

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MARCH 16, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 16, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of March 2, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Janku made the motion to add Report L, which discussed CDBG priorities, to the agenda. The motion was seconded by Mr. Wade and approved unanimously by voice vote. The agenda, as amended to include the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Hoppe.

SPECIAL ITEMS

Mayor Hindman recognized Boy Scout Troop #705 as they were in attendance for their citizenship in the community badge.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B79-08 Amending Chapter 9 of the City Code as it relates to fire sprinkler systems in fraternity and sorority buildings.

The bill was read by the Clerk.

Mr. Watkins explained this was originally discussed at the January 7, 2008 Council meeting and Mayor Hindman had appointed a Fire Sprinkler Task Force to address the various questions that had been brought up. The ordinance in front of the Council would put into place the comments from the Task Force. It would keep the existing sprinkler regulations in place. It provided a better definition of fraternities and sororities. It would also allow 13R sprinkler systems and would extend the timeline for the installation of the sprinklers by seven years. A recommendation not included in the ordinance was a way to provide for cost abatement of sprinkler system additions.

Mr. Glascock noted they also discussed looking at the R-2 use group with regard to sprinkler systems in the future. Mr. Watkins understood that was not in the ordinance. Mr. Glascock stated that was correct.

Mr. Janku noted the ordinance included language reading “existing on March 16, 2009” and asked if that meant fraternities and sororities established after that date would be required to have sprinkler systems when they were created. He asked for clarification regarding the role of the date. Mr. Boeckmann replied it was today’s date, so this ordinance applied to buildings that were in existence now. In addition, new buildings would have to follow the current code.

Mr. Skala noted the report discussed providing for a variance mechanism and asked for clarification. Mr. Glascock replied if someone felt staff was not interpreting this correctly, it would have to go to the Building Construction Codes Commission. He understood they wanted a variance procedure involving the Council if it were too onerous for the group. He explained the Building Construction Codes Commission was only allowed to give a variance if they felt staff was not interpreting the code correctly. Mr. Watkins pointed out the Building Construction Codes Commission would not provide a variance to the regulations. It would only provide a variance to the staff’s interpretation as to how the regulations should be applied. Mayor Hindman understood it was not a variance. Mr. Watkins stated that was correct and noted it was essentially overruling the staff’s decision.

Ms. Hoppe stated the Task Force recommended 13R, but the ordinance included 13 and 13R, and asked if that was to provide the option of 13 if someone wanted to put it in, but to require the 13R at a minimum. Mr. Watkins replied that was correct.

Mr. Janku asked for an explanation of difference between 13 and 13R. Mr. Glascock replied the “R” stood for a residential fire sprinkler system. Mr. Janku understood it was a lesser standard. Mr. Glascock stated that was correct. He thought it involved the type of pipe that was used. Mr. Skala asked if one was for public safety and the other was for property. Mr. Glascock noted the other was a commercial standard.

Mayor Hindman opened the public hearing.

Janet Wheeler stated she was a member of the Fire Sprinkler Task Force and noted she would speak to her experience since she did not feel she could speak on behalf of the Task Force. She explained she had been involved with this fire sprinkler matter since the passage of the original ordinance. She noted she was the President of the Kappa Alpha Theta Sorority Facility Board and pointed out they had a 13R sprinkler system in their sorority house. She stated the Task Force had worked diligently in coming up with its recommendations and she fully supported the recommendations made. In response to Mr. Skala’s questions regarding the variance, she explained the concern was whether the City’s infrastructure was sufficient with regard to providing water pressure for the sprinkler systems if fraternities or sororities were ever established on the Stephens College or Columbia College campuses. They wanted to ensure there was an opportunity for someone to come to the Council, so the Council could make an independent decision on the facts and circumstances as they might present themselves. Another example discussed was a fraternity or sorority that had diligently spent four years raising money, but was short and would miss the deadline to install the sprinkler system. They wanted a little bit of leeway, if necessary. She stated it would be an independent determination by the Council. Without the variance option, it might force the exodus of students from those facilities. In addition, due to the way fraternities and sororities were defined, the building could be turned into student

housing and they would not meet the goal of life safety protection. She emphasized a variance was not meant to provide a free pass. She noted they also wanted to allow the opportunity for new entrance and commented that a new fraternity or sorority would not necessarily involve new construction. They might take over an existing facility, so they wanted to ensure they would have the opportunity to get a fire sprinkler system if they moved into a particular building. They were comfortable with the definition because it came from another municipality. She pointed out she believed the reference to 13 in the draft ordinance was unnecessary. The Task Force recommendation specifically stated 13R, so she preferred 13 be eliminated to ensure there was no discretion on the part of City staff. She hoped the Council would move on the recommendations from the Task Force.

Mayor Hindman thanked her and the other members of the Task Force for their service. He noted this issue started off being contentious, so it really said something to have a unanimous recommendation from the Commission. Ms. Wheeler stated this was a perfect example of not everyone getting exactly what they wanted, but everyone leaving the room as friends. She thought it was a work product they were all proud of.

Ms. Hoppe understood she was concerned with the inclusion of both 13 and 13R, but noted it was to allow the option for someone to install a 13 system if they wanted. Ms. Wheeler felt if they eliminated 13, there was no question with regard to interpretation. She understood Chief Sapp did not want to take it out of the design professional's hands if they felt 13 would be advantageous for the facility. The Task Force, however, felt 13R should be the bar.

Ms. Hoppe asked about language indicating no less than 13R. Ms. Wheeler replied there were multiple categories and 13R was a specific category in the NFPA standards. The 13 was a completely different system, which included fire sprinkler heads in the eaves and other non-occupied spaces. It was meant to save the building.

Mr. Skala asked about language indicating a minimum of 13R and not mentioning the 13 system. Ms. Wheeler stated she felt the Task Force report should speak for itself and it only stated 13R.

Mr. Wade stated he did not understand Ms. Wheeler's concern. The ordinance clearly stated 13 or 13R and left the decision to no one except those doing the work. He thought it was very clear in that it was one or the other.

Mr. Boeckmann pointed out that when the initial draft was circulated it only included 13R. Protective Inspection suggested it read "13 or 13R" with the interpretation someone could use either and still be in compliance. He thought the interpretation was clear. They were in compliance if they did one or the other. It was not the choice of City officials.

Mr. Wade reiterated he believed Ms. Wheeler's concern was covered by the wording in the ordinance. Ms. Wheeler stated she was a believer in not inviting trouble, and if it were not mentioned, there would be no invitation. She did not want someone to force a chapter to go to the legal expense of sorting it out through an appeal to the Building Construction Codes Commission. Mr. Janku thought someone who did 13 would be uncomfortable if it was not stated.

Corey Ridenhower stated he represented the Delta Tau Delta Fraternity and noted he believed there was a problem with 13 and 13R being included in the ordinance. He

understood the code was not clear regarding which system needed to be used in a fraternity house, so parts could be considered 13 and other parts could be considered 13R. He recommended the 13 be removed. After the standard of 13 or 13R, the ordinance read "...in accordance with section 903...", which meant the code would be interpreted and City staff would have to approve the final plans before it was implemented. He felt that provided discretion to the City.

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

Mr. Wade stated he was impressed with what happened when good intentioned people sat down and looked for common ground. He supported their recommendations and thought they were captured in the revisions to the ordinance. He noted he intended to support it.

Ms. Hoppe noted early on there was quite a bit of contention regarding this issue. They tried to balance safety with the economics of the situation while being fair in the process. She understood the concerns of the speakers and suggested they amend the ordinance so it stated a minimum of 13R. She wanted to ensure it was clear they needed 13R and 13 was not required, but an option.

Ms. Hoppe made the motion to amend the amendment sheet by changing the wording so it indicated a minimum of 13R would be required. The motion was seconded by Mr. Skala.

Mayor Hindman asked if there would be any difficulties if they changed the wording. Mr. Boeckmann replied he did not believe so. As a practical matter, if someone wanted to install something at a higher standard, he stated he could not imagine the City would care.

Ms. Nauser stated she did not believe the concern was that someone wanted to put in a higher standard. She thought it was that they might want to put in the lower standard, but would be required to put in the higher standard. She understood 13 and 13R depended upon whether it was life saving or for life and property. She felt the goal was to save lives.

