

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
NOVEMBER 16, 2009**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 16, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA and WADE 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 November 2, 2009 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Thornhill.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Wade made a motion to add Report I, which dealt with police activity and downtown crime, to the agenda. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman made the motion that he be allowed to abstain from voting on B303-09 due to a conflict of interest. Mayor Hindman noted on the Disclosure of Interest form that his son-in-law was the Executive Director of the PedNet Coalition, which was one of the contracting parties associated with that bill. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

None.

OLD BUSINESS

B289-09 Amending Ordinance No. 019312 which granted a variance from the Subdivision Regulations for sidewalk construction along the east side of Scott Boulevard crossing Mill Creek, adjacent to proposed Lots C101 and 142 within Copperstone Plat 1; setting forth conditions for approval.

The bill was read by the Clerk.

Mr. Watkins explained the Council had tabled this item and had asked the applicant to bring forth a new proposal. The developer would build a low water crossing across Mill

Creek, pay \$45,000 and donate temporary construction easements that would be needed for Scott Boulevard - Phase 3.

Mr. Teddy noted the memo referred to Scott Boulevard – Phase 2, but should have stated Scott Boulevard – Phase 3.

Kevin Murphy, an engineer with A Civil Group, 1123 Wilkes Boulevard, commented that they had also opted to provide permanent drainage easements along Scott Boulevard.

Mr. Thornhill asked how the \$25,000 payment in lieu of constructing 1,881 lineal feet of sidewalk was calculated. Mr. Murphy replied it was an actual estimate received by a contractor for the developer. He explained the reason for the discrepancy was that the City had to pay prevailing wage and other fees and a contractor of the developer did not. He noted that if the developer went ahead and built the sidewalks, the City would have to pay the cost to tear them out and replace them.

Mr. Wade asked for clarification regarding the additional easements being provided. Mr. Murphy replied they would provide permanent drainage easements in addition to the temporary construction easements. Mr. Wade asked if the permanent easements needed to be included as part of the ordinance. Mr. Boeckmann replied it was preferable to include them in the ordinance.

Mr. Wade asked if Mr. Murphy had anything that provided the details regarding the permanent easements. Mr. Murphy replied they were on the diagram included with the amendment sheet. Mr. Wade asked about the legal descriptions. Mr. Murphy replied he thought they could refer to the permanent drainage easements like they did with the temporary construction easements in the ordinance.

Mr. Watkins asked if this included all of the easements the City thought it would need from this landowner for the Scott Boulevard - Phase 3 project. He understood it had not yet been designed. Mr. Glascock replied he thought it did.

Mr. Boeckmann suggested Subsection 2 of Section 2 of the amendment sheet be changed to read "...temporary construction easements and permanent drainage easements to the City..." because it referred to Exhibit A and Exhibit A had been referred to by Mr. Murphy and showed the drainage easements as well.

Mr. Wade made a motion to amend B289-09 per the amendment sheet with the change to Subsection 2 of Section 2, so it would read "...temporary construction easements and permanent drainage easements to the City...." The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on B289-09, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B303-09 Authorizing service agreements with Pednet Coalition, Inc. and Richard Mark Fenton relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission.

The bill was given third reading by the Clerk.

Mr. Watkins explained Council had questions regarding the implementation procedures and had tabled this item so the scope of services could be revised.

Mr. Teddy described the changes to the contracts involving Grant Elementary and Shepard Boulevard Elementary.

Ms. Hoppe asked if both charrettes would be conducted in 2-3 days. Mr. Teddy replied there would be follow-up, but it would mainly be a two day engagement.

Mr. Wade made a motion to amend B303-09 per the amendment sheet. The motion was seconded by Mr. Skala and approved by voice vote with Mayor Hindman abstaining.

The vote on B303-09, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSTAINING: HINDMAN. Bill declared enacted, reading as follows:

B313-09 Increasing the allowed density on PUD zoned property located at the southeast corner of Bethel Church Road and Old Plank Road from PUD-6.7 to PUD-7; approving a revision to the PUD development plan of Bethel Falls PUD; allowing a reduction in the required perimeter setback.

The bill was given third reading by the Clerk.

Mr. Watkins explained this request was for a major amendment to the Bethel Falls PUD development, and included an increase in the zoning density from PUD 6.7 to PUD 7 and a setback variance. The Planning and Zoning Commission recommended denial of the request.

Mr. Teddy noted the issues considered by the Planning and Zoning Commission were the increased density, an encroachment of parking into a 25 foot perimeter setback buffer on the south side of the property and a lower tree preservation area than required. He understood the City's arborist had determined 23.8 percent of the climax forest would remain with this plan. In addition, the Commission felt the driveway location was less than optimal with regard to site distance. He noted this particular plan involved an 8-unit building, but understood the owner's agent had indicated to Council that a 6-unit building would be acceptable.

Mr. Sturtz noted the staff report indicated Bethel Church Road and Old Plank Road were unimproved roadways and that different developments had been approved but not yet built, and asked if an analysis with regard to the capacity of these roads as these projects were developed had been done. Mr. Teddy replied it had not been done in connection with any one development. The development activity had been incremental and small in scale. He did not know the answer to when the threshold would be reached. He stated the City's traffic engineer reviewed every development proposal and would comment if he felt something was reaching a threshold condition and would create congestion. Mr. Sturtz asked if they could anecdotally assume they were not to capacity yet. Mr. Teddy replied the roadways were low in volume. Aesthetically, they were not great as they did not have a full sidewalk or curb and gutters, but the lane capacity and intersection capacity was there to support the development approved to date.

