

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**SEPTEMBER 7, 2010**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, September 7, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ and THORNHILL 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 August 16, 2010 were unanimously approved by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

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

Mayor McDavid made a motion to add R183-10 to the new business portion of the agenda. The motion was seconded by Mr. Dudley 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**

**Presentation by US Census Bureau: Recognition for the 2010 Census.**

Mayor McDavid thanked Dennis Johnson, the Regional Director for the U.S. Census Office in Kansas City, on behalf of the fifty-member Columbia/Boone County Complete Count Alliance, for recognizing the City. He explained the Alliance had been initiated by the former mayor, Darwin Hindman, and included representatives from local businesses, agencies, schools, civic organizations and churches.

Dennis Johnson, Regional Director for the U.S. Census Office in Kansas City, thanked the City for its efforts with regard to the census as he believed it had been a success due to the overwhelming response received. He presented Mayor McDavid with a plaque and an hour glass. He also recognized Ms. Messina for her work in this effort.

**Recognition of Richard Wieman, Solid Waste Utility Manager, for receiving the American Public Works Association Solid Waste Manager of the Year Award.**

Mayor McDavid noted Mr. Wieman had been presented the Solid Waste Professional Manager of the Year Award at the American Public Works Association (APWA) International Congress and Exposition held in Boston on August 15 in recognition of his exceptional management, operation and maintenance of public sector solid waste operations. Some accomplishments during his 35 year tenure included implementing new residential route trash and recycling collections, implementing innovative recycling opportunities, beginning the City's first phytoremediation project, revamping the trash bag delivery system, partnering with the Water and Light Department to build a gas to energy plant, and managing the State's first

bioreactor landfill. Mayor McDavid congratulated Mr. Wieman and presented him with the award.

Mr. Wieman stated he was honored to receive such a prestigious award and believed this award belonged to the entire community as Columbia had always been progressive and environmentally friendly. He commented that working for the City of Columbia allowed him the opportunity to think outside the box, and thanked everyone involved with the City, especially his staff.

Upon his request, Ms. Nauser made a motion that Mr. Thornhill be allowed to abstain from voting on B199-10 due to a conflict of interest. Mr. Thornhill noted on the Disclosure of Interest form that he had done business with the applicant during his real estate career. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

## **SCHEDULED PUBLIC COMMENT**

None.

## **PUBLIC HEARINGS**

- B195-10     Adopting the FY 2011 Budget for the Special Business District.**
- B196-10     Adopting the FY 2011 Budget.**
- B214-10     Amending Chapters 13 and 22 of the City Code to increase sewage service utility rates.**
- B215-10     Amending Chapter 22 of the City Code to increase residential service solid waste utility rates.**
- B216-10     Amending Chapter 27 of the City Code to increase electric rates.**
- B217-10     Amending Chapter 27 of the City Code to increase water rates.**

B195-10 and B196-10 were given third reading and B214-10, B215-10, B216-10 and B217-10 were given second reading by the Clerk.

Mr. Watkins provided a staff report and described the items listed on the proposed amendment sheet associated with B196-10.

Mayor McDavid commented that he believed the proposed utility rate increase of over \$8 a month would be a substantial burden to many Columbia citizens. He explained he wanted to know where Columbia stood in comparison to other communities. He wanted benchmarks for five cities in Missouri and five mid-western college towns, such as Iowa City, Champaign and Ann Arbor. Based on the information he had, he understood the City's rates were in the middle, but thought they should be at the bottom of the list and better than average and suggested decreasing operational costs and other expenses. He felt they should provide utilities as inexpensively as possible. He understood the proposed rate increase for the electric utility was 3 percent and commented that he planned to propose an amendment to decrease the electric utility rate increase from 3 percent to 2 percent unless he could be convinced it was needed. He thought the other utilities also needed reduce expenses, but understood some of the rate increases associated with those utilities involved bonds for certain improvements approved by the voters. He challenged the enterprise utilities to do better by decreasing expenses while increasing productivity.

Ms. Hoppe asked for the status of the sewer improvements in terms of what was promised to the voters and what had been completed. In addition, she asked for the reason for the increase in water rates. She wondered how the household consumption per capita compared to other communities and if the City encouraged conservation.

Mr. Glascock explained a new sewer plant had been promised and was under construction, and the sewer up the Hinkson had been recommended because some of the property had been annexed in 1969 and still did not have sewer service. They had also committed to providing the new high school sewer. He was not sure of what they would not be able to build at this time. Mr. Sturtz asked if he was referring to the 2008 ballot issue. Mr. Glascock replied he was. Mr. Sturtz stated he did not recall anything being specified beyond the construction of the sewer plant. Mr. Glascock explained nothing specific was included in the ballot language, but a list of projects had been identified. Ms. Hoppe asked if a certain amount would be utilized for existing sewer improvements and reconstructions. Mr. Glascock replied he was trying to get the inflow and infiltration program started and it would use some of this money as well. Mr. Watkins noted sewers for Maple Bluffs, Shepard Hills, etc. had also been included. He thought \$1-2 million had already been spent on these types of projects.

Mr. Kespohl understood the 2008 sewer bond was \$77 million, and only \$37.8 million of the sewer bonds had been issued. Mr. Fleming stated the State Revolving Loan Fund only required them to draw down money as construction was done. The borrowing amount would go up as they spent the money. Mr. Kespohl asked if all of the bonds had been issued. Ms. Fleming replied the City had an agreement with the State regarding the bonds and only drew down on the bond reserves as they were spent. Mr. Kespohl understood they were not paying interest on \$77 million. Mr. Watkins stated that was correct.

