconded by Mr. Loveless, to amend B116-07 per the amendment sheet was approved unanimously by voice vote.

B116-07, as amended, was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B112-07 Authorizing a local site generator agreement with MBS Textbook Exchange, Inc.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would establish an agreement with a local industry to allow the City to install a distributive generator on their site. This was the third of what they believed would be four. Two of the four were approved with the last electric ballot issue. He noted they believed distributed generation was cost effective for rate payers. He pointed out staff believed such an agreement could save rate payers about \$260,000 over the seven year contract.

Mr. Dasho stated this benefited Water & Light because they needed this capacity to meet their requirements on a State and Federal level. It also benefited the business because it provided them emergency back up power if needed.

Mr. Loveless asked where else these were located. Mr. Dasho replied Shelter Insurance, Dana Corporation and the Water Treatment Plant.

Mr. Janku asked if they had to purchase both capacity and the energy itself as two different costs. He wondered if they would still have to pay if they did not use the capacity. Mr. Dasho replied that was correct. He explained they had to have capacity and energy. He noted energy kept the lights running and capacity was the potential they needed during peak times. He stated it ran very little, so they bought low cost capacity with these diesel generators, which were expensive to run. They did not run them because they received the energy from other cheaper sources, but they needed the capacity to meet the requirements for reliability. Mr. Janku asked who mandated the capacity. Mr. Dasho replied it was mandated by the Federal government through the National Electric Reliability Council. The City was required to carry a 15 percent reserve, which was about 40 megawatts. These generators went toward that additional capacity.

Ms. Hoppe understood the cost for the generator and partnering with this organization was about \$1 million and provided about a \$250,000 savings and asked about the lifetime expectancy of the generator. Mr. Dasho replied that since these generators would not be used much, they would have a long life. It was a matter of maintaining them reliably. He did not think a 30-40 year life would be unusual for these generators.

Ms. Hoppe asked what kind of fuel would be used. Mr. Dasho replied they planned to discuss using bio-diesel type fuels with the engineering consultant. They would also look into what was involved in making that type of resource available to the City.

Ms. Hoppe understood the generators would run about 24-72 hours per year and asked if that would be primarily during the peak heat season for about an hour a day. Mr. Dasho replied yes and explained that when everyone was using their air conditioning on a very hot day, they might be called upon to use these generators to supply the peak loads.

Mr. Janku asked if these could be used to start the City's system if it crashed. Mr. Dasho replied yes and noted the generators would be able to come on line by themselves. If there was a power outage across the entire system, they could bring the generators up and use them to get the Power Plant back on line.

B112-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B103-07 Approving the Final Plat of Rock Quarry PUD Plat 1A, a Replat of Lot 2A of the Administrative Replat, Lots 1 and 2 Rock Quarry PUD located on the north side of Rolling Rock Drive, west of Rock Quarry Road.

B104-07 Approving the Final Plat of Bellwood, Plat No. 1 located west of the intersection of Worley Street and State Route ZZ; authorizing a performance contract.

- B105-07 Amending the FY 2007 Annual Budget to delete an Engineering Specialist I/Engineer I position and add an Engineering Specialist II/Engineer II position in the Public Works Department; amending the Classification Plan.**
- B106-07 Amending Chapter 14 of the City Code to prohibit parking along a section of Smiley Lane.**
- B107-07 Authorizing application for Federal Aviation Administration capital assistance grants.**
- B109-07 Appropriating funds for a sanitary sewer cost-of-service study.**
- B113-07 Confirming the contract with J.C. Industries, Inc. for the construction of a water main along the north side of Walnut Street, between Tenth Street and College Avenue.**
- B114-07 Accepting conveyance for utility purposes.**
- B115-07 Amending Chapter 6 of the City Code, as it relates to the 2006 Edition of the International Building Code, to add a new section on regulation of awnings in the Columbia Special Business District.**
- B117-07 Appropriating funds for the purchase of Looking Glass Viewer software for the Information Technologies Department.**
- R81-07 Setting a public hearing: considering project suggestions for the City of Columbia's 2007 application to the Missouri Department of Transportation for Surface Transportation Enhancement funds.**
- R82-07 Authorizing an agreement with Carrera Soccer Club for the 2007 "4Girls" Carrera Midwest Soccer Invitational.**
- R83-07 Consenting to the issuance of a state license for the sale of intoxicating liquor to an establishment called Top Ten Wines LLC located at 111 South Ninth Street.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER (except for R83-07 on which she abstained), HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R84-07 Expressing opposition to House Joint Resolution 21, which would limit municipal gross receipts taxes on telephone companies.**

The resolution was read by the Clerk.

Mr. Watkins stated there were a number of bills making their way through the State legislature having to do with telecom and video. One, which was approved and signed by the Governor, essentially eliminated the City's ability to franchise cable television. House Joint Resolution 21, which he believed had been passed by the House and still needed to go through the Senate, would put the issue to the vote of the people and if approved would essentially eliminate about \$1 million of revenue to the City's general fund. He noted Representative Robb voted in favor of it and the other members of the City's local delegation voted against it. He explained they generally lobbied with staff and seldom brought specific items to Council, but felt this was one they wanted Council aware of and wanted Council's assistance with by officially opposing.