Mr. Wade asked for clarification regarding the PUD requested. Mr. Teddy replied the request was for PUD-7 in contrast to the existing PUD-6.7, and would allow an incremental increase in the number of units. There were currently 41 2-unit buildings on the site and this 8-unit addition would make 90 total units. The rezoning was to enable the 8-unit building.

Ms. Hoppe understood the developer was agreeable to a 6-unit building. Mr. Teddy understood that had been communicated to Council.

Rich Miller, 3100 Old Field Road, stated he was a member of Bethel Ridge Villas, LLC and provided a drawing of the proposed site and the floor plans of the project. He explained there had been a single-family home and a duplex on the property when they had purchased the property, and they had decided they would demolish those after the first part of the project was completed in order to build new units. They had originally been interested in developing an 8-unit building, but were willing to construct a 6-unit building with two bedrooms in each unit instead. There would be four more bedrooms on the site than was previously there. The residents of this site would have access to the amenities at the Falls to include bus service for students to and from campus, which removed a lot of cars off of the roads. He noted they had provided \$39,000 for future road improvements as well. He stated they had plenty of parking for the residents and thought the tree preservation, site distance and stormwater concerns had been addressed.

Ms. Hoppe asked if the 25 percent tree preservation requirement would be met if the the building were to be reduced to 6-units.

Jay Gebhardt, an engineer with A Civil Group, 1123 Wilkes Boulevard, explained that by eliminating two units, they would eliminate four parking spaces and would meet the tree preservation requirement.

Mr. Wade understood 82 units were already in place and rented. Mr. Miller stated that was correct. Mr. Wade understood the original proposal was to add eight units, but the revision would add six units. Mr. Miller stated that was correct.

Ms. Hoppe understood they could have added four units without a change in the zoning since they demolished the existing structures on the lot. This request would allow them to build two more units. Mr. Miller stated that was correct.

Mr. Thornhill asked for the total bedroom count with the previous structures. Mr. Gebhardt replied he thought there were previously twelve bedrooms. Mr. Miller thought the duplexes actually had three bedrooms instead of four bedrooms, so there might be a couple more bedrooms.

Mayor Hindman noted the density was providing the opportunity for bus service in this area and commented that they were constantly negotiating to lower density, but in many cases the benefits were greater with higher density. He understood this was complicated by the tree preservation ordinance and believed that as long as the bus service continued, the impact on the roads was significantly less than it would be with less density and no bus service.

Mr. Skala commented that ad hoc changes were problematic, but due to the transportation issue, the negligible increase in density and the other items accommodated in terms of parking and tree preservation, he was prepared to support this request. He wanted the Planning and Zoning Commission to know he respected their decision, but disagreed in this instance.

Mr. Wade agreed with the previous comments and stated it helped bus systems for everyone to start at the same place and go to the same place.

Mr. Sturtz stated he agreed with Mayor Hindman in terms of density, but thought they needed the larger context of growth management and comprehensive planning. He hoped this would occur in the next few years because they currently did not have the context to know if they needed a higher or lower density at this location.

Ms. Hoppe stated the proposed revisions, which would allow them to meet the tree preservation ordinance, made this more in line with what Planning and Zoning Commission had considered, and she planned to support it.

Mr. Boeckmann pointed out the ordinance as written would approve a PUD plan dated September 29, 2009. He was not sure if a new plan had been submitted. Mr. Gebhardt stated he was hoping the Council could approve this tonight with the understanding there would be six units instead of eight units and four less parking spaces, but if the Council was uncomfortable, the item could be tabled to allow him time to provide a plan to staff.

Mr. Sturtz noted the staff report indicated the developers still owed a payment in lieu of the five foot sidewalk at \$25 a linear foot. Mr. Gebhardt stated the developers had paid it. He explained there had been some controversy as to whether the previous owners or current owners owed the money, but the current owners went ahead and paid it. In addition, it was unrelated to the sidewalk. It was a \$25 per foot fee required for planned unit developments along unimproved roads and was to be paid at the time of final platting, but was not paid then. Some sidewalk needed to be constructed in front of these units and was not previously done because the old houses were in the way.

Mr. Wade did not believe they could approve the ordinance without the changed revision to the PUD plan and suggested this item be tabled to allow for submittal of the appropriate revised plan. Mr. Gebhardt stated that plan would essentially be the same except for a reduction of two units and four parking spaces. He understood the variance for the encroachment was fine.

Mr. Wade made a motion to table B313-09 to the December 7, 2009 Council meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B322-09 Voluntary annexation of property located on the south side of Richland Road, approximately 250 feet east of the St. Charles Road and Richland Road intersection; establishing permanent C-P zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was in conjunction with a larger annexation the Council considered and tabled to March 1, 2010 at its last meeting. The applicant was requesting this also be tabled to March 1, 2010 so the two projects could be considered at the same time.