Mr. Janku pointed out a 13 or 13R system met the code. He wondered what would happen if someone wanted to install something different than 13R that was not quite a 13 system. He stated the professionals had looked at this and had come up with something that was understandable to them. It would allow someone to install a 13R and be in compliance if they wanted. If they wanted to deviate from 13R to something else, it would not be clear if they approved the proposed amendment.

Mr. Skala did not believe it was an issue and if it provided clarification to those involved, he did not believe it was unreasonable. They knew what a minimum of 13R was and anything else was fine. He did not think they needed to include other options as long as the minimum was understood.

Mr. Wade commented that by having 13R as a minimum, they would create a range of variations. The draft ordinance provided two options that were clearly defined in the International Codes. It would either be 13 or 13R, so it removed any variation. In addition, he believed it was clear that it was a choice by the people making the decisions. With providing a minimum standard, he wondered who would evaluate the ten options that could be created.

Mr. Janku felt they would be inviting appeals to the Building Construction Codes Commission. Mr. Janku commented that he believed they should set clear guidelines. The

proposed ordinance provided two clear choices as opposed to allowing them to create other options.

Mr. Skala asked what they would do if someone wanted to install a 14. Mr. Janku replied he was not sure there was a 14. Mr. Wade stated they would then have to ask the Council to amend the ordinance. He noted the options were very clear and defined in the International Codes. He felt they needed to stay with one of those two options.

Ms. Hoppe asked if it included “either” instead of “at a minimum” if it would help with clarification. She stated she did not intend for there to be a range of options. Mayor Hindman asked the Chair of the Fire Sprinkler Task Force to comment.

Skip Walther, 700 Cherry Street, stated he was the Chair and the Task Force was quite clear in their recommendation. They were recommending that only 13R be a requirement under this proposed ordinance. He understood staff’s amendment was so a 13 was not precluded by the language in the ordinance. The concern was with staff’s interpretation or staff’s ability to interpret the language to require 13 instead of 13R. He did not believe any property owner would ever offer 13 because of the significant expense and difference in construction. With 13, they would have to sprinkle the unconditioned spaces in addition to the living spaces, which included the attic, etc. In sprinkling an unconditioned space, they had to ensure the pipes were safe from the elements of freezing, etc., so the cost increased significantly. He reiterated he could not imagine there would be a circumstance where the property owner opted for 13 instead of 13R if the requirement was just 13R, but noted he could not predict the future. He pointed out the Task Force recommendation was for the property owner to be obligated to only install a 13R. If the property owner wanted to install a 13 instead of a 13R, he did not think the ordinance should prohibit it.

Mr. Skala asked if language suggesting a minimum of 13R would be unambiguous. Mr. Walther stated if they included language indicating it was the option of the property owner and not the Fire Department, he believed it would be unambiguous.

Mr. Sturtz thought Mr. Skala’s suggestion was clear. He wondered how a minimum of 13R could be misinterpreted.

Mr. Boeckmann understood the language would read “Each fraternity and sorority house...2009 shall install at a minimum an automatic fire sprinkler system designed and installed under the current edition of the National Fire Protection Association Standard 13R, in accordance with Section 903.3....” In addition, the next paragraph would be changed to read “...their space, shall install at a minimum an NFPA 13R fire sprinkler system.” Ms. Hoppe and Mr. Skala were in agreement with the language.

The motion made by Ms. Hoppe and seconded by Mr. Skala to amend the amendment sheet by changing the wording so it indicated a minimum of 13R would be required was approved by voice vote with only Mr. Janku voting no.

Ms. Hoppe made a motion to approve the amendment sheet as amended. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on B79-08, as amended, was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B26-09 Voluntary annexation of property located on the east side of Rolling Hills Road, extended, approximately one mile north of State Route WW; establishing permanent R-1 zoning.

Mayor Hindman understood there was a request for a continuance on this item to the April 6, 2009 Council meeting.

The bill was given third reading by the Clerk.

Mr. Watkins explained this involved the voluntary annexation and zoning of approximately 46 acres in east Columbia. The applicant was requesting permanent R-1 zoning. A development agreement dealing with road extensions had not been completed to the pleasure of the applicant or staff, and as a result, the applicant was requesting this item be tabled.

Mr. Teddy noted the request to table also affected R44-09, which was the preliminary plat of subdivision.

Mayor Hindman noted they anticipated the April 6, 2009 meeting to be long, and as a result, it had been proposed that they table it to the April 20, 2009 Council meeting instead.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the April 20, 2009 Council meeting.

Mr. Janku stated the issue with regard to the development agreement was the cost of street construction. He understood it was the collector street running through the subdivision. He commented that there were numerous incidents where sidewalks had not been constructed in a timely manner on those types of streets. He asked that the agreement spell out the sidewalk situation for the collector street. He noted he was referring to the back side and wanted the sidewalks constructed in conjunction with the street in order to alleviate any problems.

Mr. Wade made a motion to table B26-09 to the April 20, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

R44-09 Approving the Preliminary Plat of Hawthorne Woods located east of Rolling Hills Drive, extended, approximately one mile north of State Route WW; granting a variance from the Subdivision Regulations.

Mayor Hindman suggested they deal with the tabling of this item now versus waiting until they got to the old business section of the agenda.

Mr. Wade made a motion to table R44-09 to the April 20, 2009 Council meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(A) Voluntary annexation of property located on the south side of Heller Road, east of Ewing Industrial Park and west of Rogers Road.

Item A was read by the Clerk.

Mr. Watkins explained this was a required public hearing and Council was not expected to take any action on this issue tonight. This request was to voluntarily annex approximately 192 acres of ground in far north Columbia. It was located on the south side of Heller Road, north of the landfill, east of Ewing Industrial Park and west of Rogers Road.

Mr. Teddy noted this item would be on the consent agenda at the next Council meeting.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located southwest of State Route WW and Elk Park Drive.

Item B was read by the Clerk.

Mr. Watkins explained this involved the voluntarily annexation of about 37.5 acres on the south side of Route WW near the Elks Club in east Columbia.

Mr. Teddy noted this item would be under the old business portion of agenda at the next Council meeting because the applicant had indicated a desire to discuss one of the conditions of approval of the zoning case with the Council.

Mr. Wade understood this would not be on the consent agenda, but it would be under old business. Mr. Teddy stated it qualified for the consent agenda by the vote of the Commission, but after the vote was taken, the applicant requested the statement of intent being recommended be modified. Under the ordinance, if the applicant did not completely agree with the Commission's recommendation, it would be placed under old business for discussion.

Ms. Hoppe asked for clarification with regard to the difference between the existing stormwater detention plan approved under the County, which had expired, and the City's requirements. Mr. Teddy replied he would prefer to wait until the zoning was discussed and noted he would prepare comments. Ms. Hoppe stated that was fine. Mr. Teddy noted they had determined this development would be subject to the City's stormwater ordinance. Ms. Hoppe understood that was different than what had been indicated. She thought they were requesting annexation contingent upon the City accepting the stormwater plan they had proposed to the County. Mr. Teddy stated it had been expressed that way under the original application, but since that time, there had been discussions indicating the ultimate development would have to comply with the ordinance. Whether there were interim changes to what had already been done might be another question. Since this was a zoning proceeding, they did not have to have a plan, so there was no expectation for any stormwater design to be provided as part of the application.

Mayor Hindman opened the public hearing.

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

R67-09 Approving the 2008 Consolidated Annual Performance Evaluation Report (CAPER).

The resolution was read by the Clerk.

Mr. Watkins explained HUD required public comment at a public hearing for citizen participation prior to the submittal of the CAPER. In order to comply with the requirement, they had prepared this resolution approving the 2008 CAPER. The full report summarized all of the CDBG and HOME expenditures and the progress made toward meeting their goals.