Mr. Thornhill asked for clarification regarding the City's agreement with the University of Missouri in terms of sewer charges. Mr. Glascock replied the agreement indicated the base charge would increase \$5,000 per month each year. Mayor McDavid understood the Sewer Task Force was addressing the issue and would provide recommendations. Mr. Glascock stated that was correct.

Mr. Johnsen commented that in terms of the water utility, conservation was encouraged and the higher summer rates were geared toward charging a higher rate for irrigation and watering due to increased usage. He noted the water and electric utilities were weather-driven with regard to expenses and revenues, and as a result, the per capita use had decreased in the last few years.

Ms. Nauser asked if there was a cost implication on the average monthly fee due to the City's renewable energy portfolio. Mr. Johnsen replied the renewable energy portfolio was capped at 3 percent per ordinance and noted they were currently working with the Water and Light Advisory Board to determine the methodology used to establish the impact on the rates. He thought they were at 1-2 percent at this time. Ms. Nauser asked if this was the reason for the difference in Columbia's rates compared to other communities. Mr. Johnsen replied it probably had a 1-2 percent impact.

Mr. Watkins provided an explanation for the rate increases in the utilities. In terms of solid waste, the City would have to open another bioreactor landfill cell in 2011. Staff elected

to defer equipment replacement for 1-2 years instead of issuing bonds and believed a \$1 increase would allow the City to pay cash for the project. In terms of the sewer utility, the majority of increase was a result of being required to meet DNR regulations. The additional operating cost for the sewer utility would be used pro-actively by eliminating sewage back up in basements. The water utility would be increased by 10 percent and included additional staff to better handle environmental permitting responsibilities. The City also had to change its water sludge management program to meet new EPA requirements. He pointed out the City's capacity was not based upon residential and industrial use. It was based upon fire protection to keep insurance rates low. A significant part of water system's capital cost was a result of fire protection, and not domestic capacity. The electric utility issues involved reliability while being competitive in terms of cost and environmentally responsible.

Ms. Nauser asked about the impact of the cost of service studies on these rate increases. Mr. Watkins replied those studies were done by an outside party to determine costs and how those costs should be allocated. He thought the big changes were in the costs to hook into the City's sewer, water and electric services.

Mr. Sturtz commented that he had spent \$139 this past weekend to repair a sewage back-up problem in his basement, and if he spent \$139 per year, it would be more than the \$10-\$11 per month caused by the rate increase. He noted flooding and sewer back-up were big problems in Ward 1 and something needed to be done.

Mr. Kespohl noted that according to the 10-year trend analysis, the water and electric utility revenues had increased by \$10 million from 2007-2009, but the operating expenses had increased by \$15 million, and asked for the reason. Mr. Johnsen replied it was a result of the purchase power contracts. Mr. Kespohl asked if there would be another spike in 2010. Mr. Johnsen replied it would not be as severe, but there would be an increase. Mr. Kespohl explained he was asking because he thought the \$3.3 million might not be needed if there was not a spike in 2010. Mr. Thornhill asked if the increase was a result of a spike or a contract. Mr. Johnsen replied it was a three year contract for purchase power. Mr. Thornhill asked if the cost to purchase the power was fixed. Mr. Johnsen replied it was. Mr. Thornhill did not believe it was a spike since it had been anticipated. Mr. Kespohl understood the purchase power contract reduced the amount of profit by double. Mr. Watkins explained the City had a good contract in Ameren UE that had expired in 2008 and the cost of purchase power had increased significantly.

Mayor McDavid opened the public hearing.

David Tyson Smith, an attorney with offices at 1001 East Walnut, Suite 100, stated he had been on the Oversight Committee that had helped with the establishment of the Citizens Police Review Board (CPRB) and noted he was concerned with the fact the CPRB would only receive about \$4,500 as he felt that was an inadequate amount of funding for the Board to do its job. He felt this would eliminate any type of investigative service the Board would be able to provide, which he thought was needed for the Board to be independent. By receiving a report from the Police Department, they would have to rely on its version of events, which would cause the CPRB to be an arm of the Police Department. He understood one of the reasons the CPRB was established was due to a lack of trust between the Police Department

and Columbia citizens, and if the Board was not adequately funded, there would be a lack of trust between the Council and its citizens. He suggested providing the Board about \$10,000.

Ms. Hoppe understood an investigator would not be required for all cases heard by the CPRB. Mr. Smith replied that was correct. He noted it would likely cost \$200-\$300 per case for investigative services depending on the number of hours required for the investigation.

Mr. Sturtz asked if other citizens review boards had the same investigatory reviewing authority. Mr. Smith replied there were many types of boards throughout the Country and each one reviewed was different.

Mr. Thornhill understood two representatives of the CPRB would be sent to the NACOLE conference this year and asked if two representatives would be sent each year. Mr. Smith replied that should be discussed with the Board, but noted he did not feel it would be inappropriate to send a representative every year as the NACOLE conferences were informative.

Mr. Thornhill understood other boards and commissions did a lot of their own research and asked if it was not reasonable to expect this Board to do that as well instead of hiring an investigator. Mr. Smith replied he did not feel it was appropriate for the CPRB members to do their own research in terms of an investigation as it could cloud one's perception. In addition, the members were not trained to take statements.