Mr. Sturtz understood staff had recommended denial for the requested zoning for this property in light of the Planning and Zoning Commission recommendation for the Richland Road LLC case, the unresolved infrastructure issues and the incomplete nature of the ECAP, but the staff report for the property to the east of this indicated the application in advance of the ECAP would not be detrimental to the plan. He found the statements to be contradictory and asked for clarification. Mr. Teddy replied he thought the lack of an area plan was a factor, but development reviews were typically done with existing resources on hand. An application could move forward whether or not a plan had been completed. Mr. Sturtz understood, but thought the staff reports had taken completely different views.

Mr. Wade made a motion to table B322-09 to the March 1, 2010 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B336-09 Amending the FY 2010 Annual Budget to add positions in the Law Department City Prosecutor Division and the Municipal Court; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins stated additional resources needed to be added to the Municipal Court and the City's Prosecutor's Office as a result of the red light cameras and an increased amount of traffic tickets being issued. These increases in staff would be paid for by revenues generated through the additional traffic fines and he planned to phase these positions in as needed.

Shara Meyer, an employee of Municipal Court, commented that they had received payments for 229 tickets, 224 tickets were pending and 25 tickets had been dismissed as a result of the two existing red light cameras. In addition, 13,634 cases had been filed to date and another 1,075 have been filed but had not been entered into the system yet.

Robert Aulger, the Municipal Court Judge, stated additional staff was needed to keep up with the case load.

Mr. Wade asked if the current space would handle the additional staff needed. Ms. Meyer replied there was space for one person at the window and they planned to consolidate offices for additional space. Mr. Wade asked where Judge Aulger would be located. Judge Aulger replied he would move to a deputy clerk's office. He noted it was not an optimal situation, but was in compliance with standards. Mr. Wade understood another expansion would require them looking at a potential night shift. Judge Aulger stated he thought there would need to be another division of the court. Mayor Hindman understood there was a night shift. Judge Aulger stated the closest he had to a night court at this time was a 3:00 p.m. docket that ended at about 5:30 p.m. or 6:00 p.m. He commented that if they needed more staff than this, they would have to go to a separate division that met when they were not there or they would need a larger space.

Mr. Skala asked if there was a possibility of increasing fines in the future to help accommodate some of the needs they might have. Judge Aulger replied his court would not be a revenue producing court as it was unethical. He noted he tried to set a fine that he felt was allowed within the range set by Council based on the facts of the case. In setting fines for people to pay without going to court, he determined what he thought was fair and looked at other jurisdictions with similar cases.

Sid Sullivan, 2980 S. Maple Bluff Drive, thought there might be a way for the City to consider fees for going to court in addition to the fine. He noted he was not sure of the laws and suggested it as a possibility for covering these costs.

Mayor Hindman asked if the City had control over court costs. Mr. Boeckmann replied they were typically set by a statute.

Paul Love, 100 Sondra, understood there were mandatory appearances for certain crimes and suggested a review of ordinances that required mandatory appearances to determine if they could be handled through the mailing of a fine instead if not severe.

B336-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE. 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.

- B321-09** Voluntary annexation of property located at 5981 South Highway KK; establishing permanent R-1 zoning.
- B323-09** Approving the Final Plat of Smithton Villas Plat 1 located northwest of the intersection of Worley Street and Silvey Street; authorizing a performance contract.
- B324-09** Approving the Final Plat of Smithton Villas Plat 2 located on the west side of Silvey Street, approximately 700 feet north of Worley Street; authorizing a performance contract.
- B325-09** Amending Chapter 14 of the City Code to remove parking from a section of Sixth Street.
- B326-09** Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for air service promotion.
- B327-09** Authorizing an agreement with THF Grindstone Plaza Development, L.L.C. relating to the Clear Creek Pump Station and Force Main Improvement Project.
- B328-09** Authorizing a right of use permit with Farmhouse Fraternity for placement and maintenance of a decorative paver walkway within a portion of right-of-way located at 507 Kentucky Avenue.
- B329-09** Authorizing an agreement with Consolidated Public Water Supply District No. 1 for replacement of a waterline along Scott Boulevard as part of the roadway improvement project.
- B330-09** Accepting conveyances for drainage, access, access to storm water facilities and temporary construction purposes.
- B331-09** Accepting Stormwater Management/BMP Facilities Covenants.
- B332-09** Accepting a conveyance for utility purposes.
- B333-09** Authorizing an agreement with the Columbia Housing Authority Low-Income Services, Inc. as it relates to the Missouri Department of Public Safety Title V Juvenile Justice and Delinquency Prevention Grant; appropriating funds.
- B334-09** Authorizing an agreement with Boone County for Joint Communications clerical services.
- B335-09** Accepting a Bulletproof Vest Partnership Grant from the U.S. Bureau of Justice Assistance; appropriating funds.
- B337-09** Appropriating CDBG-R Stimulus Funding for the construction of sidewalks on the east sides of Walnut Street, Anthony Street and Paquin Street.

- R264-09 Setting a public hearing: construction of a water main along Waco Road, from Brown Station Road to Arbor Pointe Parkway, serving The Villages at Arbor Pointe, Plat 3.

- R265-09 Setting a public hearing: considering approval of a design concept proposed by artist Glenn Williams for the Fire Station No. 9 Percent for Art Project.