Mr. Teddy reiterated this was a public hearing and they were interested in public comment. He explained they were also inviting the public to examine the document on the

City's website and provide comments through the close of business next Monday. The report was due at the end of the month. He noted it was an annual report. It was not a plan or policy instrument of any kind. They reported the level of expenditures on the formula grants the City received during the 2008 calendar year. In addition, the report had more detail on which activities were responsible for those expenses. He noted they also reported on other agencies doing housing and community development work, to include what they had spent in HUD discretionary funds. The City's own funding of \$881,193 from the general fund for community services spent in 2008 was included as well. They summarized the leveraged funds that were also a part of these activities to include state, federal, city, public and private resources committed to things like affordable housing construction, community services, community development related infrastructure, etc. He pointed out the Community Development Commission reviewed the report and did not request any changes. He stated they reported that they had met and exceeded their goals for certain items in terms of the number of activities completed and described those. He noted the report also included items that tracked below expectations with an explanation as to the reasons. After holding the public hearing, they were asking the Council to authorize the City Manager to send the report to the Housing and Urban Development field office.

Mr. Skala asked for comments regarding the shortfalls indicated in the report. Mr. Teddy explained the rules regarding expenditures of CDBG funds required them to meet the 60 day test, which meant within 60 days of the end of the HUD fiscal year, they wanted to see an amount of unexpended funds no greater than 1.5 times the current year's allocation. It was a combination of current and previous years' unspent funds. At the 60 day mark, HUD would evaluate them based upon the ratio. Public improvement projects, such as streets slowed them down because they generally took 2.5-3 years to complete. Last year, they started breaking those projects down into three application cycles. They would fund the design the first year, the acquisition of easements the second year and construction in the third year. This reform had not yet taken because they still had an amount of unspent funds that was slowing them down. Other programs and individual activities were flagged because more funding had been received than had been spent. He stated they needed to be especially aggressive this year. Mr. Skala understood the explanations were sufficient and they were not serious problems. Mr. Teddy stated that was correct.

Mr. Sturtz stated he attended a Minority Men's Network meeting earlier this week and they were taking the City to task for not advertising the CDBG funds sufficiently. He asked for clarification on how it was advertised to the different non-profit groups and what the deadlines were. Mr. Teddy replied a notification of funding availability was sent to the organizations that did community development and housing work. They also provided general notices on the City's website and published notices of public hearings. He noted the Community Development Commission just held several hearings on the assessment of needs, which was how they began the planning year. Mr. Teddy stated May 1 was the application deadline for any organization that was proposing a community development block grant activity. Two sets of hearings would be held over the summer. One would consider public improvement type applications and the other would consider housing and community service and facility type applications. It culminated in recommendations in August from the

Community Development Commission to the Council and Council approved the CDBG budget as part of its regular budget process. HOME funds, which were only spent on housing activities, had an open cycle. Application could be made at any time and that information was available on the City's website. There were no particular deadlines associated with those. He noted they would develop an Action Plan for Council review and approval toward the end of the calendar year. It would have both a CDBG budget as approved by Council and the proposed expenditures of HOME funds.

Mr. Janku understood the Cultural Affairs Commission invited potential applicants to attend a public meeting where they explained the process and asked if they did anything similar. Mr. Teddy replied staff held an application workshop on March 4 and it was heavily attended. It was advertised and they had encouraged anyone wanting to become familiar with the process of making application to come to the workshop. Post approval, they held work sessions with successful applicants to discuss the rules that applied in carrying out their activity, etc.

Mr. Janku understood the expenditures in the tenant based rental assistance program were not sustainable last year. Mr. Teddy stated the CHA had received a two year allocation, and at the rate it was running, he thought they would run out of HOME money. Mr. Janku asked if they would need to come back and apply for more and wondered if tenants would lose their assistance. Mr. Teddy replied it was not a loss of assistance as much as it was the inability to provide additional assistance in continuing to expand the program. Mr. Janku understood they would be able to maintain assistance to the existing number of tenants. Mr. Teddy stated he believed so.

Mr. Wade understood the notifications were public information and any organization that wanted to receive notification could have their name added to the list. Mr. Teddy stated that was correct.

Mayor Hindman opened the public hearing.

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

Mr. Wade stated he believed the CAPER report was important as it reflected the very sincere and continuing efforts made to address major issues with different segments of the population. He complimented the staff for maintaining and understanding an organization of something that was very complex.

Ms. Hoppe thanked the Community Development Commission since they worked diligently and spent a lot of time on this complex area.

Mr. Skala commended the people that put the report together. Mr. Watkins pointed out the report was in a HUD required format. Mr. Skala understood.

Mayor Hindman noted the report showed the value of the funds that came to the City. He wondered where they would be if they did not receive those funds.

The vote on R67-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B59-09 Appropriating funds for Share the Light Program.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Share the Light Program was the utility bill check off program and they allowed the funds to remain in the program and grow until there was a need. They were asking for appropriations in two programs. They were asking for \$1,000 to be appropriated to the Health Department for sharps containers and \$3,324 to be appropriated to the Fire Department for smoke detectors and smoke education supplies for the elderly and disabled.

Mr. Skala felt retail sharps containers, which included the warning labels, etc., were relatively expensive. When he was at the University, they used old bleach bottles with small apertures on them for sharps and asked if they could look into that as an option. Ms. Browning stated the sharps container program was recommended and put forward as a safety program in the City. The thought was to protect sanitation workers because they were finding them in the trash. She believed the original thought was that it would be for people who did not have the ability to purchase sharps containers, but they were finding a huge demand of people walking in to get the small sharps containers. She thought they could limit it by income or try the bleach option. She noted it was sent out as part of their medical waste, so they were also increasing the medical waste disposables beyond what they did in the Health Department. Mr. Skala understood Ms. Browning had already been thinking about this. Mr. Browning replied she had in looking at the budget trying to determine what was essential and what was not essential. She thought there might be an opportunity to partner with another department to ease some of the costs because it was truly meant to be a worker protection program.

Ms. Hoppe encouraged people to donate. She noted it was an easy way to contribute to some important programs and was a minimal cost on the utility bill. She commented that people should not contribute if they could not afford it, but thought there were many in the community who could afford it and felt the participation level was lower than it should be.

Mr. Sturtz understood \$123,000 had been raised over more than seven years of time. Mr. Watkins stated that was correct. Mr. Sturtz stated that was about \$17,000-\$18,000 per year.

Mr. Skala made a motion to amend B59-09 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

B59-09, as amended, was given third reading with the vote recorded as follows:

VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B60-09 Authorizing a fire service cooperative agreement with the Boone County Fire Protection District.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed agreement would replace the territorial agreement that would soon expire. He pointed out the previous agreement was a territorial agreement and this was a cooperation agreement that would last for five years. The previous agreement was a fifteen year agreement. This agreement would cost the City about half as

much as the last year of the territorial agreement had cost. The agreement made the City responsible for primary fire service, emergency, medical, etc. within the City limits to include future annexations. It also provided a framework for closer cooperation, including joint reporting and joint training with the Fire District.

Dave Griggs, 6420 Highway VV, stated he was the Treasurer of the Boone County Fire Protection District and thanked City staff for the commitment of time and effort put into this cooperative agreement. He noted discussions began about a year ago and the outcome greatly benefited the City and District taxpayers. They were agreeing to work very close together to establish operational savings for both departments. As an example, they discussed joint purchasing, which could substantially save each department some money and make things better for both of them. There would be joint training, which would enhance the skills of both departments and ensure they did a better job. The joint review of services would ensure the very best services were provided to the citizens of the City and the District. He thanked everyone for their diligent work to make a very good agreement. Mayor Hindman thanked him for his work as well.

Mr. Wade stated he was especially pleased to see this. He assured Mr. Griggs that there were a lot of people interested in this and he believed the lack of their appearance at this meeting was a testament of the quality of this agreement. He thanked Mr. Watkins, Chief Markgraf, Mr. Griggs and the others engaged in the negotiations for coming up with a cooperative agreement that truly served the citizens of Columbia and the Boone County Fire Protection District.

Mr. Skala stated he was recently invited to talk about this issue and responded to a question that David Shore had with regard to the lack of acrimony during these negotiations. He felt it had more to do with the negotiators than the negotiations and thought Mr. Griggs, Mr. Watkins and the rest of the people involved should be complimented because it went a lot smoother than these things normally went.

Ms. Hoppe stated she felt this spoke well of the City Council's emphasis on communication and cooperation with the various counties and agencies. It was a win-win for the entities and the public. She complimented the City staff and the District for doing a wonderful job.