Pat Fowler, 606 N. Sixth Street, stated her comments were related to B214-10, which involved an increase in sewer rates, and noted there were stormwater and sewer problems in her neighborhood. She was concerned that the current funding allocations were insufficient to address the substandard and inadequate conditions in Ward 1, and particularly on North Sixth Street. She understood the City's stormwater issues were larger than the \$1 generated from fees. She noted the sewer rate increase, which she was okay with, did not take into account a charge for stormwater, and pointed out the one utility a vacant house still used was stormwater as every property had water run-off. She stated repairs to the sewer in her neighborhood would not be done until 2014 and she did not believe that was acceptable. If they continued to inappropriately deal with stormwater, they would add to the sanitary sewer issues. If they could keep run-off in the stormwater system and charge citizens appropriately, it would lessen the amount the wastewater treatment plant would need to be expanded.

James Martin stated he was the Vice-Chair of the Citizens Police Review Board and believed they needed the opportunity for training since they were new. He was not sure it would be necessary to send members to the NACOLE conference annually, but felt it was needed initially to learn the processes of other review boards. In addition, without financial support, he felt the Board would not be as independent as it would like. He asked the Council to fund the Board as requested.

Paul Love, 100 Sondra, commented that he did not believe large users of the solid waste utility should receive a discount as it could offset costs and he did not understand why they would offer a discount to produce more waste. He also did not know why they would provide a lower rate to pick up people's trash than it would cost for someone to deliver trash directly to the dump site. He understood the Sewer Task Force would not receive a report from consultants regarding rates until September 25 and did not believe the rates should be increased until after the Task Force had reviewed the report and provided the Council a

recommendation. He questioned why the City provided a discount for those who generated more waste. He understood there was a difference between a sewer customer and sewer user, and noted the discounts provided to the University and Boone County could make up the \$1.3 million needed.

Kelly Wescott stated she was concerned with the rate increases in light of the fact employees were not receiving pay increases. These increases would reduce her expendable money, and she and many others would no longer be able to make purchases that would assist with sales tax revenues. She suggested alternatives be reviewed, such as a four ten hour a day work week, raising the thermostats in the summer months and lowering them in the winter months, and etc. in order to reduce costs so the rate increases would not be necessary.

James Robnett, 754 Demaret, asked the Council to ensure an adequate budget for the CPRB. He understood there were currently two local citizen complaints making their way to the Board and wanted to ensure adequate resources so those complainants had independent and fair reviews. He noted the Columbia Police Officers Association had repeatedly asked for the CPRB to adhere to the standards of NACOLE, and funding was needed for them to attend to and be adequately trained. He explained that being able to use trained investigators was important in making an informed decision, and compared the need to that of a jury trial. He pointed out police officer and citizens could both ask for a review by the CPRB.

Eugene Elkin, 3406 Range Line, stated he thought Council should consider residents on fixed incomes when considering rate increases. He hoped the rate increases did not backfire against City and commented that he believed people should not be penalized for recycling, etc. He also felt the CPRB needed to be adequately funded.

There being no further comment, Mayor McDavid continued the public hearing to the September 20, 2010 Council Meeting.

Mr. Thornhill made a motion to amend the budget amendment sheet to increase funding for the Citizens Police Review Board so they received \$8,700 for investigations, training and printing. The motion was seconded by Ms. Hoppe.

Mayor McDavid commented that he was not sure the scope of the CPRB was to be an investigatory body. If a particularly egregious case were to arise, the CPRB could approach the Council for the additional funds necessary at that time.

Mr. Sturtz stated he did not feel they should orphan the CPRB, especially since one of its tasks was to increase trust in the relationship between citizens and the police. He thought the Board should receive at least \$8,700.

Ms. Nauser noted she was not originally supportive the establishment of the CPRB until the Columbia Police Officers Association showed its support since it provided protections to police officers as well. Her support was based on funding the CPRB so it was trained and had the necessary resources for making decisions since it could affect the livelihood of police officers. She believed \$8,700 was an adequate amount.

Ms. Hoppe commented that she recalled a lot of testimony in terms of the possible need for investigations when the CPRB was established and thought it was important for the

Board to be able to make good decisions. She noted if investigations were not needed, the funds would not be used.

Mr. Dudley noted he had read the curriculum for the NACOLE conference and believed it would train the members well in terms of efficiency. It also addressed the need for investigators and the impartial assessment of situations.

The motion made by Mr. Thornhill and seconded by Ms. Hoppe to amend the budget amendment sheet to increase funding for the Citizens Police Review Board so they received \$8,700 for investigations, training and printing was approved by voice vote with only Mayor McDavid voting no.

Ms. Nauser stated she was concerned with some of the proposed amendments as one time contingency funds were being used for long term operating expenses. In light of the projected FY 2012 budget, she did not want to add things this year, only to have to make cuts next year.

Mr. Thornhill made a motion to amend the budget amendment sheet by adding \$2,150 back to the Planning and Zoning Commission account so they received the same level of funding as they had in 2010. The motion was seconded Mr. Sturtz and approved unanimously by voice vote.

Mr. Dudley made a motion to amend the budget amendment sheet by moving the funds associated with one additional police officer and one vehicle to Joint Communications to provide for communication operators. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mr. Kespohl explained this recommendation had been made by Chief Burton and was discussed during the pre-Council meeting.

**B198-10 Renaming Maryland Avenue between Conley Road and Kentucky Avenue to Tiger Avenue.**

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report.