- R266-09 Authorizing an agreement with the Missouri Department of Health and Senior Services for child care health consultation services.

- R267-09 Authorizing an agreement with the Missouri Highsteppers for artistic performances.

- R268-09 Authorizing an agreement with the Urban Empowerment Development Corporation for economic opportunity and support services.

- R269-09 Authorizing an agreement with the Howard County Public Health Department for emergency planning, preparedness and epidemiology services.

- R270-09 Authorizing an agreement with Central Missouri Community Action for sub-grantee services under the Homeless Prevention and Rapid Re-Housing Program.

- R271-09 Authorizing agreements with First Night, Inc. and The Curators of the University of Missouri – UMC Concert Series for festivals and events funding under the Tourism Development Program.

- R272-09 Approving the by-laws of the Historic Sunset Lane Neighborhood Association.

- R273-09 Authorizing the City Manager to make FY 2010 Certifications and Assurances for Federal Transit Administration assistance programs.

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

NEW BUSINESS

- R274-09 Authorizing an agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for bioreactor landfill operational support.

The resolution was read by the Clerk.

Mr. Watkins explained this would allow the City to hire Burns & McDonnell Engineering as a technical consultant with regard the bioreactor.

Mr. Skala asked if Burns & McDonnell was involved when this concept was first considered. Mr. Glascock replied they were not as another firm had designed the bioreactor. Burns & McDonnell was chosen because they had partnered with Waste Management, who operated a bioreactor in Louisville, Kentucky, and was part of the research project with the EPA.

The vote on R274-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R275-09 Authorizing an agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the construction of Bioreactor Disposal Cell #5.

The resolution was read by the Clerk.

Mr. Watkins noted the first bioreactor cell, which was known as Cell #4, was about 50 percent full, and the plan was to begin construction on Cell #5 so it was completed in 2010. Burns & McDonnell was selected to help design this cell.

Mr. Thornhill asked for the size of a cell and how many could be put at the landfill. Mr. Glascock replied he was not sure. He noted Cell #4 was smaller than they were proposing for Cell #5.

The vote on R275-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R276-09 Authorizing an agreement with SEGA, Inc. for engineering services for a biomass combustion and multi-pollutant control study.

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize staff to enter into an agreement with SEGA, Inc. to look at the feasibility of making modifications to the existing #6 and #7 plant boilers so they could be converted to biomass combustion. Many issues needed to be resolved and included EPA and DNR permitting and whether the units could be converted.

Mr. Skala asked if the boiler could be converted to create more biomass. Mr. Schmitz replied they were currently burning 10-15 percent wood successfully, but needed to make controlled changes to determine how far they could go. Mr. Skala understood this anticipated using the existing boilers. Mr. Schmitz replied yes. The multi-pollutant part of the study would look at the potential new regulations and might require control changes, which was why they wanted to study the boilers.

Mr. Sturtz understood Dick Parker, a member of the Water and Light Advisory Board, had suggested it would be advantageous to convert more boilers to biomass in the future and asked if this study would be applicable to other boilers down the road. Mr. Schmitz replied that this study would only focus on boilers #6 and #7. The other boiler, boiler #8, was a coal and natural gas boiler.

Mr. Wade understood they were trying to determine if a shift could be made from the current 10-15 percent with different sources of biomass and assumed the shift would have a range from what it currently was to 100 percent. Mr. Schmitz stated he understood there was not a limit with regard to DNR permitting, and they could go to 100 percent biomass if the boiler responded. They had demonstrated the boiler could respond with 10-15 percent of wood. This study would look at the controls to determine how the boilers would respond with other materials or with a higher percentage. Mr. Wade asked what was meant by the boilers "responding". Mr. Schmitz replied the boiler was designed for a certain fuel, and if the fuel was altered, the boilers might not generate the steam necessary to drive the generators while meeting emissions. The study would look at the pollutants and boiler design to determine what they needed to do to change the fuel mix.

Dick Parker, 215 W. Sexton, stated he thought it was a good idea to look into biomass conversion and understood Burns & McDonnell had recommended all three boilers be examined for that option. He commented that he would be concerned if changes were made that to prevent them from eventually going to 100 percent. He felt it was appropriate to include the other boiler and to specify that things be looked at to increase biomass to 100 percent.

Mayor Hindman asked if the Burns & McDonnell report recommended looking into the other boiler. Mr. Schmitz replied he recalled them looking at replacing existing boilers for circulating fluidized bed boilers. This study would only look at modify existing boilers and not boiler replacement.

Mr. Skala thought if they were moving toward 100 percent biomass, they should do the same review for boiler #8. Mr. Schmitz stated he did not disagree, but noted they were proposing the review of the controls and current emissions that would apply to boilers #6 and #7. If Council directed them to look at boiler #8, they would do so, but it was a different kind of boiler.

Mr. Wade asked if the review of boiler #8 would require a different consulting contract. Mr. Schmitz replied it would require at least an amendment to the proposed agreement. He suggested they move forward with this and look at boiler #8 under a separate contract. Mr. Watkins agreed and noted if they found this was successful, they could then look at boiler #8.