Mayor Hindman commented that they had begun to see a tremendous amount of inroads into what they could and could not do at the local level. He noted they had to maintain streets, fire departments and police departments. Although there was an expression that they wanted to allow the government to come from grass roots because the best government was at the local level, they were losing the ability to finance a lot of things they needed and it was being done in the name of creating lower telephone service costs. In reality, he believed that was questionable. He thought this boiled down to an unfunded mandate in many ways. By losing this revenue, it was the same as the City paying \$1 million to the telephone companies. He thought they needed to express themselves in regard to this issue.

Ms. Nauser pointed out that although people might save on their phone bills, the City would have to recoup these costs through other tax measures. She thought it would be false for people to think it would be an overall cost savings.

Ms. Crayton asked how cell phone and cable companies played into that arena because so many people were getting away from the land lines and cable companies were getting into the telephone business. Mr. Watkins replied this was one of the few communities in mid-Missouri that had as many cable subscribers as it did satellite dish users, so obviously the satellite dish was very attractive. They had been talking about how they could change their funding approach. Gross receipts tax had been a staple of the general fund for many years. He noted it was a tax on the utilities, which could be passed on and could be collected from people who might not otherwise pay it and who did not pay property tax, such as a non-profit hospital. He commented that as technologies changed, they would have to look at other ways to fund a very basic governmental service.

The vote on R84-07 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R85-07 Authorizing a Memorandum of Understanding with Columbia Youth Basketball Association relating to the development and operation of a multi-use recreation facility located on property adjacent to The ARC on West Ash Street.

The resolution was read by the Clerk.

Mr. Watkins explained this was the culmination of a process where they began looking at options for the property next to the ARC. After taking testimony at the Parks & Recreation Commission level and the Council level, it was determined they should try to negotiate a contract with the Columbia Youth Basketball Association. They previously outlined a memorandum of understanding (MOU) and were now asking the Council to approve the MOU.

The vote on R85-07 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R86-07 Authorizing an agreement with Boone County and the Daniel Boone Regional Library Board of Trustees as it relates to an option to acquire real estate for a portion of the Atkins tract located north of the proposed Waco Road extension.

The resolution was read by the Clerk.

Mr. Watkins stated this was an agreement they had been working on with the Boone County Commission and the Library Board of Trustees since the first of the year. The agreement met all of the requirements staff had outlined to the Council. This would give the Library Board an option for the property north of Waco Road, extended, which was jointly donated to the City and County. In return, the Library Board would agree to pay a fixed cost for their share of Waco Road going across that part of the tract.

Mr. Loveless understood this agreement would give the Library a five year option to purchase this ground and asked what would happen if the Library proposal failed at the election. Mr. Watkins replied it would give them five years to bring back another alternative. Mr. Loveless understood the other alternative would involve the same 6-8 acres. Mr. Watkins stated the Library Board could elect, at that point, to go to a different site and indicate to the City they no longer desired the option. Mr. Loveless commented that the Library Board would know pretty quickly whether or not they would go with Plan A and if Plan A did not pass, he wondered if the City would want to tie up that piece of property for five years waiting on Plan B to emerge. Mr. Watkins replied staff believed this 6-10 acres had limited use due to its location and design. They felt a library or similar facility would be an ideal use for that acreage. In addition, since they did not have another immediate need for the property, they felt it made sense. Mr. Loveless stated he agreed it made sense as a community facility of some type. He questioned if they wanted to tie up the property for five years if the Library proposal failed because another organization could come to the City in a couple years in regard to that property. He wondered if the five year option was too long. Mr. Watkins believed the five years was requested by the Library Board and staff did not see any difficulty with it.

Jessica Robinson, 262 E. Highpoint Lane, the Secretary for the Boone County Library District and a Trustee of the Daniel Boone Library District, stated the reason the Library asked for the ability to have an open time frame was their concern in regard to the possibility of the transportation needs of the City changing and if Waco Road was not ready to be extended, they would have a library with no access. They wanted to ensure development as anticipated continued before building a library on the site. Ms. Robinson explained in 1999, their Regional Board of Trustees had a vision for library services and after much public discussion, their plans included building a central library for the regional system in downtown Columbia, purchasing a new book mobile, establishing a Southern Boone County Public Library branch in Ashland, updating the 100 year old Callaway County Public Library and beginning plans for new branches. In 2003, after the other projects were completed, the Trustees set out to plan how best to manage current needs and plan ahead for anticipated needs. After many public meetings and presentations, they drafted the 2005 Master Facilities Plan and identified a need to build a Southern Boone County Branch Library and to establish a branch north of I-70 in the Boone County Library District to serve the Columbia Metro area while improving access to library services for those in northern Boone County, to include Hallsville, Sturgeon and Harrisburg. The Boone County Library District and the Regional Adhoc Boone County Facilities Committee held many public meetings to discuss plans for the branch libraries with the first of those meetings concentrating on securing land for both

projects. She thanked staff for taking the time to come to an agreement that worked for all of the entities involved and noted that Tom Atkins, who donated the 80 acres to the City and County for recreational use, backed the idea to use this shared space for a library. She believed the site was a win/win for everyone involved. With voter support of the ballot measure, the Building Committee and Boone County Board would move forward with plans for the new branch in Ashland first, with construction beginning in 2008 and the opening of the branch in 2009. Also in 2009, more public hearings would be held in regard to the north branch with construction planned for 2010 and an anticipated opening in 2011.