Mr. Griggs noted the Boone County Fire Protection District Board had approved the agreement contingent upon the City Council's vote to approve the agreement.

B60-09 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. 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.

B50-09 **Voluntary annexation of property located on the north side of Route K, 100 feet west of Old Village Road (971 West Route K); establishing permanent R-1 zoning.**

- B51-09 Approving the Final Plat of A. Perry Philips Park located east of the intersection of Gans Road and Bristol Lake Parkway; granting a variance to the Subdivision Regulations.
- B52-09 Approving the Final Plat of Gans Creek Recreation Area located south of Gans Road and west of Gans Creek Road; granting variances to the Subdivision Regulations.
- B53-09 Approving the Final Plat of Bethel Ridge Plat 2, a Replat of Lot 2 Bethel Ridge Plat 1 located on the northeast corner of Bethel Street and Diego Drive.
- B54-09 Authorizing a federal aid program agreement with the Missouri Highways and Transportation Commission relating to construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.
- B55-09 Accepting a conveyance for utility purposes.
- B56-09 Calling for bids for construction of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park (Phase I).
- B57-09 Authorizing the acquisition of easements for construction of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park (Phase I).
- B58-09 Appropriating funds for the Parks and Recreation Department C.A.R.E. Gallery program.
- R52-09 Setting a public hearing: construction of street improvements to Scott Boulevard Phase 2 from Brookview Terrace to Vawter School Road and Scott Boulevard Phase 3 from Vawter School Road to State Route KK.
- R53-09 Setting a public hearing: construction of sanitary sewers in Sewer District No. 142 (Anthony Street).
- R54-09 Setting a public hearing: construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.
- R55-09 Setting a public hearing: construction of improvements to the A. Perry Philips Park Phase I.
- R56-09 Setting a public hearing: considering the Water and Light 2009 Renewable Energy Report.
- R57-09 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the LPHA teen outreach program.
- R58-09 Accepting a donation of classroom furniture from Associated Electric Cooperative, Inc. to be used by the Fire Department at the Columbia Fire Training Academy.
- R59-09 Authorizing an agreement with Columbia Art League for Festival and Event Funding under the Tourism Development Program for the 51st Art in the Park.
- R60-09 Authorizing an internship agreement with Job Point to allow highway/heavy construction trainees and their instructor to work on Public Works projects.
- R61-09 Authorizing the City Manager to offer to lease office space in the North Terminal Building at Columbia Regional Airport to the Transportation Security Administration.

- R62-09 Authorizing an agreement with HDR/ARCHER Engineering Inc. for engineering services relating to the design of the Hominy Branch Outfall Relief Sewer Project.
- R63-09 Authorizing an agreement with Bartlett and West, Inc. for engineering services relating to the design of the North Grindstone Outfall Sewer Extension Phase III Project.
- R64-09 Authorizing an agreement with Alta Planning + Design, Inc. for consulting services relating to the Non-Motorized Transportation Project, Phase II Bike/Pedestrian program evaluation; transferring funds.
- R65-09 Authorizing a supplemental agreement with Vangel for consulting services for Phase II of the promotion and education of the Non-Motorized Transportation Pilot Program; transferring funds.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R66-09 Authorizing an agreement with the Central Missouri Humane Society for animal control services.

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize the City Manager to sign a contract for ten months for services between the City and the Humane Society. Its effective date would be March 1 and it would extend through the end of the year.

Ms. Browning stated this was a ten month contract, which conformed to the amount that was in the animal control budget for FY09. The cost of the contract would be shared between the City and the County. The City would pay two-thirds and the County would pay one-third of the amount. She noted they had worked for several months in trying to meet the needs of the animal control operation. The Humane Society had asked for an additional sum of money for a municipal shelter, so she anticipated the Humane Society making a separate request to Council in 2010 and beyond for additional funding for municipal shelter services. She commented that she believed there was an understanding between the two organizations that animal control was distinct from shelter operations. She noted most of the agreement was the same. The animal control officers had moved to the Health Department in February. The savings from rent, dispatching and reception services would be used for a spay and neuter voucher program. The details of the program would be worked out in the next week or so. She thought they would have about 250 vouchers they could use toward the spaying and neutering of animals with the hope of reducing some of the long-term animal overpopulation issues.

Mr. Wade asked if the spay and neuter voucher program was new. Ms. Browning replied yes. She clarified that the Humane Society did some spay and neuter services now, but it would be new for the Health Department, and would be distributed by animal control officers.

Mr. Wade asked if the owner of the animal would have any responsibility for the cost. Ms. Browning replied that was something the Board of Health was looking at in its ordinance revisions. One possibility would be a different redemption fee for an animal that was picked up and intact versus spayed or neutered. They might also have an opportunity to have a low cost spay or neuter service through the Humane Society as an incentive. She pointed out not all of the people and animals they dealt with were in violation of the ordinances. They saw a lot of people who made commitments to pet ownership without realizing how costly pet ownership was, and this could be a means of helping people that were of lower income who wanted a pet. It could help defray some of those costs. She noted the voucher program would enable the Humane Society to hire a part-time veterinarian.

Mr. Skala stated he believed the distinction between animal control and human shelter activity was critical. He stated he had recently received more complaints of hungry dogs picking on other animals and having the potential of picking on people because they were being neglected to the extent they were not being adequately fed. He asked if she was aware of this. Ms. Browning stated they were seeing an increase in calls on equine neglect because horses were very expensive to maintain. She thought it was happening more and more and might be the reason people were opting to turn their pets back into the Humane Society. She noted that was a municipal shelter function. She commented that it was something they could watch and pointed out the call volume shot up with warmer weather and longer days.

Ms. Nauser congratulated the two young girls who were successful in raising \$10,000 to be contributed to the Humane Society. She noted she had personally rescued three dogs from the Humane Society over the years and had made personal donations of both cash and supplies. She stated she did not appreciate the campaign initiated earlier this year directing people to contact their Council representatives and urge them to fully fund the request of the Humane Society. While she supported the Humane Society, she did not believe all information was provided to the constituents. She commented that the Council encouraged community input, but felt accurate information should have been provided as well. She noted she had been out to the facility and had seen the conditions of the shelter. She had also seen what appeared to be hundreds of dirty towels stacked in the laundry room, ceiling tiles missing, lights not working, and disorganized piles of supplies. She understood several individuals had tried to adopt animals, but their requests had been denied. She understood one person had been denied because they wanted a hunting dog and another because they had feral cats in their barn. Two individuals she personally knew went to rescue dogs, but had to resort to getting them from a breeder. She stated she personally would not support any increase in funding to the Humane Society unless the Board of Directors or an appropriate person provided her with additional information during the 2010 budget. She noted they had a very extensive budget process and she did not recall anyone from the Humane Society coming to speak during the 2009 budget process. For the 2010 budget, she requested that the Council be provided a business plan of at least five years and a completed budget by the Humane Society. She noted she also wanted to see the Humane Society adopt a policy that collected money from all of the counties that utilized its services. She had information indicating 44 counties utilized the Humane Society, but a large percentage of

them did not contribute funding. She did not believe the citizens of Boone County and the City of Columbia were responsible for funding all or even half of the costs associated with the Humane Society irregardless of where the animals came from. She wanted the Humane Society to provide a complete cost analysis of the daily funding requirements to house an animal at the shelter. In her opinion, taxpayers were only obligated to pay for animal control services associated with the City's mission. If the citizens wished to change the mission of the City and begin funding allocations to the Humane Society in addition to animal control services, she felt there needed to be a public discussion versus it being handled through the budget. She reiterated she was an animal lover and had always gotten her animals from the Humane Society. She only wanted to see more accountability by the Humane Society if they were to continue their partnership in the future.

The vote on R66-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. 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.