Mayor Hindman asked for clarification regarding what Burns & McDonnell had recommended. Mr. Schmitz replied he recalled the suggestion of replacing the boilers and running the turbines off of a new and larger boiler. This was different than modifying the existing boilers to run a new fuel. It was a more expensive and detailed process. He pointed out he was not saying they would not end up there, but they felt this process was necessary to meet the regulations that were coming forward if they were going to continue to burn some biomass and some coal. If they wanted to go to all biomass, it would require a different approach. He felt this was the first step to determine how they could use the existing equipment.

Mr. Sturtz asked if there was a sense with regard to the price range for modifying boilers #6 and #7. Mr. Schmitz replied the most expensive option of converting to a new circulating fluidized bed was a new plant that would cost over \$300 million. Other options were within the \$100 million range and included new boilers and modifications. Mr. Sturtz asked if there was a range of cost for the modifications being reviewed in this study. Mr. Schmitz replied there was not.

Mr. Wade asked when the new regulations would go into effect. Mr. Schmitz replied he unsure, but thought it would be in a year or two.

Mr. Skala asked for the life expectancy for boilers #6 and #7. Mr. Schmitz replied it was dependent upon the changes made to the boilers. With maintenance and assuming the emissions regulations did not become too prohibitive, he thought they could be operated for a long time into the future. They were in the 50 year range now.

Mr. Wade asked if the study would provide data. Mr. Schmitz replied the scope of services would provide the anticipated outage and maintenance schedule, so he thought it would provide a prediction on the length of time they could be used.

Mayor Hindman asked Mr. Parker if his understanding of the IRP recommendation was to replace the boilers. Mr. Parker replied he thought it was recommendation number seven and did not believe the wording was clear. They indicated it should be looked into as a means of reducing carbon emissions and believed other utilities might be interested in sharing the cost with the City due to the State renewable energy ordinance. He stated they had specifically discussed 50 percent coal and 50 percent biomass, but understood burning 100 percent biomass would not be more expensive of a conversion than 50 percent biomass.

Mayor Hindman understood Mr. Parker thought the recommendation was to replace the boilers. Mr. Parker stated he was unsure. Ms. Hoppe understood the recommendation could be for a conversion instead of a replacement. Mr. Parker explained his concern was that spending money to convert to 25-50 percent biomass might interfere with spending money to convert to 100 percent biomass in the future.

Mr. Skala understood the University had discussed converting one of its boilers to a fluidized bed boiler to burn 100 percent biomass and asked if the City had communicated with the University. Mr. Schmitz stated he understood the University wanted to replace its boilers with circulating fluidized bed boilers (CFB's).

Mr. Skala felt the question was whether it was worth the investment to obtain data for a stop gap measure in the short term and whether it would interfere with something that would inevitably be needed in the future.

Mr. Sturtz believed there was a pressing case to replace the boilers and asked if the money spent to improve the boilers would get in the way of doing a better job down the road. Mr. Watkins replied he thought it was worth \$48,000 to see what could be done with the existing boilers. He anticipated inexpensive fixes would allow them to increase biomass relatively quickly, but they needed the study because they were not certain.

Mr. Wade felt this was the beginning of 20 years worth of decisions in refiguring and restructuring the entire power system.

Mr. Watkins pointed out this did not commit the Council to do anything. It provided the data to make the decision.

Mayor Hindman stated he was concerned with deviating from the IRP, if that was what they were doing.

Mr. Skala thought it would be prudent to obtain additional information as it could help determine if they would ultimately convert to a fluidized bed system. Mr. Sturtz noted this study would not look into the fluidized bed system. Mr. Skala understood it would not, but pointed out it would provide some information on which to make that kind of decision.

The vote on R276-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE. 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.

B338-09 **Adopting the Northeast Columbia Area Plan, a supplement to the Metro 2020 Plan.**

- B339-09 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.
- B340-09 Rezoning property located south of Heller Road and west of Rogers Road from A-1 to M-C.
- B341-09 Approving the Final Plat of College Park South Subdivision Plat 4, a Replat of Lot 2 of the Administrative Plat of Lot 101 College Park South Plat No. 1 and Lot 301 College Park South Plat No. 3, located north of Campusview Drive and West of Memorial Court.
- B342-09 Renaming a portion of Rock Hill Road located between East Broadway and the intersection of Fyfer Place and Sunrise Drive.
- B343-09 Authorizing construction of a sidewalk/pedway along the north side of Stadium Boulevard from Providence Road to College Avenue; calling for bids through the Purchasing Division.
- B344-09 Amending Chapter 14 of the City Code to provide for five-hour metered parking on a section of Elm Street, between Providence Road and Fifth Street.
- B345-09 Authorizing a right of use permit with The Curators of the University of Missouri to allow the placement and maintenance of an underground sprinkler system within a portion of Discovery Drive and Discovery Parkway rights-of-way.
- B346-09 Authorizing construction of a water main along Waco Road, from Brown Station Road to Arbor Pointe Parkway, serving The Villages at Arbor Pointe, Plat 3; providing for payment of differential costs.
- B347-09 Amending Chapter 16 of the City Code to provide a limited exemption from the noise regulations for junior high school marching bands.
- B348-09 Amending Chapter 16 of the City Code as it relates to the definition of a nuisance party.
- B349-09 Appropriating funds for the production of instructional videos on the H1N1 virus for the Health Department.
- B350-09 Amending the FY 2010 Annual Budget and the Classification Plan and Pay Plan to establish the position of Trust Specialist in the Office of Neighborhood Services; appropriating funds.
- B351-09 Amending Chapter 24 of the City Code by adding a new Article VIII pertaining to downtown safety cameras.
- B352-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an initiative to enact a downtown safety camera ordinance.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Grindstone Plaza Development Agreement.