Mr. Janku commented that he attended one of the meetings and believed it was a good plan. Mayor Hindman agreed and noted the Library Board was also responsible to the citizens and felt if it became clear they were not going to use the land, they would likely allow it to go. Ms. Hoppe stated she believed basic library services to the population and easy access was fundamental to democracy and felt it was needed.

The vote on R86-07 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSTAINING: NAUSER. Resolution declared adopted, reading as follows:

R87-07 Approving the Preliminary Plat #2 of Tuscan Ridge located south and east of Oakland Gravel Road, north of Waco Road, extended.

The resolution was read by the Clerk.

Mr. Watkins stated this proposed plat would create 164 R-1 zoned lots. The subject site included a portion of the Bear Creek Greenbelt, which would be dedicated to the City for the purpose of constructing a trail in the Bear Creek area. The Planning & Zoning Commission recommended approval of the proposed preliminary plat.

Mr. Janku asked if the City was amending the Trail Plan for the Bear Creek Trail in this area. He understood that was a condition of the donation. Mr. Teddy replied that was in process. It had to go through the Parks & Recreation Commission first and then through the Planning & Zoning Commission before coming to Council.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium, stated he was available to answer questions.

The vote on R87-07 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R88-07 Authorizing a power supply agreement with Ameren Energy Marketing Company.

The resolution was read by the Clerk.

Mr. Watkins explained the City had a long term base power supply contract that would run out at the end of this year leaving a gap of about three years before Prairie State and some of other power investments made would come on line. Rather than waiting until fall to go out for bids when people might know they had to have the power, they did it this spring and had two bidders. He noted they had actually prepared a contract with Edison Electric, who owned some power generations in the Chicago area, for Council consideration, but while negotiating the final paragraph, they raised their price by ten percent, so staff did not feel they

could recommend agreeing to the contract. Staff then contacted Ameren, the current supplier and other bidder, who indicated their continued interest in working with the City if a commitment could be made this evening. Mr. Watkins noted he apologized to Council earlier this evening because this was not the way he liked to do business. He commented that there were two options available with one being the acceptance of the contract with Ameren, which this resolution would authorize. He noted the power costs were within the projected amount, however, this particular agreement was not the one that had been recommended by the Water & Light Advisory Board. He understood they had recommended the Edison agreement based on cost and those costs were now out of line. The other option available was to entertain a bidding system similar to the pricing of City bonds. Power was now a commodity and fluctuated on an hourly and daily basis, so they could bid and accept bids the same day. As with bonds, the Council would not know the prices until they came to the Council meeting. He commented that he was not sure this would be any different than accepting the Ameren bid, except that the process would be cleaner. He noted that since people now knew the Ameren and Edison prices, they might get higher costs. He stated the decision before Council was whether something firm now was better than the potential of something that could be better or worse in the future. Staff was recommending they accept the Ameren contract with the understanding this was not the way they wanted to do business. He apologized for bringing it forward, but explained they thought it was an option the Council needed to be aware of.

Mr. Janku stated he followed the process of the Water & Light Advisory Board through the meeting minutes and believed it was a very thorough public process. He understood there were four options at one point. Mr. Dasho stated they came up with different proposals on how to approach it. Mr. Janku understood when the Board reviewed it, the Edison proposal recommended was the most favorable. He commented that it was a challenge for a public entity to respond due to having scheduled meetings every so often.

Mayor Hindman asked what percentage of the power supply this would accommodate and whether this was capacity or power. Mr. Dasho replied it was both. It was a continuation of the contract they already had with Ameren. They would be getting 60 Mw in 2008, 65 Mw in 2009 and 70 Mw in 2010 and would get all of the energy associated with that capacity under this contract. In addition those prices would be fixed for three years. Mayor Hindman asked what percentage of the City's capacity and power use this reflected. Mr. Dasho replied they had a peak of about 270 Mw and this was between 60-70 Mw, which was about 25-30 percent of the energy they would be receiving. Mayor Hindman understood they extended a power contract not too long ago. Mr. Dasho replied they did a contract three years ago with Ameren that began in June of 2004. Mayor Hindman thought they had acted on something more recently. Mr. Janku stated they acquired some new long term power. Mr. Dasho stated they had bought into some power plants that had not yet been constructed. This contract would get the City from 2008 to 2011 when the additional resources would come on line. Mr. Loveless stated they were aware this gap would need to be filled in the short term as they considered the plans over the past several years.

Ms. Hoppe asked if the type of energy, i.e. nonrenewable, was the same whether they went with Edison or Ameren. Mr. Dasho replied yes. He noted it was coming off of the marketplace and most of those were gas, oil or coal plants.

Mr. Janku stated they were getting ready to have a power supply study done in terms of long term projections. This would fill in the gap during that period, but they were still looking at what to do for long term after 2010. Mr. Dasho replied that was correct and explained that although this would only get them out another three years, it would provide them the breathing room needed to go through the planning process to decide how they would deal with long term power supply issues. They knew from previous planning efforts, they would come to this point where they needed this bridge contract to get through the next three year period. Mr. Janku asked if they would be issuing a RFP with the supply study. Mr. Dasho replied yes and stated the supply study would include not only conventional sources of generation, but also renewables, demand side and conservation measures. All of that would be tied together for an integrated plan on how to meet future needs.

Mr. Hutton asked how the price for this new contract compared to the new power they purchased in the new plant. Mr. Dasho replied this would be more expensive power because they would not own it. This was being purchased off of the marketplace.