- B61-09** **Voluntary annexation of property located on the south side of Heller Road, east of Ewing Industrial Park and west of Rogers Road; establishing permanent M-C and A-1 zoning.**
- B62-09** **Voluntary annexation of property located southwest of State Route WW and Elk Park Drive; establishing permanent C-P, O-P and PUD-12 zoning; setting forth conditions for approval.**
- B63-09** **Authorizing construction of the Cascades Pump Station Project; calling for bids through the Purchasing Division.**
- B64-09** **Authorizing acquisition of easements for the Sewer District No. 159 (South Route K) project.**
- B65-09** **Authorizing an agreement with the Mid-Missouri Solid Waste Management District for special event recycling containers; appropriating funds.**
- B66-09** **Accepting conveyances for sewer, drainage, utility and street purposes.**
- B67-09** **Authorizing construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63; calling for bids through the Purchasing Division.**
- B68-09** **Authorizing the owners of Blue Acres Mobile Home Park to resell water service to tenants.**
- B69-09** **Accepting conveyances for utility purposes.**
- B70-09** **Authorizing the construction of improvements to the A. Perry Philips Park Phase I; calling for bids through the Purchasing Division.**
- B71-09** **Authorizing the City Manager to execute a trail connector license agreement with the Missouri Highways and Transportation Commission for the Hinkson Creek Trail and Old 63 Pedway Project at State Route 740 (Stadium Boulevard).**

- B72-09** Authorizing an agreement with Sustainable Farms & Communities, Inc. for the long-term lease of city-owned property located on the west side of Clinkscales Road for the operation of a farmers' market.
- B73-09** Amending Chapter 12 of the City Code to establish a domestic partnership registry.
- B74-09** Authorizing an agreement with the Missouri Safety Center to conduct DWI enforcement activities; appropriating funds.
- B75-09** Appropriating tax increment financing (TIF) application fees.
- B76-09** Appropriating funds for the Fire Station No. 9 Percent for Art Project.
- B77-09** Authorizing the acquisition of land for construction and operation of an historical museum and research facility.
- B78-09** Amending Chapter 18 of the City Code to remove the chief of police from coverage under the Police Retirement Plan; amending Chapter 19 of the City Code to provide for City contributions on behalf of the chief of police to a deferred compensation plan.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Phase II of Mexico Gravel Road Project.

Mr. Watkins explained this was a request by the Council for an update with regard to the acquisition of easements for Phase II of the Mexico Gravel Road project.

(C) Speed Humps – Donnelly and Hirth.

Mr. Watkins explained a report was requested by the Council in August of 2007 to determine whether speed humps were warranted on Donnelly or Hirth. The traffic engineers had looked at the situation and provided a recommendation.

Mr. Sturtz stated he made a similar request for all of the north/south streets between Ash and Worley, west of McBaine and east of West Boulevard. He hoped that could be integrated into a report at some point. He pointed out all of those streets were of a length that would no longer be approved in a subdivision. Even if the norm was below 35 mph, it only took a few drivers using it as a speedway to cause a lot of trouble for kids and others on the street. He understood the policy involved the percentiles, but he felt they had a difficult situation with very lengthy and straight streets that were abused on a frequent basis.

Mr. Janku asked if there was a different standard for different types of traffic calming. He asked about indentations that could be used to narrow the road and slow traffic down as opposed to speed humps. Mr. Glascock replied he thought they looked at all traffic calming. The average speed was 27-29 mph. He asked how slow they wanted them to go.

Mayor Hindman stated the problem was not the average speed. It was the occasional speeder that could be the killer. The speed humps would make it almost impossible for those people to go outside a speed range. Mr. Glascock pointed out some people wanted to go airborne. He noted they had video of it and did not believe traffic calming would stop them.

Mr. Skala wondered if they needed to look at a different index rather than just average speeds in determining if they needed calming devices. Mayor Hindman stated it was a tough proposition because a substantial amount of public money had to go into these things and people all over town wanted them. He did not believe they should be building streets that tempted people to go that fast, but these streets were already there. Mr. Sturtz noted the current ordinances did not allow streets to be that long without a major curve.

Mr. Wade stated the question of residential speeds was a question every Council had tried to deal with, but had not dealt with very well. He thought they were due for a work session on the issue, but since they had so many other items on the work session list, it might be a year before it was discussed. He was not sure where to put it in terms of priorities.

Ms. Hoppe reminded everyone that they had two residential pilot programs going on now that might shed some light on the issue. She commented that they did not have any numbers in the report, so they did not have information regarding the cars that were exceeding the average in order to assess the danger.

Mr. Skala stated if this was being monitored for averages, he thought they should be able to obtain the raw numbers. He asked if there was any data for the pilot neighborhoods yet. Ms. Hoppe replied the studies were still going on. Mr. Skala asked when they could expect something. Mr. Glascock replied he thought they were about halfway through.

Mayor Hindman understood this was informational unless the Council wanted to make a motion for a specific action.

(D) Stormwater Problem on Bluff Boulevard.

Mr. Watkins stated this was in response to a request by the Council to review the stormwater situation on Bluff Boulevard. Mr. Glascock explained they found some erosion around stormwater pipes and would correct it as time allowed.

Ms. Hoppe asked if they consulted or talked to the owners of 2255 and 2305 Bluff because they had maps and suggestions in terms of rainwater gardens further down the slope toward Moon Valley where the Greenbelt conservation easement had been created. She also asked if they had talked to the Greenbelt Land Trust. Mr. Glascock replied they had not.

Ms. Hoppe made a motion directing staff to meet with the owners of 2255 and 2305 Bluff Boulevard and the Greenbelt Land Trust with regard to their suggestions for handling the water that was coming down the slope off of Bluff and to provide a report based on those discussions. She thought there might be some opportunities for a partnership. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(E) Memorandum of Understanding between the Columbia/Boone County Health Department and the Columbia Public Works Department.

Mr. Watkins explained this was a public notification of the codification of an on-going relationship.

(F) Push Polling Falsely Attributed to the City.

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

(G) Notification of Large Tree Removal.

Mr. Watkins stated this was a report requested by the Council after the removal of a number of trees in City parks. The Parks and Recreation Department was proposing an internal policy at this point. He noted they would be come to Council with specific types of trees.

Mr. Hood explained the Parks and Recreation staff felt very strongly about the value of trees on public lands and liked to think they were strong advocates for trees. Occasionally, they encountered situations where the value of the tree needed to be assessed and sometimes removed. He thought there were two situations. One was when they were dealing with hazard trees or diseased, damaged or dying trees. The other involved park development. He noted they had proposed an internal policy of dealing with those situations and how they would keep the Council advised of those situations.

Mr. Wade stated he appreciated the emphasis on invasive trees. He commented that all trees were not created equal and thought they should look at ways to remove invasive trees and replace them with native species. He urged staff to include the Bradford Pears because they were hybridizing and becoming a huge invasive problem. Mr. Hood agreed and stated they had been working with the Conservation Department on a campaign to address the issue.

Mr. Skala noticed there were two categories. One involved trees with a two foot diameter and the other involved trees with a three foot diameter, depending on where they went for evaluation. He asked if they had considered reducing it more as he did not believe a two foot tree was a young tree. Mr. Hood stated they were trying to suggest all trees targeted for removal would have a tree hazard evaluation form completed and signed off by the certified arborist. If it got up to a certain size, it had to be signed off by the division head. If it was a truly large tree, it would also go to the department head and the Council would be advised before taking action. He noted the sizes were chosen arbitrarily and could be adjusted if they felt the need because they were only trying to create a level of procedural steps.

Mayor Hindman understood there were three suggested actions. Mr. Wade suggested they accept the recommendations of the report as it was done very well.

Ms. Hoppe stated she appreciated the Parks and Recreation Department taking a look at this and noted she liked the recommendations.

Ms. Hoppe made a motion to accept the recommendations of the report. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(H) Request for Advisory Review and Comment – Discovery Ridge Major Amendment.

Mr. Watkins explained State law did not give the City the ability to regulate University property, but a provision of law for research parks gave the City the ability to comment to the Board of Curators on the master plan. They had recently received a request from the

University to comment on a set of revisions to Discovery Ridge, which would expand it from about 105 acres to about 550 acres in the long term. The Planning and Development Department had put together some comments. In addition, a public hearing was held by the Planning and Zoning Commission on March 5, 2009. After the hearing, the Commissioners agreed the expansion was beneficial to Columbia and recommended several comments on the plan to the Board of Curators and those were included.

Mr. Teddy stated both staff and the Planning and Zoning Commission expressed general support of the major amendment to the research park as being in keeping with the City's long range land use plan, a good economic development initiative, and something to help the City realize a return on the considerable investments made in this area.