Mr. Watkins explained the report outlined an alternative for a pedestrian trail required as part of the Grindstone Plaza development. Mr. Glascock noted staff was proposing a trail along the edge the tree preservation area and described the location on the overhead.

Ms. Hoppe asked where the trail was originally supposed to be located. Mr. Glascock replied a location had not been designated.

Mayor Hindman asked where the trail would go. Mr. Glascock replied it would eventually connect to the Hinkson Trail, but the Parks and Recreation Department did not know when it would be completed. He explained he was only trying to get the trail easement identified per the agreement.

Ms. Hoppe asked for the acreage in the tree preservation area. Mr. Glascock replied he did not know, but understood it was approximately 170 feet wide and 730 feet long. Ms. Hoppe understood the connection and area served would be same, but the trees would be avoided. Mr. Glascock stated that was correct.

Mr. Wade made a motion directing staff to proceed with acquiring permanent or temporary easements as proposed. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(C) Grindstone Parkway Speed Limit.

Mr. Watkins noted Council had asked staff to work with MoDOT in looking at the possibility of reducing the speed limit to 35 mph in front of the main entrance and exit areas to the Wal-Mart complex on Grindstone Parkway. MoDOT conducted a study and did not see a benefit to reducing the speed limit. Mr. Glascock explained MoDOT's policy was for the speed limit to be set by the 85th percentile, which was found to be at 51 mph and one mile above the speed limit.

Ms. Hoppe stated she hoped they had visited the site because the limited egress was to a major shopping area. She noted her concern was that people turned right on to the main lane with cars traveling at 50 mph because there was not a merge lane. Mr. Glascock explained they would not want an acceleration lane because it would create weaving movements and potentially cause more accidents. People were more cautious without an acceleration lane. He noted acceleration lanes were generally not used on four lane facilities with at-grade intersections unless within a truck area for the truck to get up to speed.

Ms. Hoppe asked if a sign could be provided notifying people leaving the shopping area that traffic was going at 50 mph. Mr. Glascock replied they could discuss that with the shopping center. Ms. Hoppe stated she would appreciate them looking into it.

(D) Fairview Road and Ash Street – Evaluate 4-Way Stop.

Mr. Watkins explained Council had asked staff to look at the intersection of Fairview and Ash to determine if the two-way stop should be changed to a 4-way stop, and noted that as a result of a traffic study done some time ago, \$250,000 had been allocated for a traffic signal at this intersection, but it would be a few years before they could afford it.

Mr. Wade stated he had been concerned about this intersection for some time and felt 6-10 years was too long to wait for a solution. He asked for it to be moved up in the CIP. Mr. Glascock noted the City would be involved in the widening of Stadium, and they would look at this intersection when designing that project to determine what might be able to be done. He stated he did not believe it should be a four way stop, but thought a signal might be

appropriate. Mr. Wade hoped the project could be moved up to a year or two away with investments by the TDD's.

Mr. Skala asked if it was anticipated that any of the TDD's would participate. Mr. Glascock replied he thought the Wal-Mart TDD was required to do something at that intersection.

(E) Bus Advertising RFP Results.

Mr. Watkins explained two proposals had been received for bus advertising and staff was recommending the proposal that would provide the most money be accepted.

Mayor Hindman asked if this included wrapping the buses. Mr. Glascock replied yes.

Ms. Hoppe asked who would review the layout and art. Mr. Skala noted the issues and topics would need to be reviewed as well. Mr. Thornhill pointed out those issues were covered in the proposal.

Ms. Nauser commented that she believed the City was going to have to increase the subsidy, raise fees or find alternative sources of funds. Every city she had been to had advertisements on buses and she did not find them to be offensive. If these ads generated revenues to help keep bus fares down, it helped those that needed the service.

Ms. Nauser made a motion directing staff to enter into a contract with Transit Advertising. The motion was seconded by Mr. Thornhill.

Ms. Hoppe asked if someone would review the proposals or if they would approve the ads based on the amount of money generated. Mr. Glascock replied they would look at what was being proposed.

Mr. Sturtz noted the advertising policy was very clear, so there was not much leeway. Mr. Thornhill agreed and noted it indicated the contractor would submit a list of sign materials, etc. prior to installation.

Mr. Watkins pointed out they had determined how much the advertising was worth, and Council now needed to determine its willingness to allow advertisements on buses for that amount of money.

Mayor Hindman stated he did not object to the side signs, but was concerned with wrapping the buses. He, however, also recognized the realities of the revenue that would be generated.

Mr. Skala stated was skeptical of this aesthetically, but agreed they had to find ways to raise money.

Ms. Hoppe felt this was related to the issue of whether they provided free advertising on the front of the buses to places like Wal-Mart since it was a destination business, and thought they needed to look into it.