Ken Midkiff, 1005 Bellview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and was concerned with the City continuing to purchase power from a coal fired or gas fired CO₂ global warming gas emitting power plant. He commented that in retrospect, they should have made the renewable standard higher than what it was, so they could have eliminated the possibility of going with a global warming coal fired power plant. He noted the Supreme Court ruled today that the Environmental Protection Agency had the authority to regulate global warming gases such as methane and carbon dioxide, which would have an enormous impact on Prairie State, Kansas City Power & Light and others. He urged the Council, if they adopted this item, to require AmerenUE to install CO₂ capturing technology, so global warming gas did not enter the upper atmosphere.

Ms. Hoppe asked if he had an alternate suggestion for where they could go to obtain this power supply for a similar price for three years. Mr. Midkiff replied he understood there was a gap. His concern was that after three years, the City would rely on the same sources, which involved a failed technology. He stated there were better ways to produce electricity than what AmerenUE, Edison, Prairie State, KCP&L and Peabody were doing. He commented that they had a settlement agreement with KCP&L requiring them to reduce their global warming gases and emissions even though they were adding capacity. He reiterated that there were better ways to do it with conventional power plants than they were doing now. He suggested they require AmerenUE reduce their emissions if they agree to proceed with the contract.

Mr. Janku commented that the Water & Light Advisory Board minutes reflected they were looking at all alternatives and noted he did not believe they would be doing the same old thing.

The vote on R88-07 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON. 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.

- B119-07 Voluntary annexation of property located at 254 West Old Plank Road; establishing permanent R-3 zoning.**
- B120-07 Approving the C-P Development Plan of Paris Road Plaza - Phase 1 located on the east side of Paris Road (State Route B), north of East Brown Station Road.**
- B121-07 Changing the street name for the north/south portion of Copperstone Creek Drive to Granite Springs Drive.**
- B122-07 Approving the Final Plat of West Lawn Plat 3 located south of Rollins Road, off of Defoe Drive; authorizing a performance contract.**
- B123-07 Approving the Final Plat of Old Hawthorne, Plat 4 located northeast of Old Hawthorne Drive East; authorizing a performance contract.**
- B124-07 Approving the Final Plat of Old Hawthorne, Plat 5 located northeast of Old Hawthorne Drive Northeast; authorizing a performance contract.**
- B125-07 Accepting certain streets for public use and maintenance.**
- B126-07 Authorizing a park operation and management agreement with Boone County for the Atkins property located north of the Boone County Fairgrounds.**
- B127-07 Authorizing the development of two baseball fields, an irrigation lake, an access road and a parking lot on the Atkins property located north of the Boone County Fairgrounds; calling for bids through the Purchasing Division; appropriating funds.**
- B128-07 Appropriating funds for pool filtration improvements at The ARC.**
- B129-07 Extending the term of the cable television franchise held by MCC Missouri, LLC (Mediacom).**
- B130-07 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).**
- B131-07 Authorizing a local site generator agreement with State Farm Mutual Automobile Insurance Company.**
- B132-07 Accepting conveyances for utility purposes.**

REPORTS AND PETITIONS

- (A) Intra-departmental transfer of funds.**

Report accepted.

- (B) Executive Drive and Corporate Plaza Drive parking prohibition.**

Mr. Watkins explained this report was provided at the request of Council in regard to parking in an area just south of Rockbridge High School. During construction, the City placed temporary no parking signs in the area and when the signs either came down or were stolen, the students in the area immediately began parking on those streets potentially causing a significant emergency problem. He did not think they could get a fire truck down those

streets. After reviewing the situation, they were recommending permanently having no parking on both streets.

Mayor Hindman asked about putting parking meters on those streets. Mr. Watkins replied parking meters might be an opportunity on one side, but he did not believe the street was not wide enough for parking on both sides while still getting emergency vehicles down it. Mayor Hindman suggested having parking on one side with meters and no parking on the other. Mr. Janku stated they could have 8-10 hour meters. Mayor Hindman thought they could be shorter time periods. Mr. Janku noted they could also allow parking by permit. Mr. Watkins thought that might be difficult to administer and would prefer parking meters if they went that route. Mr. Glascock explained the issue they were having was with construction traffic. Mayor Hindman asked if the meters would work. Mr. Glascock replied they could try it out. Mayor Hindman wondered if the parking problem would go away after the construction was over. If it was students parking, he did not think it would. He thought they should look at the possibilities of using meters. Mr. Glascock asked if they could restrict it and then bring back a report about the meters. Mayor Hindman replied yes. Ms. Nauser commented that once the City put no parking or meters on these streets, they would move further out, so she suggested they take the entire area into consideration when reporting on the meters. She thought they might need to discuss this with the Columbia Public Schools.

Mayor Hindman made the motion for a staff report regarding the possibility of meters on these streets and the other streets in the area. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(C) Utility billing policy on back billing.

Mr. Watkins stated staff had been reviewing a number of the City's internal policies to include how errors were handled in utility billing. Ms. Fleming explained staff reviewed the issues involved and if it was an issue where they owed customers money, they would go as far back as they had records to correct the error. She noted, however, they felt there was a need for consistency and the ability to show customers a policy reviewed by Council indicating how far back they would go for a number of billing errors. She commented that many errors involved meter readings due to a malfunctioning meter or malfunctioning electronic reading device. They wanted a standard established to assist with customer service. She noted there were also errors involving property being annexed or developed, but them not being notified of solid waste or stormwater charges needing to be billed. They needed a limit on how far back they could go. She stated the Committee believed that time period should be six months for residential accounts. In regard to commercial customers, she stated they wanted more latitude since they were talking about more dollars. Mr. Watkins pointed out there was not an existing Council approved policy in regard to these issues.