Mr. Sturtz understood one issue with the name change was that there was another street with a similar name and asked if Joint Communications still had concerns. Mr. Teddy replied Joint Communications preferred a unique name. It was suggested at the Planning and Zoning Commission meeting that if having Tiger Lane in west Columbia and Tiger Avenue in the campus area was objectionable, they could consider initiating a name change of Tiger Lane. The Commission did not feel that was necessary as it would change a lot of addresses. In addition, Tiger Lane had addresses in the 300-400 range and Tiger Avenue would have addresses in the 600-900 range. Mr. Watkins commented that Joint Communications preferred to never have any type of duplication, but from a practical standpoint, a mix up would be highly unlikely due to the street locations and street numbers.

Mayor McDavid opened the public hearing.

Ana Compain-Romero stated she was the Director of University Affairs at the University of Missouri and explained Maryland Avenue was the main thoroughfare to Memorial Stadium and Mizzou Arena from the heart of campus, and its name did not seem appropriate. The Alumni Association's Past Presidents group recommended a change to the

street name as they found no advocate for Maryland and the MU Administration agreed with the Alumni Association's request to ask the City to consider a name change. She asked the Council to consider granting this request.

Wally Pfeffer, 1405 Overhill Road, commented that this name was not only tied to the University, but it was also a historical reference to the defenders of Columbia during the Civil War. The Evans Scholars agreed with the University's request, and he had discussed issues related to emergency services, utilities, property description and mail service with officials and was satisfied there would not be any safety, financial or transitional burdens. He encouraged the Council to pass this legislation.

Linda Russell Whitworth, 5009 Glencairn Drive, asked the Council to support the name change from Maryland Avenue to Tiger Avenue. She felt directing visitors to Tiger Avenue was more logical and would show how much Columbia valued the University of Missouri.

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

Ms. Hoppe commented that her only original concern involved whether the name had any historical significance. She understood the Historic Preservation Commission had looked into it and had determined it was named after the State of Maryland.

B198-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B209-10 Authorizing construction of a water main serving Magnolia Falls Subdivision; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill asked if staff verified the bills were paid by the developer when providing payment to the developer. Mr. Johnsen replied yes.

Ms. Hoppe understood the City was reimbursed some of the cost when a new development made use of the pipe. Mr. Watkins explained the City was responsible for providing the backbone system and was provided a tie-in fee when a new development hooked onto the system. Ms. Hoppe understood the tie in fees did not reimburse the City for what it paid for the larger pipe. Mr. Watkins stated that was correct. He explained the City had to maintain a particular fire flow, which was a City responsibility, and the developer only had to install what was required for his development. Ms. Nauser understood subsequent developers would pay the tie-in fee and be required to install the larger pipe. Mr. Watkins stated that was correct.

Mayor McDavid opened the public hearing.

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

Mr. Kespoehl commented that this made good sense to him as they would not have to go back and fix things later. Mayor McDavid agreed.

B209-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of sanitary sewers in Sewer District No. 165 (Maple Bluff Subdivision).**

Item A was read by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Glascock pointed out the original design was being recommended as it was the most cost-effective.

Ms. Hoppe asked what the response was from the residents on Holly Hills. She wondered if they felt better about the design. Mr. Glascock replied yes. He thought there had previously been confusion with regard to how long the portion of the project that would impact them would take. The boring of the street would likely only take a couple of weeks.

Mayor McDavid understood one of the issues was that those residents had not been engaged in the process. Mr. Glascock stated that was correct. Mr. Sturtz asked if this project suggested needed changes for the future in terms of including neighboring residents on certain projects. Mr. Glascock replied this design had not been developed until after they had held the interested parties meeting with the Maple Bluff residents as they did not know they had an easement in between the homes on Holly Hills until later. The public hearing had already been set when the change in design occurred. He was not sure a change in the process was necessary as the problems arose due to a last minute change.

Mayor McDavid opened the public hearing.

Don Vogt, President of the Maple Bluff Homeowners Association, stated he supported this project as it was needed for the environmental health and safety of the neighborhood as well as the City. It was something that was promised to the neighborhood as part of annexation. This proposal was the most cost-effective and least disruptive.

Paul Ratcliffe, 3020 Maple Bluff Drive, stated he was in favor of the project as proposed and asked for clarification regarding payment. He wondered if the residents still had 10 years to pay their share. Mr. Glascock replied they had an option of making payment over 10 years. He explained the change was to recommend not deferring the tax bill and only requiring a \$5,000 payment from each of the residents. Mr. Watkins noted the City's interest rate was higher than the rate that could be found at a bank at this time. Mr. Ratcliffe asked if residents could ask for relief from those interest rates. Mr. Watkins replied the interest rate was set by ordinance. He noted they did not want to compete with banks as the City was not in the lending business.

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

Ms. Nauser commented that she understood some of the residents of Holly Hills still had concerns, but staff had assured them they would take their concerns into consideration.

Mr. Glascock asked if the tax bills would be deferred or not. Staff was recommending they not be deferred because they did not believe they would ever be paid. Ms. Nauser suggested the tax bills not be deferred.

Ms. Nauser made a motion directing staff to proceed with the final plans and specifications for Sewer District 165 based upon option A, to not defer the tax bills and to record a notice of special assessment with the Boone County Recorder of Deeds. The motion was seconded by Mr. Thornhill.

Ms. Nauser understood the tax bill would be capped at \$5,000. Mr. Glascock stated that was correct. Mayor McDavid understood that was the policy. Mr. Glascock stated this

was a change in the policy. If they thought it would be subdivided, they would suggest deferring the tax bill, but these lots had already been subdivided and staff did not feel they would ever be subdivided again. Ms. Nauser understood there would be an assessment of \$5,000 per lot, but nothing beyond it. Mr. Glascock stated that was correct.