Mr. Sturtz understood the operating assistance grants would be decreasing and asked how much the decrease would be. Mr. Glascock replied he did not know. They knew there would be a decrease, but would not know the amount until the Highway bill was finalized. Mr. Sturtz stated he wanted to ensure the money generated was used to improve routes if it was more than the amount lost by grants. Mr. Glascock stated this would be discussed with the new advisory group being established.

The motion made by Ms. Nauser and seconded by Mr. Thornhill directing staff to enter into a contract with Transit Advertising was approved unanimously by voice vote.

(F) Modifications to TLRA Dog Park Operation: Create a TLRA Winter Dog Park.

Mr. Hood explained this report provided information regarding the modifications being planned to the operation of the off-leash dog area at the Twin Lakes Recreation Area. The modifications were in response to a problem with dogs going on to and breaking through the ice on the frozen lake the past several years. The Fire Department was involved in nine rescues last year alone, and four during one weekend. It was a large use of emergency personnel resources. There was also a concern that a person might be injured in trying to rescue a dog. Closing the swimming lake this year, due to the budget, provided the opportunity to create a winter area for off-leash dogs that would allow them to eliminate access to the lake front. He described the changes using a map on the overhead and pointed out they had discussed potential rule changes as well, but were not ready to make recommendations regarding those yet.

Mayor Hindman stated he thought the winter dog park was a smart idea, but commented that he would argue with some of the proposed rules.

Ms. Nauser asked if there would be a barrier to prevent people from getting to the old portion of the dog park. Mr. Hood replied there would be a temporary fence that would allow them to close-off the old area.

Ms. Nauser asked if a fine had been considered for owners who might allow their dogs into the old area so they would share in the cost of the rescue. Mr. Hood replied the Park Ranger could issue warnings and tickets for violators of park regulations, but he was not sure of the amount of the fine. Ms. Nauser suggested tickets be issued instead of warnings for people allowing their dogs into the old area while off-leash as an incentive to use the new area so they did not use valuable emergency personnel time in rescuing dogs.

Ms. Hoppe asked if the water in the swimming lake area freezes. Mr. Hood replied the swimming lake could be drained, and after input, he thought it would be drained to 2-3 feet deep providing eight-tenths of an acre area. They believed that amount of water would freeze solidly, but if it did not, it would still not be very deep.

Mr. Wade stated he attended the public meeting and thought there was an understanding of the need for the change, but disagreement regarding the potential rule changes. The problem involved people who felt dogs could be off-leash regardless of City ordinances. He suggested the possibility of a license fee be discussed to assist with activities such as this.

(G) Street Closure Requests.

Mr. Watkins explained this involved street closure requests in the downtown area by the Columbia Jaycees for the Holiday Parade and by the Earth Day Coalition for next spring.

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

(H) Bicycle and Pedestrian Commission Report: 2009 Master Trails Plan.

Mr. Watkins explained this was the Bicycle and Pedestrian Commission's response to Council's request regarding the Master Trails Plan.

Mr. Sturtz understood they recommended upgrading both ends of the COLT trail and asked about the process to move forward with the recommendation. Mr. Hood noted the Parks and Recreation Commission and the Planning and Zoning Commission would also be reviewing the Plan, so he suggested the Council obtain all recommendations prior to deciding which recommendations should be implemented.

Mayor Hindman noted GetAbout funding was involved and wondered if the GetAbout Advisory Committee would be involved as well.

Mr. Skala agreed and noted that when they discussed GetAbout funding, the COLT corridor was one that did not make the initial cut, although it was important, because they did not have enough money.

(I) Police Activity.

Chief Burton described the information provided in the report and noted he did not believe assaults were getting worse. He only thought they were making more arrests since they were there to respond. The police presence with the downtown unit was dealing with the issue proactively, so they were not having to pull other resources to the downtown.

Mr. Skala understood, per discussions at public crime forums, that since the institution of the downtown unit, downtown crime had decreased 65 percent and asked for clarification. Chief Burton thought they had said the number of resources they had to send downtown had been significantly reduced. He thought the actual crimes had remained constant and assaults were generally happening late at night when people were leaving the bars.

Mr. Skala thought they could say crime downtown had decreased since the additional police resources in the downtown would likely allow them to identify things they could not identify before and because the actual crimes had remained constant. Chief Burton stated the effects were down. They were doing it with less officers and without sacrificing the safety of the entire City. He pointed out they planned to use a similar model in individual neighborhoods with higher crime rates.

Ms. Nauser commented that this report confirmed her thoughts. Table 3 indicated there had been 305 total incidents, but there were only 29 incidents in Beat 00, which covered more area than in the downtown, so the downtown area was relatively safe. In addition, many of these incidents did not involve acts of random violence.

Mayor Hindman asked if the downtown task force would be relocated to handle individual neighborhoods or if an additional task force would be put into place. Chief Burton explained five officers and one sergeant were assigned to the downtown, which was similar to a beat in another area of the City, so a sergeant would be assigned to a beat with five or six officers. In effect, they were repeating the concept for the rest of the City. They would reduce the number of beats so the sergeants had the necessary resources. He noted they were not removing the downtown unit.