Mr. Janku asked if this would accommodate a situation where there was a problem with the meter in that a person could argue their bill was too high based on prior years' usages. Ms. Fleming replied she was not aware of that situation and stated that where they had data, they wanted to use it. If they did not have the data, they would use averages for the last twelve month. Mr. Watkins commented that the general principle was that if they

over billed, they would go back as far as they could to pay the customer. Where an error was made in that the residential customer owed the City money, they would limit that to six months.

Ms. Hoppe asked how long they had to pay if they were billed for six months. Ms. Fleming replied they worked out payment agreements with customers involved with back billing issues. The general rule would be that if they went back six months, they would give them six months to pay it back. She reiterated they would work with the customer.

Mr. Janku asked if there was a policy on bankruptcies and provided K-Mart as an example of a company where they had to forgive a debt due to bankruptcy and they then wanted service again. Ms. Fleming replied that was dictated by bankruptcy law. Mr. Janku understood they could not recover the debt. Mayor Hindman noted they had to provide them service. Ms. Fleming stated they were dealing with that issue by ensuring they had appropriate deposits on file.

Mayor Hindman made the motion to direct staff to bring back the appropriate legislation with the necessary ordinance changes. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(D) Potential projects for STP enhancement funding.

Mr. Watkins stated this involved enhancement funding MoDOT made available every year and this year there was about \$2.43 million available in District 5. He noted the projects had to be under \$500,000 and a 40% match was required in order to get the most credit. Staff was providing six projects they felt were high priority. He noted they did not want to make six applications since the funding was limited.

Mr. Teddy pointed out this was the last year in the SAFETEA –LU federal legislation cycle that MoDOT would have a District enhancement competition, so this would be the City's last opportunity for a while to access these funds.

Ms. Hoppe understood there were six projects, but only three were priority projects, and asked if the public hearing would only apply to the three priority projects. Mr. Teddy stated the recommendation would be those three unless the Council directed otherwise. The public could comment on the recommended projects or other projects as they desired. He noted they would not have a lot of time to put together something that was not programmed. They selected the first five trail projects from the CIP, so there had been some commitment to those trails. They added the Providence Road Pedway because it was the one they applied for last year, but did not receive funding for. It was also in an area where Columbia Public Schools would be building a sidewalk along the frontage of Rock Bridge High School, so it would close a large gap in the system. He also understood the Pednet Plan called for bike lanes and bike routes for Providence.

Ms. Hoppe understood they had not approved any project yet, but noted the Hinkson Creek Trail to Rock Hill Park was listed as priority 2 without the engineers having completed the plans and without knowing the cost. She commented that she walked the area and believed there could be some concerns because it was not as flat as she thought it was. She asked if they could substitute. Mr. Teddy asked if she meant if the design changed. Ms. Hoppe stated she wondered if they could substitute if the project was not approved or was no

longer a priority. Mr. Teddy replied if the Council did not approve a project for which they were given an award, he believed they would have to relinquish the award.

Ms. Nauser asked if Providence Road, Southampton to Peachtree Drive, was included on the Pednet Project Plan. Mayor Hindman stated they did not list a pedway. Ms. Nauser commented that all of the other items were trails with none being south of town and this was the least costly of all of the projects recommended. She felt it was a much needed project due to the students in that area. She wanted it submitted for consideration again. Mr. Janku stated the public hearing would help determine that. Ms. Nauser understood and stated she wanted this project to be considered during the public hearing. Mr. Janku commented that he thought it was a great project, but noted the recommendations were based on what they thought might receive funding. He pointed out it did not receive funding last time and felt it could possibly be funded by the nonmotorized grant or with City sidewalk funds. Mr. Janku asked if priority was determined by how well staff thought some of these items would score. Mr. Teddy replied they provided comments indicating they felt the three trails sited would score well. Mr. Janku suggested they put the Providence Road project in the budget to get it done. Ms. Nauser felt this project continued to be delayed and believed they needed to take it more seriously.

Mr. Janku asked if connections to parks and schools were ranked higher in the point system. Mr. Teddy replied he believed the Committee would look at the impact, which was measured in terms of connectivity, how many neighborhoods it served and what types of neighborhoods and districts it connected. Mr. Janku understood if it connected to a school or park, it received some points. Mr. Teddy replied he thought it did. In addition, the more detailed the narrative was in pointing out those facts, the better off they were. Mr. Janku commented that the Bear Creek Trail looked like it stopped short of Lange School. He understood it might cost a little more to extend it to Lange, but thought it might help the project receive funding.

Mr. Janku understood the Hominy Branch Trail would go under the overpasses and bend toward Woodridge and asked if with additional money it could be connected to American Legion as he thought that might help the project receive funding.

Mayor Hindman stated he was surprised the one involving Providence did not go all of the way to Rock Bridge High School. Mr. Janku understood it connected to a business district. Mayor Hindman noted it would connect to all of the new pedways on Green Meadows. Ms. Nauser commented Bethel Park was in the area behind the high school. Mayor Hindman asked how far south it went. Mr. Loveless replied it went to the end of the high school and then went to the Peachtree commercial area. Ms. Nauser stated the sidewalk down Southampton led to Bethel Park and Gentry Middle School. Mr. Loveless stated that project had been a concern of the Council for some time because the students at Rock Bridge had no way to walk from their high school to the commercial area to the north.