The motion made by Ms. Nauser and seconded by Mr. Thornhill directing staff to proceed with the final plans and specifications for Sewer District 165 based upon option A, to not defer the tax bills and to record a notice of special assessment with the Boone County Recorder of Deeds was approved unanimously by voice vote.

**(B) Construction of sanitary sewer improvements, more specifically described as the Hominy Branch Outfall Relief Sewer.**  
**B206-10 Authorizing the acquisition of easements and land for construction of the Hominy Branch Outfall Relief Sewer, Phase I.**

Item B was read and B206-10 was given second reading by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Watkins noted this was a combination water, sewer and trail project.

Ms. Hoppe understood the new sewer would serve existing neighborhoods, but asked if it would also have a new development component. Mr. Glascock replied sewers were always sized to handle an increased capacity. Ms. Hoppe asked if there was any reimbursement for the increase in sewer capacity. Mr. Watkins replied an ordinance setting a special tie-in fee for new developments would be provided for Council consideration.

Mr. Kespohl commented that it did not appear the sewer and trail lines were the same as there were deviations. Mr. Hood stated that was correct. Although the trail closely paralleled the sewer line in most places, there were divergences due to topography at certain points.

Mr. Kespohl noted it appeared as though the sewer line crossed the lot at the end of Arbor Court, but the trail did not. He pointed out the resident did not want the trail to cross the lot. Mr. Hood explained the sewer line was on the west side of the creek, but the trail was on the east side of the creek.

Mr. Sturtz commented that the trail that connected the MKT with Grindstone was washed out, and asked if that was why the proposed trail would be concrete. Mr. Hood replied long term maintenance was one of the reasons. He noted the portion of the trail Mr. Sturtz had referred to was maintained by the University.

Mr. Sturtz understood the standard was 10 feet of concrete for bikers and 5 feet of soft trail for runners. Mr. Hood stated the proposed trail would be constructed with a 10 foot wide paved surface and a 5 foot wide gravel shoulder for runners and walkers. Mr. Sturtz asked if this was the standard for all recreation and community trails. Mr. Hood replied it was unless staff was directed otherwise.

Mayor McDavid opened the public hearing.

Andrea Minehart stated she was a Managing Member of K-9 Venture Associates, which was known as the dog training school on I-70 Drive Southeast, and commented that in April 2009, she had submitted a five page letter with questions when she had attended a public education session at the Elks Lodge and had not receive a response. She noted the Hominy Trail East map the landowners received was not correct and the map provided as

part of the agenda was not correct, but the map currently presented on the monitor was correct.

Mr. Thornhill asked for clarification as to what was incorrect on the map. Ms. Minehart replied the western two parcels had been separated from the eastern parcel on the map that was mailed to the landowners and provided as part of the agenda.

Ms. Hoppe asked how that would affect her establishment. Ms. Minehart replied she wanted to ensure the Council was voting on the correct map.

Ms. Minehart noted TH&H had conducted an extensive engineering analysis in terms of stormwater run-off so the training facility would not flood, so she was concerned as to how the water would be handled once the trail was constructed. In addition to a water handling analysis, she wanted to see a schematic that included the City maintained parking lots for those who drove to the trail, the business analysis done as part of the environmental impact statement as there were three minority owned LLC's directly impacted by the trail, and specific information in terms of the intended acquisition for 4506 I-70 Drive Southeast.

Mr. Thornhill asked for clarification as to whom she submitted her initial questions. Ms. Minehart replied she had been instructed to drop them in a public comment box at the Elks Lodge in April 2009.

Mr. Kespohl asked if her property was involved in Phase II of the trail project. Ms. Minehart replied yes. Mr. Kespohl understood Phase II of the map shown on the screen was correct. Ms. Minehart stated that was correct. Mr. Hood agreed the map shown on the overhead screen was correct. The intent of staff was for the trail to run along the west property line. The error had been caught within the last couple days and they had tried to make the correction.

Mr. Kespohl understood agenda item C was the construction of Hominy Trail Phase I and Phase II and item B208-10 was the acquisition of easements for only Phase I. Mr. Hood stated the public hearing was for the entire project, but they were asking for authorization to proceed with only Phase I at this time.

Mr. Kespohl understood discussions would be held with property owners involved in Phase II at a later date in terms of where the trail would be located. Mr. Hood stated that was correct.

Ms. Minehart understood there would be action on Phase II as well. Mr. Kespohl explained they were acquiring easements to construct Phase I now and easements would be acquired for Phase II at some other time.

Ms. Hoppe asked if she was requesting Council defer action on Phase II until she received the answers to her questions. Ms. Minehart replied that would be appreciated. Mr. Glascock pointed out there was no action being taken on Phase II at this time. Mr. Hood noted the purpose of the public hearing on Phase II was to raise issues that needed to be addressed.

Mr. Kespohl asked Ms. Minehart to e-mail her concerns to him and he would follow up. Ms. Minehart indicated she would provide him an e-mail.

Don Shoengarth, 3612 Arbor Court, stated he was thankful to the City for building this trail.