Ms. Nauser pointed out the crimereports.com site showed crime statistics so people knew what was happening in their area.

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 DEVELOPMENT COMMISSION

Poor, Kelly, 5404 Largo Dr., Ward 5, Term to expire November 1, 2011.

CULTURAL AFFAIRS COMMISSION

Barnett, Lynn, 406 Hulen Dr., Ward 4, Term to expire October 31, 2012.

Cioli, Yolanda, 156 Maple Grove Way, Ward 5, Term to expire October 31, 2012.

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Bollinger, Lance, 3300 Belle Meade Dr, Ward 5, Term to expire November 30, 2012.

Boone, Gina, 4803 Ruby Oaks Ct., Ward 4, Term to expire November 30, 2012.

Heider, Jaclyn, 3601 W. Broadway, Ward 2, Term to expire November 30, 2012.

Scholz, Penny, 800 Manhattan Dr., Ward 6, Term to expire November 30, 2012.

Stevenson, Craig, 4469 Brown Station Rd., Ward 3, Term to expire November 30, 2012.

Tesar, Timothy, 5511 Hunley Ct., Ward 3, Term to expire November 30, 2012.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Paul Love, 100 Sondra, understood B345-09 would allow a permit for a sprinkler system at Discovery Ridge and that there had been a discussion at a previous Council meeting indicating a possible water supply problem if there was a hot, dry summer, and asked if approving this irrigation system was a good idea. He thought they might want to suggest native plantings that would not require an irrigation system as it could lead to future businesses doing similar plantings and reducing future water demand.

Mr. Thornhill stated he did not think it made sense to accept a payment in lieu of that did not cover the cost of the work. In the project discussed earlier, they provided \$13.92 per foot when staff thought the cost was \$32.00 per foot, which was only 40 percent. He wondered why anyone would ever put in a sidewalk if they could just pay 40 percent of the cost.

Mr. Thornhill stated he thought they needed to clearly define requirements and board and commission goals. He thought they had people who wanted to volunteer, but did not know what to do.

Ms. Hoppe noted a few of them had attended a boards and commissions leadership training workshop at the NLC conference, and thought they could provide suggestions.

Mr. Skala thought this might warrant a report from staff or be a work session topic.

Mr. Thornhill suggested they spend a few minutes on this topic at the retreat.

Mr. Skala suggested the SCORE report involving the Central Missouri Humane Society be available for the public to view. Mr. Watkins stated they would put it on the City's website.

Mr. Skala stated he received a call from a constituent regarding problems with the Super Saver and Energy Conservation Loan programs with regard to the subordination of mortgages and refinancing. He asked for a report to determine if any possible action could be taken to ameliorate some of the difficulties.

Mr. Skala noted a pothole needed to be filled on Clark Lane, headed west, where Clark Lane funneled from the two lane unimproved section to the six lane improved section. It had been filled before and he thought they needed to determine why this continued to happen as well.

Mr. Wade noted the constituent Mr. Skala referenced resided in his ward and he wanted to ensure the report requested included a reason why the Super Saver Loans and Energy Conservation Loans could not be subordinated. This was an issue for those refinancing. He stated he would provide staff the information he had regarding the issue.

Mr. Wade made a motion directing staff to evaluate the speed on Smith Road between Scott Boulevard and Louisville Drive in order to determine if there was justification for traffic control measures. The motion was seconded by Ms. Nausser and approved unanimously by voice vote.

Mr. Wade noted some felt there was a speeding problem on one of the shorter roads in the neighborhood and the homeowners association was willing to assess speeds for a week using a radar gun. He understood this was possible and asked the City to work with the homeowner's association in obtaining and organizing the data. He stated he would provide staff the contact person for the homeowners association.

Ms. Hoppe asked for a status on the potential reduction of the speed limit on Highway 63 within the City limits. Mr. Watkins replied he thought staff had contacted MoDOT and had shared their response with Council, but would check. He understood MoDOT had indicated they would take the City's request under advisement.

Ms. Hoppe asked about the status of the report Council had requested involving other college towns and curfews. Mr. Watkins replied he would provide the report.

Ms. Hoppe asked about the time line for the transit advisory commission. Mr. Watkins replied he thought it would be provided at the next Council meeting.

Ms. Hoppe noted the National League of Cities (NLC) had worked with a company in Denmark to create an elaborate, yet easy to use, computer tool for cities to enter all of their climate protection data, innovations, landfills, etc. so it would be available in one place and could be shown on Google map. Since Columbia was a member of the NLC, they only needed to sign up. The information could be put on the website so the public could see what they had done and what was available. They could also see what other cities were doing. She provided the Council a handout she had received on the system.

Ms. Nauser asked if this was a free service offered by the NLC. Ms. Hoppe replied it was and noted it would continue to be a free service. She explained Columbia had the opportunity to be one of the early cities using it. A suggestion was to partner with the University to assist with data entry, so she wanted to contact a senior geography class like she did last year with regard to rental housing to determine if it might be something they were interested in doing. She stated she would let Council know if they were interested after contacting them.

Mayor Hindman stated he received a call from a citizen who was concerned about the railroad crossing at Business Loop 70 because the need was rough and had deteriorated and asked staff to look into the situation.

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Sheela Amin
City Clerk