Mr. Watkins pointed out the public hearing was to gather ideas, so if the public had other projects they wanted considered, this would give them that opportunity. He noted the project on Providence was one of the roads MoDOT was asking the City to take over. One criterion for receiving points involved whether the entity had right-of-way control. If the City

owned that road, they would have an additional opportunity for points they did not have last year.

Ms. Hoppe stated she believed the Hinkson Creek Trail to Rock Hill Park project would be controversial and did not want to risk losing federal money if it did not move forward. She suggested they switch that one with another project. Mr. Loveless commented that the County House Branch Trail would not be controversial and would link a grade school to a park.

Mr. Loveless made the motion to accept the report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(E) Bow hunting on City property.

Mr. Watkins commented this was an annual report and staff was not recommending any changes. He noted they wanted to consider the Crane property in a future year until it was developed because the City would not have access to that property until the end of September, which would be too late for the upcoming season.

Ms. Hoppe understood the survey was given to hunters, but not to other park users. She thought it might be helpful to obtain information from the other park users to get a full picture of how comfortable people felt with the use. Mr. Watkins stated he was not sure how they would gather that information, but would work on it for next year. Mr. Loveless believed it would need to be a different survey because this one was specifically geared toward the hunter.

Mr. Loveless referred to Exhibit C, which showed where deer and automobile encounters occurred, and noted deer were frequently picked up by his staff at the bend on Stadium Road where it changed directions from east/west to north/south. He believed those deer moved from the Twin Lakes area up the County House drainage to Kiwanis Park behind Russell Boulevard School. He suggested the Council consider allowing a limited number of bow hunters to hunt in Kiwanis Park in next year's program. He pointed out the intent of the program was not to provide recreation, but was an attempt to reduce the unpleasant encounters of people and deer. He thought this travel area was a location they needed to focus their attention towards.

Mr. Janku asked what size area was needed. Mr. Loveless replied some people hunted in their back yards and noted that statistically, archery deer hunting was among the safest outdoor recreations. Mr. Janku commented he noticed there were a lot of accidents on Highway 63 north of I-70 and wondered if they could use the property donated by the Tull family. He understood it might not have public access.

Ms. Hoppe stated she was surprised there were only six doe killed in the Grindstone Nature Area with 31 hunters who hunted a total of 170 times. Mr. Loveless explained the success rate of bow hunters, in general, was about 20 percent. Mayor Hindman asked how many fawns a doe typically had. Mr. Loveless replied north of the Missouri River, each doe would cast twins every year.

Mr. Loveless noted Columbia was seen as a leader in the Council taking proactive measures to deal with the urban deer herd.

Ms. Hoppe commented that in Grindstone, the success rate was a lot less than 20 percent, and recalled a suggestion to have some training clinics in an effort to increase shooting accuracy. She asked if that was in the works. Mr. St. Romaine replied there was a comment from one of the respondents for some targeted training, which had not been done in the past. They required hunters to participate in an annual orientation to make them aware of the rules, properties, parking, and where trails and neighbors would be. Mr. Hood noted an archery range, which was open year round, was located at American Legion Park. Any archers could use the facility and it was a targeted range. He commented that this was a cooperative project between the Parks & Recreation Department and the Columbia Bow Hunters Association.

Mr. Janku made the motion to accept the report. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

(F) Police Internal Affairs.

Mr. Watkins explained that per Council direction, the City contracted with Dr. Aaron Thompson and three of his associates to review the Police Department's current internal affairs and administrative review process. Council had the opportunity to meet with Dr. Thompson at the public pre-Council work session earlier in the evening. He commended Chief Boehm for proceeding with a review by Dr. Diamond after the employee survey showed potential issues within the Police Department. They now had this study from Dr. Thompson to utilize as well. He noted it was not often that the culture in a police department allowed this type of openness.

Chief Boehm stated he appreciated Dr. Thompson's work and believed it was an excellent report with a number of very good suggestions. By implementing a number of the suggestions, he felt they could enhance trust, internally and externally, and increase transparency in the process. Most importantly, he believed, they could increase the efficiency of the process, which would allow sergeants to be in the field supervising as opposed to conducting reviews.

Mayor Hindman understood one of the suggestions was to develop a possible implementation plan and asked if the consultant would be used to help with that. Chief Boehm replied that could be done. He noted they discussed that with Dr. Thompson and he suggested the City had been provided enough information to try to implement it themselves. Chief Boehm stated they were comfortable in doing that. He commented that they also talked about the possibility of Dr. Thompson continuing to be involved and he was open to discussions for doing that, but indicated he was very busy and if he could not find the time, he had a number of associates he could recommend the City using.

Mayor Hindman suggested they consider asking Dr. Thompson or one of his associates to be involved in the process, so he could advise the Police Department and Council as they proceeded with an implementation plan.

Mayor Hindman made the motion to accept the report and to direct staff to develop an implementation plan for the recommendations provided, while including Dr. Thompson or one of his associates in the process, as needed, to advise the Police Department and Council as they proceeded with the plan. The motion was seconded by Mr. Janku.