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

Mr. Thornhill made a motion directing staff to proceed with plans and specifications for the Hominy Branch Outfall Relief Sewer. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

B206-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(C) Construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) and Phase II (Woodridge Drive to Clark Lane) project.**

**B207-10 Authorizing construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) project; calling for bids through the Purchasing Division.**

**B208-10 Authorizing the acquisition of easements for construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) project.**

Item C was read and B207-10 and B208-10 were given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

Gene Steinberg stated he resided in a home on Lansing Street, just west of the proposed trail, and was concerned with the ability to construct the trail at a slope that would be accessible to disabled people due to the trees, rocks and elevation of the area. He hoped it would be placed where it would best serve the community. He was also concerned because the trailhead end would begin in a residential neighborhood potentially providing access to the backs of people's homes. He wondered if the trail could be staked out so they would know where it would be constructed.

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

Mayor McDavid agreed the area of the spur that would go to Lansing was not flat and asked if it was supposed to be ADA accessible. Mr. Hood replied it would be ADA accessible and they would be doing a number of switchbacks, which followed the platted right-of-way for Woodridge Drive.

Mayor McDavid asked what residents could expect in terms of trail users parking in front of their homes. Mr. Hood replied they had seen very little of that in other parts of the trail system. He noted they had a number of connectors that linked into neighborhoods, and they were mainly used by the residents of the area. Those that drove to trailheads tended to drive to established access points.

Mr. Kespohl asked if there was a problem with separating the construction of Phase I and Phase II. Mr. Watkins replied the public hearing to obtain comment was for Phase I and Phase II. Mr. Hood pointed out B207-10 and B208-10 only referred to Phase I.

Mayor McDavid made a motion directing staff to proceed with the final plans and specifications for Phase I and Phase II of the Hominy Creek Trail.

Mr. Watkins noted staff would come back to Council with regard to Phase II when easements needed to be acquired. Mr. Kespohl stated he wanted to respond to the concerns of Ms. Minehart prior to voting on the construction of Phase II.

The motion made by Mayor McDavid directing staff to proceed with the final plans and specifications for Phase I and Phase II of the Hominy Creek Trail was seconded by Mr. Dudley and approved unanimously by voice vote.

B207-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B208-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(D) Construction of sanitary sewer improvements, more specifically described as the Upper Hinkson Creek Outfall Sewer Extension Phase I Project.**

Item D was read by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report.

Ms. Hoppe asked what would be done to keep the soil and erosion out of the creek during construction. She noted there were significant problems with Maguire Boulevard and was concerned about staffing for monitoring purposes. She asked what staff would do to ensure the construction phase did not add more soil, which was a pollutant, into the creek. Mr. Glascock replied the TMDL was an unknown pollutant. He explained staff would try to ensure erosion was limited, but the barriers did not always work when there were heavy rains. They tried to design for an everyday rain, but could not design for massive rain amounts as it was not practical. Ms. Hoppe commented that one of the problems with Maguire was that the erosion prevention measures provided tended to repeatedly fail. She asked what could be done to prevent a repeated failure and asked how often staff would inspect the barriers. Mr. Glascock replied staff had inspected Maguire project everyday. In terms of failures, he could not prevent them, but would do his best in applying methods that might work better. Ms. Hoppe asked if they used temporary seeding. Mr. Glascock replied the best method was to try not to disturb the natural vegetation. They were also boring across creeks instead of using the open cut method when possible. Ms. Hoppe asked if seeding was a requirement when there was sufficient time. Mr. Glascock replied yes. He agreed they should be seeding as soon as they were done in a particular area instead of waiting until the entire project was done, but that did not always happen.

Mr. Sturtz understood this project would cost \$8.1 million and asked why the project was so costly. In addition, he wondered how this project was justifiable when there were other areas with sewer issues and because the area was not being used intensively. Mr. Glascock replied the only solutions to the problem in this area were to build a sewer up the Hinkson to take 3M, Columbia Foods, etc. off of Bear Creek or to build a release sewer up the Bear Creek, which would mean the Hinkson would still not have a sewer. The issues in Ward 1 were the result of old, leaky sewers that needed to be repaired. It was not just a stormwater issue. He pointed out parts of this area were annexed in 1969. In addition there was a TMDL and part of the solution was to remove the lagoons to clean out the effluent.

Ms. Nauser asked if this sewer extension was part of the long-term economic development strategy of the City since there were industrial sites in the area. Mr. Glascock replied yes and noted it had been identified for the 2008 ballot.

Mayor McDavid opened the public hearing.

Mike Brooks, 403 Stalworth Court, stated he was the Economic Development Director of the City of Columbia, and in that capacity, he was also the President of REDI. He encouraged the Council to support this sewer project as it was an important infrastructure investment that would support the industry along Route B. This was an economic development issue as they were aggressively promoting Ewing Industrial, which was a certified site, as a location for data center business, and this infrastructure was important to his ability to make the development occur.

Mr. Sturtz asked how much sewage capacity would be needed if the Ewing site were developed as proposed. Mr. Brooks replied he was not sure, but noted he understood water utilization was greater than sewer utilization for a data center operation. He thought it would be about 100 million gallons of water per day. Mr. Sturtz understood it did not involve intense sewage usage. Mr. Brooks stated he would estimate 200,000 gallons per day.

Karl Skala, 5201 Gasconade Drive, understood there were benefits to this project, which included economic development and removing some of the unsanitary sewers in existence, but he also felt there were some issues of concern, which included the amount of money being spent on a new sewer as opposed to older sewers in need of repair and the fact the construction of the Maguire extension was not as environmentally sound as some would have liked. He believed methods other than BMPs and silt fences should be used and suggested terracing and using the trees already on the property to prevent water from flowing down the hill. He asked the Council to be careful in terms of the environmental consequences of this watershed.