Mr. Janku stated he had been very supportive of this from the beginning. He commented that the one thing that was left out was the interchange that was developed in partnership with the State, the City and a TDD. He wondered if the University could partner with these other entities to help make it become more attractive. Mayor Hindman asked if that could be added as a comment. Mr. Teddy replied it could. Mr. Janku stated it was an off-site problem, but was something they had asked other developers to do. Mayor Hindman thought it was a good comment.

Ms. Hoppe thought the original proposal indicated the interchange was going to have substantial landscaping contributed by the University. She did not think what was presently there was the final product. Mr. Watkins thought the landscaping proposal came from the developer on the west side of the interchange and the developer was not financially able to do it at this point. He did not believe it was included as part of the University's plan.

Mayor Hindman thought it was a good comment and should be included. He noted it would probably be beneficial to them too. Mr. Janku thought it would be helpful when they brought in people from outside of the community.

Mr. Skala understood they had some money to landscape the overpasses and asked if that still existed and if it could be used as leverage to entice others to do something as well. Mayor Hindman pointed out they were only providing comments at this time.

Mr. Wade stated the South Farm R1 Lake on Sugar Grove Road was a high quality natural habitat in spite of the intrusions that had been made on it in the last year. It was a special habitat with a high quality micro-ecosystem. He had suggestions of people they might want to talk to in terms of how they might deal with it in their planning and had data in terms of what was possible with it. The plan indicated it would be part of the stormwater management. If that happened, it would probably destroy the natural vegetation and habitat there. He wanted the opportunity to make the information available and provide them the contact people. He stated he would work with the City Manager on how to appropriately do that.

Ms. Hoppe stated this was not only good for economic development in the community, but it would also ultimately provide a good network of roads for the area and relief to New Haven and Lenoir. She noted the Planning and Zoning Commission had mentioned trail easements because of the sensitivity of the Gans Creek area and recommended the trails be outside of the riparian buffer zone. She wondered why that was not included as a comment and stated she would like to have it added to item number 10.

Mayor Hindman thought it was worth considering, but believed they should word it as “any impact should be considered” as there might not be an impact. He noted an impact from the trail was not a studied determination. Ms. Hoppe agreed it was a concern. Mayor Hindman thought it was fair to say there was a concern about the possibility of an impact if it was built within the buffer. He did not believe they should say it should not be there. Mr. Skala commented that it had to do with the integrity of the riparian corridor and should remain an option. Ms. Hoppe stated she was fine with indicating there was a concern.

Mr. Janku asked if they should express their support for the expansion. Mayor Hindman replied they could. Mr. Skala agreed. Mr. Janku thought they should include that in their comments.

Mr. Janku made a motion to include in the comments the suggestion the University should participate in landscaping the interchange and the request to consider the impact of any trail placement in the riparian buffer as a concern. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala stated Discovery Ridge was important to the economic development of this community and was a good example of exactly where they wanted to go. He thought this was similar to growth management planning. He commented that the Heller addition, which had been tabled, was also good growth management planning as it provided the ability to provide some shovel ready sites. He noted this Council, despite some criticism was very involved in making sure that was a priority.

Ms. Hoppe stated she echoed Mr. Skala’s remarks and thanked the University for communicating with the Council. She felt it was another good example of City and University cooperation and collaboration.

Mayor Hindman made a motion to authorize the City Manager to provide the comments identified in the report, as amended by the Council, to the Board of Curators, and to notify the Board of Curators of the Council’s endorsement. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(I) Street Closure Request.

Mr. Watkins explained there were five requests in the downtown area that required the Council’s approval. The downtown group and City staff had reviewed the requests, and were recommending approval.

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

(J) Missouri State Historical Society (MSHS) Land Purchase Partnership.

Mr. Watkins commented that as part of the discussions about the possible expansion of the Missouri State Historical Society to a new facility, they had talked about potential assistance the City might be able to provide in acquiring some of the land, and two opportunities for assistance had been identified. The first would involve \$250,000 from the Convention and Visitors Bureau (CVB). It would not come from the tourism development fund as indicated in the report. It would actually come from the CVB fund balance. The second would involve the continuation of the City’s strategy to remove surface parking where

it was warranted with the development of mixed-use multi-story buildings that included retail or office and residential housing. He noted this had been done with the Miller property a couple of years ago and this would be done at Tenth and Locust if that development were to move forward. The thought was that the property at the Fifth and Cherry parking garage would fit well into that strategy, particularly if the Missouri State Historical Society were to build one hundred parking spaces underground because it would mitigate the spaces lost in the development. If this made sense, Council should direct staff to bring back legislation appropriating the \$250,000 and to develop an RFP that could be sent out publicly to request proposals for a development on the Fifth and Cherry lot.

Mr. Sturtz asked where the \$250,000 and proceeds from the sale of the Fifth and Cherry lot would go if a deal could not be struck with the two property owners. Mr. Watkins replied the Council could make the \$250,000 contingent upon Missouri State Historical Society project going forward. He thought the other project could stand alone and the Council could judge it based upon the quality and type of proposal they received. He understood the ground was bought in two phases, and the second phase was purchased in the early 1990's and was funded by the parking utility. He was not sure when the earlier phase was acquired, but thought it might pre-date the parking utility. Mr. Sturtz understood those monies would go into reserves for future development. Mr. Watkins stated that was correct.

Mr. Janku asked if the parking garage at Fifth and Cherry could be expanded upward. Mr. Watkins replied he was not sure.

Ms. Nauser stated she agreed the expansion of the Missouri State Historical Society was a valued addition to the community, but was uneasy about this entire expedited process. She asked if the Missouri State Historical Society had sufficient funds to purchase this property or if it was the intent of the City to purchase the property. Mr. Watkins replied at this point the Missouri State Historical Society's intent was to secure options on the property contingent upon stimulus money being made available and funds being raised to secure the property. Ms. Nauser asked if there was sufficient funding between the projected \$55 million cost and the proposed \$40 million in stimulus funds as there appeared to be a shortfall of about \$15 million. Mr. Watkins replied he was not sure the exact cost of the structure had been determined. He understood they had hired a firm in St. Louis and were working with an architect to come up with a better number. Ms. Nauser understood House Joint Resolution #24 was being considered by the Legislature and it indicated that any government entity that took property through eminent domain could not transfer that property to a third party unless the original owners were given the first right of refusal to buy it back, but did not know where it stood at this time. She wondered if the architectural plans had been completed because they were under a tight time frame if the stimulus money needed to be spent within 6-8 months. Mr. Watkins pointed out the City was not the applicant, so the Historical Society would need to meet any and all requirements. He commented that he found the City was in a peculiar and awkward position with regard to this project because they did not have a real place at the table until the potential of a significant stimulus allocation for this project came up. Due to the place at the table and due to the those funds, they found themselves in an awkward position because of the time frame in which the land needed to be acquired, or

more specifically, an assurance needed to be provided to the State legislature that the land could be acquired quickly. On the one hand they had to make a lot of noise to make sure Jefferson City understood the intent, but on the other hand they had to negotiate to try to reach some accommodation in terms of a private sale. Ms. Nauser understood they were given a deadline in May when the legislature adjourned to have the land under control, but there were so many outstanding issues to include not having completed architectural plans for this building. In addition, there was a dry cleaner business on one of those properties that would require an environmental study, and mitigation, if they found anything, which could take months to resolve. She felt there was an exorbitant amount of pressure to meet a time deadline that she did not believe they could accommodate since there were a lot of unanswered questions. When it came to taxpayer money, she preferred to err on the side of caution. With regard to the RFP process, if they found the property was unnecessary to their on-going operations, she was not opposed to proceeding with obtaining proposals, but she had a lot of unanswered questions with regard to the Historical Society building.

Mr. Sturtz asked if they were constrained to paying just the appraised value if the City stepped in as a third party to purchase the property. Mr. Watkins replied no. He noted they had never been constrained to paying just the appraised value. The City's policy, which was also State law, required significant notice and the negotiation between two appraisals. The City had an appraisal and the other party had an appraisal, and they tried to find a happy medium. This was how they always bought property whether it involved eminent domain or not. If they had an opportunity to purchase property from a willing seller, both parties still acquired appraisals.