Ms. Nauser commended Chief Boehm on the process and pointed out the Police Department did not have a bad policy. It was just an older policy. They would only be updating this policy to address current terms and situations. Mayor Hindman agreed and noted he felt they still needed to work hard to be sure confidence was built for as broad a part of the population as possible.

Ms. Hoppe commented that this would be needed whether or not Columbia proceeded, in the future, with a citizen review board.

The motion made by Mayor Hindman and seconded by Mr. Janku was approved unanimously by voice vote.

(G) Street closure request – Jay Dix Challenge to Cure 5K.

Mayor Hindman made the motion to approve the street closure as requested. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(H) Commercial air service at Columbia Regional Airport.

Mr. Watkins noted the Airport Manager had been contacted by the current carrier, Mesa Airlines, who indicated they intended to file for a change in their essential air service contract with the Department of Transportation (DOT). The current contract provided for flights to both St. Louis and Kansas City. Their proposal was to provide the same number of flights, but to Kansas City only. While the contract was not with the City he believed the DOT would consider the community's wishes. Staff was suggesting Council direct the Airport Advisory Board to make a recommendation and to schedule a public hearing at the next Council meeting to obtain public input in terms of the request. He pointed out they started last summer and would continue to work with airlines to bring in other service to other hubs.

Mr. Janku asked if the public hearing could be conducted first by the Airport Advisory Board. Mr. Watkins replied the Airport Advisory Board met at lunch at the Airport, which made it tough for people to provide input. He believed a Council meeting would be a more convenient location to obtain public input. Mr. Janku stated he did not have a problem with that, but believed there would be a lot of interest and comment. He thought it might be helpful to obtain that in advance of the meeting in order to respond and react to it. He felt the Airport Advisory Board could hold a special meeting at a different time in a more convenient location for the public input. Mr. Watkins explained their goal was to try and provide a response as quickly as possible and they preferred not want to wait until May to provide a response. Mayor Hindman commented that Mr. Janku had a point and asked if the Airport Advisory Board could hold a meeting within a week. Mr. Watkins replied they could hold a hearing, but they would not have much time to advertise and promote it. Mayor Hindman agreed they did not want to delay the response either. He noted that even if that public hearing was held, they would not receive the minutes for review in a timely manner. Ms. Hoppe agreed it would be difficult to do all of this in a two week period.

Mayor Hindman made the motion to accept the report and to schedule a public hearing for the April 16, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

James Robnett, 754 Demaret, stated he was speaking on behalf of the Boone County Concerned Citizens and with regard to the consultant's report, they agreed with the recommendations in part. They agreed it was a system that should be applied to the review of their own internal complaints, but for citizen complaints, they believed a police civilian review board was still necessary. He reiterated that with citizen complaints, citizen input and participation was necessary. They could not have a process where the police officers were policing themselves. There had to be some citizen review or citizen participation in that review process. He thanked the Council for being able to come forth and make these kinds of comments. He believed it helped strengthen democracy to give citizens participation in the democratic process.

Jon Livingston stated he was approached by a couple members of the Board in regard to having his rezoning issue brought back. Mayor Hindman explained he was not in favor of the rezoning and would not sponsor it. He stated he was in favor of a planned C-P arrangement. He reiterated that Mr. Livingston would need to find a Council Member who was in favor of his rezoning request. He noted he could also file an application for C-P instead.

Ms. Crayton asked what Mr. Livingston needed to do in order to move forward. Mr. Boeckmann replied the Council could reconsider the rezoning request, but if a majority of the Council would still vote no, it did not make sense to run it through that process. Another option would be to start again with the Planning & Zoning Commission for C-P zoning. He thought Mr. Livingston probably needed to know what the Council's thoughts were.

Mr. Janku stated his preference was planned commercial, which did not require a Council motion because it was a significantly different request. Mr. Boeckmann stated that if Mr. Livingston wanted to move forward with C-P, he could start over with the Planning & Zoning Commission by re-filing the application.

Mr. Livingston stated he was originally going to tear the structure down and put in some new residential units and if he did that, future development in the area would stop. He was involved with the City in an effort to enhance and improve the area. He understood some of them wanted a planned development and noted it cost hundreds of thousands of dollars to do a planned project. He stated it appeared as though it was more feasible to tear down the existing structure and put up apartments in terms of cost and time because he had that zoning. He commented that he wanted to move in the right direction for the City and believed C-2 mixed use was best for that effort.

Mayor Hindman suggested he talk to his Council representative and ask him/her to bring the matter back up. If he was unable to find a Council representative who was willing to do that, he would have to wait a year, proceed with C-P zoning or build the apartments he indicated he could with the existing zoning. Mr. Janku stated the Sasaki ideas had not been implemented yet and until those ideas were in place with ordinances and overlays, the only

way to guarantee the vision would be met was with planned development because C-2 zoning was wide open. It allowed all kinds of uses, some of which were not pleasant, and it did not meet certain design standards and controls Sasaki envisioned. They were at a difficult point because they had a vision of what downtown should be, which was moving forward, but it had not yet been adopted or implemented. He suggested he request planned zoning. Mr. Livingston stated he understood.