Donna Spector stated her mother resided at 3411 Hinkson Creek Road, and although they were in favor of this project, they wanted to ensure their need to continue the utilization of Native American land for ceremonies was met. Her mother's property was on the west side of Hinkson Creek, and if her property was to be affected by trucks, etc., it would need to be addressed. The property had a ceremonial platform, memorial tree and other items that could be impacted by equipment. She also wanted to protect her mother from flooding since the property was in a flood zone and was concerned about debris and rock damming the creek and causing water to rise. She asked that they be kept informed.

Hank Ottinger, 511 Westwood, stated he was the Chair of the Osage Group of the Sierra Club and understood this project would likely move forward. It was his understanding the sewer line would cross the Hinkson Creek several times and construction would add to the sediment load in the Hinkson Creek. The TMDL prepared by a federal court order used sediment as a surrogate for unknown pollutants, and since the TMDL called for reduction of over 50 percent of run-off, he believed this proposal would be in violation of TMDL recommendations. He explained they would be asking the DNR and EPA to intervene and prohibit any construction within the ordinary high watermark on the Hinkson Creek if they determined that work would elevate the TMDL. He noted a significant segment of the Hinkson Creek was impaired by bacteria and was on the 303-D list, so if there was a sewer break or leak, the resulting raw sewage would add to the bacteria level. He asked for the potential rise of bacteria levels to be addressed and prohibited. He asked the Council to explore alternatives that would minimize the impacts to the Hinkson Creek and suggested this issue be tabled for staff reconsideration and comment.

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

Mr. Glascock commented that if a data center were to locate at the industrial site, they would try to take some of the water to the bioreactor so it would not go through the sewer.

Ms. Hoppe asked if alternatives with a lesser impact on the creek had been considered. Mr. Glascock replied they tried to look for alternatives that would not impact the creek, but not crossing the creek was not viable. The Hinkson Creek would be crossed seven times within 30,000 feet and staff did not feel that was excessive due to the twists and turns of the creek.

Mayor McDavid stated Columbia was fortunate to have people that cared the Hinkson Creek, and as a result it was a more vibrant creek than it was in 2002. He also believed this project would be good for Columbia and noted he would support it.

Ms. Hoppe asked staff to be proactive in reducing erosion and sediment run-off going into the creek during construction of the project. She hoped they would utilize the newest, best and cost-effective ways to accomplish that effort. Mr. Sturtz asked if language needed to be added to ensure this happened. Mr. Glascock stated he would provide additional information to Council when they were ready to acquire easements so the Council understood what would be done.

Mayor McDavid made a motion directing staff to proceed with final plans and specifications for the Upper Hinkson Creek Sewer Extension Phase I Project. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

## **OLD BUSINESS**

### **B203-10 Accepting conveyances for sewer, utility, drainage, access to storm water facilities and street purposes.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and noted the amendment sheet, if approved, would remove one of the conveyances.

Ms. Nauser made a motion to amend B203-10 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B203-10, as amended, was given third reading with the vote recorded as follows:

VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### **B205-10 Authorizing the acquisition of land and easements for construction of non-motorized intersection improvements at Providence Road and Business Loop 70.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz understood Council had requested these conceptual designs from HDR about three years ago and asked why it had taken so long to get to this point. Mr. Glascock replied some of the reasons included staff trying to obtain as much input as possible, the design being unique, the fact they had to work with MoDOT and the fact they had unwilling property owners. He noted they wanted to ensure success.

Mr. Sturtz asked for clarification on the sketches provided. Mr. Glascock described the project. Mr. Sturtz understood the project included pedestrian safety medians on Providence. Mr. Glascock explained those were similar to the Australian rights being built on Green Meadows. Mr. Sturtz understood one would be at the southeast and another would be at the northwest. Mr. Glascock stated there would be one at the three corners.

Mr. Sturtz asked when this project would be completed. Mr. Glascock replied he hoped it would be done by next spring.

Sharon Lynch, 2708 Lacewood Drive, stated she was representing the Thelma Lionberger Family Limited Partnership in terms of the property at the northwest corner of Providence and Business Loop 70, which housed the Car Barn. She noted she had been following this project since 2007 and had attended the informational meeting held in April of 2008. She had expressed concerns then, but those were not included in the staff report provided to Council. A letter written in December of 2008 indicated a public hearing would be held in February of 2009, and at that time, staff did not believe right-of-way would be needed for the northwest corner of the intersection to complete the project. The letter also indicated that the property owners would be notified in writing if right-of-way was needed. Her sister attended the public hearing on her behalf, but did not speak because she did not believe any easement would be necessary. She saw that this topic was on the agenda this weekend and that an easement for the property on the northwest corner would be necessary even though they had not been informed. As a result, she asked Council to table this item until proper notification and discussions could be had with the property owners and interested parties.

Mayor McDavid asked if proper notification had been provided. Mr. Glascock replied it did not sound as though proper notification had been given, and as a result, he was okay with the tabling of this item. He noted a temporary easement of 921 square feet was being requested of the property in question.

Mr. Kespohl made a motion to table B205-10 to the October 4, 2010 Council Meeting. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**B213-10     Transferring balances and appropriating funds from Capital Projects funds.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B213-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. 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.