Mr. Skala agreed there was a lot of stuff that was still up in the air, but thought this report was independent. At the last meeting, when Mayor Hindman suggested they put this on the agenda, he was in support of it so it was in front of the public and could be talked about. He believed that was independent of what they were talking about now, and noted he liked the suggestion that part of this be contingent and part of it be independent. He commented that eminent domain was always an option, but not something anyone wanted to see. They wanted a negotiated settlement and would encourage it. He suggested they review this report and make a decision on it independent of the other issue.

Mr. Janku agreed there was a lot of information they still needed to learn and hoped the discussion of the ordinance at the next meeting would provide them the status of the Missouri State Historical Society plans, what would be involved, etc. He hoped they would be available for questions. He pointed out the City did not have control of this process. The stimulus money had expedited the process they had intentionally slowed down. With respect to the RFP, he was okay with it being independent of the Missouri State Historical Society project. He noted this was not a final decision because anything done tonight would come back for further discussion by the Council with the opportunity for public input. They were only moving the process in a way to obtain public input and more information.

Mr. Janku made a motion authorizing staff to prepare an RFP as outlined in the report. The motion was seconded by Ms. Nauser.

Ms. Nauser understood this was probably not the most appropriate time to discuss her concerns, but since the process had been moving so fast, she wanted to put her concerns out there so she would have answers when this was discussed in April.

Ms. Hoppe noted the Convention and Visitors Bureau approved the \$250,000 appropriation because they felt it was an important aspect of their mission and economic development. She believed it was an opportunity for Columbia to come forward and say this was an important institution in Columbia and they wanted to keep it here because it was valuable in many ways, to include economically. By investing in it, they would benefit in the long term, and the benefit would be greater than the investment. If it did not work out, she stated they would not invest the \$250,000. She felt the RFP for the parking lot would be handled the same way.

The motion made by Mr. Janku and seconded by Ms. Nauser to authorize staff to prepare an RFP as outlined in the report was approved unanimously by voice vote.

Mr. Janku made a motion authorizing staff to prepare an ordinance appropriating the \$250,000 from the Convention and Visitors Bureau for the Missouri State Historical Society land acquisition. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(K) HVAC Tune-up – Pilot Program.

Mr. Watkins stated this was an informational item and dealt with some of the demand side management issues in the IRP. Funding was included in the budget so it was already appropriated. He noted the real issue was that even some of the best consultants did not have good numbers for potential savings, particularly for Columbia, Missouri. Since they already had current energy usage numbers, by doing a pilot project for \$15,000 on a voluntary basis, they could see if there was a significant savings from doing HVAC tune-ups.

Ms. Hoppe asked for the time table. She wondered if it would be a year. Mr. Watkins replied they wanted to get started now as it was air conditioning season and it would be monitored for a number of months. Ms. Hoppe understood it might take less than a year before a conclusion could be made as to whether to expand the program or not. Mr. Watkins stated that was correct.

Mr. Wade commented that he thought the people who would participate in the program were probably already sensitive to energy use. He wondered how they could get the bad systems into the program to obtain that type of data. Mr. Kahler stated there were three groups of customers and noted they would look at customers based on the energy intensity per square foot and target them to be one-third of the group for the study.

(L) Priority Community Development Block Grant Project Needs for the 2010-2014 Consolidated Plan and 2010 Action Plan.

Mr. Watkins explained this report was from the Community Development Commission and staff. It included information regarding all of the eligible CDBG applications and thoughts on whether they should be a high, medium or low priority. They looked at the NRT area, the CDBG eligibility area and City-wide.

Mr. Teddy stated the Community Development Commission was in the process of developing the priority needs for investment of CDBG dollars for the annual plan and the next five year consolidated plan. He referred to a table showing each type of activity with a priority rating of high, medium or low and pointed out the ratings were developed by the Commission from several hearings conducted December through February, a citizen survey conducted October through February and other sources of information the Commission gathered itself. The significance of a low priority item was that if the plan was written with an activity as a low priority, it was not eligible for block grant funding. In addition, if the activity was proposed for some other HUD program, they would not give it a certificate of consistency if shown as low priority. This essentially narrowed the field of eligible activities. With all things being equal, high would be higher in priority in consideration of competitive applications for the block grant funding. He noted things were often far from equal due to other factors the Community Development Commission would look at when rating an application. He stated these ratings would become part of the consolidated plan, and although it was a five year document, it could be amended. Each year, the Council held a work session to provide direction to staff. The reason they brought up the consolidated plan was because 2010 was a transition year as they would be moving from a five year consolidated plan that was approved in 2004 to cover 2005-2009 to a new document that would cover the next five year period, which would begin in 2010. Therefore, the criteria that would be used to rate the applications this year were in the process of being built as far as the consolidated plan priority ratings. Another part of the exercise was to look at the Capital Improvement Plan (CIP) because the City typically provided some applications for public improvements and those would be rated along with all agency applications. The City policy resolution targeted 40-55 percent of the block grant total to public improvements. He showed a list of activities on the overhead that were in the FY09 CIP that were also CDBG eligible projects. In the 1-2 year range, there were a number of sidewalks, park, water, sewer and transit projects that were eligible, but when in comparing to the high, medium, low ratings, the sidewalks and park improvements tended to rate high because those were recommended by the Commission. Stormwater management and flood control would rate high as well, but things like a water main or sewer improvement would rate medium. Traditionally, they had done one street per year and streets were rated high by the Commission. He noted Highview was already in the process because design money had been set aside in 2009, so it would be a candidate for continued funding provided it made good progress. Many of the other streets were off of Brown Station Road and Michael was in the central city. He explained they were seeking general comments from the Council because it was a requirement of the policy resolution that they hold a work session to obtain input from the Council before moving on with the application process.

Mr. Janku commented that they had heard the presentation a couple weeks ago on the ADA improvements and wondered if that was something that could be included. Mr. Teddy stated any removal of barriers to make existing sidewalks accessible through repair or installation of curb ramps was a highly rated activity. Mr. Janku understood the report received with regard to Douglass Park indicated some work would be done later because funding was coming in from CDBG and asked if that project was fully funded. Mr. Teddy

replied he was not sure. Mr. Janku felt if something was still needed for Douglass Park, it should be included.

Mayor Hindman noted they had been talking about CDBG stimulus money and asked if they were currently talking only about the regular CDBG funding or if they were putting the two together with regard to this list of priorities. He commented that they were talking about sidewalks for the disabled to come from the CDBG stimulus funds. Mr. Janku stated there was more than one area. He thought there was an area in the Third Ward and in the downtown. Mr. Teddy explained they were primarily discussing the regular CDBG funds and processes. The City would receive over \$200,000 in CDBG-R funds and it would have a very compressed timeline. They were not expecting to have the luxury of taking that through the same Community Development Commission hearings, but they still needed Council input on those. It would be accounted for separately and they could not mix and match the funding sources as they would have to be reported separately from their standard methods of reporting.

Mr. Skala stated he was a little uncomfortable in trying to provide direction since it was the first time he had seen this and asked what and when staff expected something from the Council. Mr. Teddy replied an application would have to be developed next month in order for it to be submitted in May.

Mr. Skala stated the first slide showed public facilities and infrastructure and economic development, and economic development was characterized with mediums and lows, and asked for clarification. Mr. Teddy replied the City had not funded a lot of economic development activities with CDBG funds so the idea was that there were other sources of economic development funding and incentives out there. They had the micro-enterprise program for start-up or small businesses that employed five or fewer employees and provided employment to persons that needed it. That program had been part of the economic development efforts funded by CDBG, but there had not been a lot of visibility to that eligible activity.

Mr. Skala asked if it would be reasonable to assume they could review this and provide input to staff at a later date. He wondered if they had to provide direction tonight. Mr. Teddy stated this report was advising the Council of the decisions of the Community Development Commission. Signifying something as high or medium did not mean an application would be rated accordingly because the overall quality of the application would still have to be there before the Commission would consider a recommendation to the Council if there were competitive applications. They would look at financial management, the capacity of the organization or department to deliver the project, the track record, neighborhood support, etc. They had a rating sheet for that purpose.

Mayor Hindman understood this list was put together by the Community Development Commission. Mr. Teddy explained the list currently on the overhead was put together by staff to show Council there were projects in the CIP that were CDBG eligible. They also had what the Commission had developed, which would be the backbone of the consolidate plan with regard to the types of activities that would be considered to be the most important for funding.