Ms. Nauser asked where they were going with the Sasaki ideas. She did not like the idea of placing a moratorium on development downtown without obtaining public input on the issue. She noted they had not move forward on the Sasaki plan, but were still telling people downtown they would allow C-P zoning from this point forward. If that was the direction they wanted to take, she thought they needed to take the next step and move forward rather quickly. Mayor Hindman stated he agreed, but noted it took time to move forward, which was the problem. Mr. Janku asked if they had an approximate date of when this would start moving forward. Mr. Watkins replied they were meeting with the University and Stephens in terms of the entity they had spoken about that would prepare the appropriate applications for funds and hoped to have a report for the Council by the end of May. He noted they also had a citizens' task force, which was part of the Visioning Process, who were doing some things in regard to the downtown. He thought they would have some input with regard to what the City finally did. He anticipated this would be an issue discussed at Council Retreat in terms of where they were, what was in place, what was being put in place, time frames and how they moved forward. Ms. Nauser stated if they wanted to have restrictions, they needed to hold a public hearing in the near future. She suggested something indicating they would only allow C-P zoning until the Visioning Process was complete and they came up with a downtown plan, which included the ideas presented by Sasaki. This would alleviate the issue of people in the downtown beginning the process to no avail.

Ms. Nauser made the motion directing staff to provide a timeline to initiate a process for a formal policy for the downtown area, which would indicate the Council would only allow C-P zoning in the downtown area from now until the Visioning Process was completed and a downtown plan was developed. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe wished everyone a blessed first night of Passover.

Ms. Crayton stated she had two letters, which she would provide the City Manager. One of the letters addressed a house on W. Worley and the need for citations to fix up that home and others in the area. The other letter involved a tax billing issue on Donnelly and W. Boulevard North where the property owner was not able to sell his home due to the tax bill.

Ms. Crayton noted the City recently lost a neighborhood minority business, Lou's Palace, and believed it was hard for minority business owners to re-start a business. She wondered why that was happening. Mayor Hindman asked if the City had any statistics on minority business ownership in Columbia.

Ms. Crayton made a motion for a staff report in regard to the trend of a lack of minority business owners in Columbia. Mr. Loveless seconded the motion.

Ms. Hoppe suggested the report include what the City was presently doing to support and promote minority businesses and to provide recommendations on what could be done to enhance any existing programs. Ms. Crayton and Mr. Loveless agreed to include that in their motion.

The motion, made by Ms. Crayton, amended by Ms. Hoppe and seconded by Mr. Loveless, was approved unanimously by voice vote.

Mr. Janku noted there was a death on 763 and commented that in the future there would be sidewalks along there. He recalled receiving a report from staff that indicated bus service could be extended on Rangeline as far north as Smiley Lane and thought it would be helpful. He asked staff to consider this extension during the upcoming budget process.

Mr. Janku stated he received a complaint about speeding in the Vanderveen Subdivision. He recalled receiving a report on traffic calming for the area, which indicated traffic patterns might change once the Blue Ridge Road connection was made along with some other improvements.

Mr. Janku made the motion for the staff to review that report to determine if traffic calming now needed to be implemented or if a further study needed to be done. He asked that this report include Rain Forest Drive, if it was not originally included. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku understood they had WiFi service at the airport and wanted to know what they could do to make WiFi more accessible in public spaces, such as City Hall and Flat Branch Park.

Mr. Janku made the motion for a staff report in regard to implementing WiFi service in public areas. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Hutton noted Mr. Watkins had asked him a couple weeks ago if there was anything he would like to see done prior to leaving the Council and commented that one of his pet peeves was a property on the Business Loop that was being used as a junk yard, but was not zoned for that use. They were getting by with it because they were calling it a used car lot.

Mr. Hutton made the motion to get that problem corrected by creating an ordinance or enforcing the current ordinance. Mayor Hindman asked if this was the property across from Cosmo Park. Mr. Hutton stated this was next to Westlakes on the other end of the Business Loop. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless stated they had discussed having new residential construction which used government funds of any level to meet ADA standards and wondered what the status of that was.

Mr. Loveless made the motion directing staff to provide a report on what would be required to ensure new residential construction met ADA standards if they were using government funds for construction.

Mr. Watkins asked what type of government funding he was referring to. He asked if that included FHA mortgages, CDBG and HOME money. Mr. Loveless replied it would

include CDBG and HOME money where there was a direct contribution. Mr. Watkins asked if it included housing rehab funding. Mayor Hindman asked if he meant ADA standards or universal design. Mr. Loveless stated he felt the nature of these questions merited staff exploring it and providing Council with options. Mr. Watkins asked if he was primarily looking at HOME and CDBG funds. Mr. Loveless clarified he was looking at direct governmental subsidies.

Mr. Loveless understood there was to be no overnight RV parking as a condition of the plan for the Fairview-Broadway Wal-Mart and yet that had been happening periodically. He stated he had been approached by residents in the area and was asked who needed to be contacted in order to enforce the condition. Mr. Watkins stated they should contact the Public Works Department. Mr. Loveless noted it was not typically noticed until Friday night or Saturday morning and asked if they should call the Police Department instead. Mr. Watkins replied yes. Mayor Hindman was not sure the Police Department could enforce it. Mr. Loveless thought they could approach it as trespassing. Mr. Janku understood the parking lot was posted. Mr. Watkins stated that was correct and added that they would have a discussion with the Wal-Mart manager to make sure they understood the City would be enforcing that.

Mr. Loveless stated he thought the City had some of the finest and most dedicated staff members a City could have. He believed most of the credit for having such a successful City went to the staff even though the Council liked to think they had a good contribution. He thanked staff and his fellow Council Members for putting up with him for the last six years.

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Sheela Amin
City Clerk