Mr. Janku understood staff needed direction from the Council on City projects because applications had to be submitted soon. Mayor Hindman understood Mr. Teddy was showing

them this in case Council had any input. Mr. Teddy stated that was correct. Mr. Janku understood it was in order to prepare applications to the Commission. Mayor Hindman asked how they would provide feedback because he did not think they would be able to do that tonight. Mr. Teddy replied staff had made a few suggestions in the report. They suggested continuing work on Highview Avenue since it was already in progress, continuing the NRT programs, providing consideration to a stormwater project, which had typically been an enterprise fund supported activity, continuing their homeownership financial management fair housing and home maintenance education activities and funding affordable housing infrastructure.

Mr. Skala asked how the Council could provide Mr. Teddy the information he needed and when it needed to be provided. Mr. Teddy replied they were looking for general response from the Council to the priority need ratings that would go into the next consolidated plan and general direction on what applications they wanted submitted on behalf of the City. He noted they could provide a short list after working with the other departments. Mr. Skala thought that would be helpful. Mr. Janku asked how the Council would get their input to staff. Mr. Watkins asked if the Council could provide priorities by the end of the month. Mayor Hindman asked how they would do that. Mr. Watkins asked if they wanted to do it as a group or individually with staff trying to sort it out. Mayor Hindman suggested it be done individually. Mr. Watkins stated they would compile it and provide something back to Council. Mr. Wade stated he would be interested in providing his first cut, seeing the priorities of others and having the ability to make adjustments because he was not comfortable doing this in isolation.

Mr. Janku asked if everything at Douglass Park had been funded. Mr. Hood replied the Douglass ball field project was funded with park sales tax. Mr. Janku asked if everything else that was planned would be funded through the parks sales tax or CDBG funds. Mr. Hood replied it would unless they added something to the project scope that had not anticipated.

Ms. Hoppe asked why there was no rating for operating costs of Homeless/AIDS patient programs. Mr. Teddy replied in his haste he pulled up an outdated spreadsheet. It was actually rated as low in the list distributed earlier.

Mr. Wade asked if they could receive an electronic copy of the ratings. Mr. Teddy replied yes.

Mayor Hindman understood the Council would submit their suggestions to Mr. Watkins for compilation by staff.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COMMUNITY SERVICES ADVISORY COMMISSION

Ford, Stacy, 2701 Andy Drive, Ward 2, Term to expire December 31, 2009

HUMAN RIGHTS COMMISSION

Terrill, Al, 1115 Kennesaw Ridge, #606, Ward 2, Term to expire March 1, 2012

INTERNET CITIZENS ADVISORY GROUP

Duncan, Bruce, 1958 Jackson, Ward 2, Term to expire October 15, 2009

SUSTAINABLE FARMS AND COMMUNITIES BOARD

Cox, Tim, 1115 Kennesaw Ridge, #907, Ward 2, Term to expire December 31, 2009

WATER AND LIGHT ADVISORY BOARD

Parker, Dick, 215 W. Sexton Road, Ward 1, Term to expire June 30, 2011

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Hoppe commented that when they were presented with the Power Supply Task Force report, she had asked if there were figures with regard to the participation rates for the various rebate and energy programs. She thought the answer was no, but that it could be provided. She asked if the City was in the process of putting it together. Mr. Watkins replied they had planned on having a work session in May with regard to where this would go and how to get there. Ms. Hoppe asked if the information about participation rates in the present programs would be provided at that time. Mr. Watkins replied that was his understanding.

Mr. Sturtz asked if they could have a work session in the fall regarding the traffic calming issues discussed earlier. Mr. Wade thought they should at least put it on the list. Mr. Sturtz agreed. Ms. Hoppe suggested it be coordinated with the results of the residential pilot project as she thought it was a natural fit.

Mr. Sturtz made a motion directing staff to add traffic calming to the work session list. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku thanked the City Manager and Public Works Department for coming together to help Job Point. He understood individuals were getting trained to work with City crews. He believed it was an excellent partnership. He wondered if it was possible to use some of the CDBG money they would get from the Recovery Act to help fund some of that work so they could work in the neighborhood where they lived.

Mr. Janku commented that Scott Boulevard would be improved with sidewalks on both sides of the street, so West Broadway, west of Hy-Vee and the Supercenter, would have a big sidewalk gap between the improvements to Scott Boulevard and the major shopping areas on West Broadway. He hoped those would be listed as an unfunded project and addressed in the future.

Mr. Janku stated he thought he had previously asked for a report regarding the trees on Blue Ridge as they were not planted at the time of construction. He thought they could be planted on the north side without any fear of them being taken out by future development. He understood the south side might be developed with a shopping center. He noted \$280,000 was transferred back to the City when the project was completed.

Mr. Janku made a motion directing staff to provide a report regarding the planting of trees on Blue Ridge. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman noted two young women discovered a Zootoo contest on the internet and Columbia was now ranked number one. He understood all sorts of volunteer energy was poured into the contest. He stated there would be a parade on Thursday, March 19 between 10:15 a.m. and 10:45 a.m. and they wanted everyone to wear blue on Broadway in the downtown because they would be bringing in the officials that would evaluate Columbia. Mr. Skala thought the event was going to be on Wednesday at the Humane Society. Ms. Amin explained it had changed from Wednesday to Thursday and that an e-mail had been provided at the work session. Mayor Hindman hoped the community would support this event.

Mayor Hindman stated he ran into some volunteers associated with the TreeKeepers program and they were concerned with invasive species, such as the bush honeysuckle. A lot of them were willing to be heavily involved in removing the bush honeysuckle, which involved a cutting process with chainsaws or mechanized equipment because it was difficult to cut. The Risk Management Office, however, was concerned about letting them operate these devices in the City parks. The City could not afford to pay people and this bush was invading many of the parks and other City controlled areas. He wanted the situation looked into to see what might be done in terms of training, a waiver, etc. in order for volunteers to be able to help.

Mayor Hindman made a motion directing staff provide a report regarding the possibilities of using volunteers to remove bush honeysuckles and other invasive species that require the use of mechanized equipment, such as chainsaws. He thought there were responsible people out there that could help the City tremendously. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala offered his appreciation for the two young ladies that had done so much work in terms of Zootoo and thought anything they could do to support them would be great.

Mr. Skala commended the group involved in the cooperative fire agreement for a first rate report and recommendation. He assumed it helped all of the subsequent negotiations.

Mr. Wade stated Zootoo ended up being a total community event. It came at the right time as this issue was on everyone's mind. He thought it demonstrated the power of what could happen when people shared that kind of commitment.

Ms. Nauser stated a couple of months ago stripes were put down on Vawter School Road to delineate some turning lanes, but the stripes had already worn off.

Ms. Nauser made a motion directing staff to provide a report regarding why the stripes wear off so quickly. She assumed it had to do with the paint and environmental concerns, but felt a report would show people it was not due to the City's failure to stripe the lanes. The motion was seconded by Ms. Hoppe.

Ms. Hoppe understood the paint they were using for the new bike lanes was temporary so they could ensure they had the lines where they wanted them. They would follow up later with permanent lines.

The motion made by Ms. Nauser and seconded by Ms. Hoppe was approved unanimously by voice vote.

Mr. Janku stated there was discussion on the listserv for the International Town and Gown Association with regard to the enforcement of ordinances on the number of residents in rental properties in neighborhoods. The discussion included what different communities had attempted to do to address the issue. He provided the information he had to Mr. Watkins.

Mr. Janku made a motion directing staff to provide a report regarding the issue of enforcing the ordinance limiting the number of residents in rental properties in neighborhoods. He noted what he was providing was a starting point. He thought there might be other communities as well.

Ms. Nauser stated she saw the same information on the internet and asked that the report be detailed. She wanted to know what the barriers were with regard to enforcement other than the obvious and what other communities were doing to combat the problem. She wanted some solutions to be provided.

The motion made by Mr. Janku was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Wade asked if they brought their own computers if they would have the capability to plug them in at the next Council meeting, which was in three weeks. Mr. Watkins replied yes.

The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Sheela Amin
City Clerk