**B199-10     Approving the Final Plat of Hunter's Landing, Plat No. 1 located on the southeast corner of Blue Ridge Road and Garth Avenue.**

- B200-10 Approving the Final Plat of The Village at Wyndham Ridge, Plat No. 1 located on the southeast corner of Thornbrook Terrace and Scott Boulevard.
- B201-10 Appropriating funds for the Columbia Regional Wastewater Treatment Facility Improvement Project and the Landfill Gas Power Plant Heat Recovery Project.
- B202-10 Appropriating funds for the purchase of three transit buses and two Paratransit vans.
- B204-10 Accepting Stormwater Management/BMP Facilities Covenants.
- B210-10 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Lots 4301, 4305 and 4307 within McMickle Ridge Subdivision; approving the Engineer's Final Report.
- B211-10 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving The Villages at Arbor Pointe, Plat 3; approving the Engineer's Final Report.
- B212-10 Approving a settlement agreement with T-Mobile.
- R167-10 Setting a public hearing: construction of the Hunt Court PCCE #13 Sewer Improvement Project along Hunt Court and Pershing Road.
- R168-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Response Services.
- R169-10 Authorizing Amendment No. 6 to the agreement with the Missouri Department of Health and Senior Services for Maternal Child Health Services.
- R170-10 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R171-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Heart Disease and Stroke Prevention Program.
- R172-10 Authorizing an agreement with the Columbia School District to provide a crosswalk guard at Grant Elementary School.
- R173-10 Authorizing an agreement with the Columbia School District for reimbursement of providing crosswalk guards at Blue Ridge, Derby Ridge, Fairview, Mill Creek, Parkade, Ridgeway, Russell, West Boulevard and Grant Elementary Schools for the 2010 summer school session.
- R174-10 Authorizing Adopt a Spot agreements with Dr. Christy Henley and J.B. White Contracting.
- R175-10 Approving the by-laws of the Katy Lake Estates Neighborhood Association.
- R176-10 Approving the by-laws of the Heritage Estates Neighborhood Association.
- R177-10 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for a tree inventory at Stephens Lake Park and the launching of a city-wide campaign on the value of trees.

- R178-10 Authorizing an amendment to the CDBG agreement with the Boone County Council on Aging, Inc; authorizing CDBG agreements with the Housing Authority of the City of Columbia and Mid-Missouri Access to Justice Project.
- R179-10 Authorizing a pole attachment agreement with The Curators of the University of Missouri on behalf of Women’s and Children’s Hospital to allow banners along portions of Lansing Street, Keene Street and Berrywood Drive.
- R180-10 Authorizing an amendment to the agreement with The Curators of the University of Missouri for transportation services on campus.
- R181-10 Authorizing Amendment No. 2 to the supplemental agreement with Vangel for consulting services for Phase II of the promotion and education of the Non-Motorized Transportation Pilot Program.
- R182-10 Authorizing the issuance of a Request for Proposals for redevelopment of the Regency Hotel on property located along Broadway, Short Street and East Walnut Street in Columbia, Missouri.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL (except B199-10 on which he abstained). VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

- R183-10 Authorizing an agreement with The Curators of the University of Missouri for police assistance.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

The vote on R183-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. 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.

- B218-10 Rezoning property located on the east side of Rock Quarry Road across from Southland Drive (3510 Rock Quarry Road) from A-1 to PUD 7.3; approving the PUD development plan of The Pointe at Rock Quarry Park.
- B219-10 Approving the Final Plat of The Pointe at Rock Quarry Park located on the east side of Rock Quarry Road between Sun Court and Quarry Park Drive; authorizing a performance contract.
- B220-10 Approving an extension of the PUD development plan of Hidden Creek Condominiums located east of U.S. Highway 63, south of Vandiver Drive and north of Hanover Drive.
- B221-10 Vacating a right-of-way easement located on South Garth Avenue, south of the intersection of Garth Avenue and Lathrop Road.
- B222-10 Approving the Final Plat of Bancroft – Beckett Replat, a Replat of Westmount Addition Lots 1 to 4, 25 and 26, and part of Lots 5 and 6,

located on South Garth Avenue, south of the intersection of Garth Avenue and Lathrop Road; granting variances from the Subdivision Regulations.

- B223-10 Authorizing a consolidated grant agreement with the Missouri Highways and Transportation Commission for transportation planning services.
- B224-10 Authorizing construction of a right-in/right-out driveway on the west side of Stadium Boulevard, approximately 500 feet north of Broadway within the Crossroads Shopping Center, as part of the Stadium Boulevard Corridor Projects; calling for bids through the Purchasing Division; appropriating funds.
- B225-10 Authorizing construction of Rolling Hills Road from its current terminus at the north end of Old Hawthorne Subdivision northward to Richland Road; calling for bids through the Purchasing Division.
- B226-10 Authorizing the acquisition of easements for construction of Rolling Hills Road from its current terminus at the north end of Old Hawthorne Subdivision northward to Richland Road.
- B227-10 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Missouri Avenue and Rollins Street and to restrict traffic on a portion of Rollins Street.
- B228-10 Amending Chapter 14 of the City Code to establish one way direction for the alley between Seventh Street and Eighth Street.
- B229-10 Amending Chapter 14 of the City Code to remove parking from sections of Conley Avenue.
- B230-10 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for the purchase of a recycling truck for the collection of recyclables on the University of Missouri campus; appropriating funds.
- B231-10 Appropriating funds for construction of the Sewer District No. 163 (Ballenger Lane and Aztec Boulevard) project.
- B232-10 Authorizing a cooperative agreement with Boone County for striping of Lake of the Woods Road, Oakland Church Road and Mount Zion Church Road.
- B233-10 Authorizing a right of use permit with The Hamlet Homes Association to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and decorative lighting in an island within Sussex Road right-of-way.
- B234-10 Authorizing a power exchange agreement with Missouri Joint Municipal Electric Utility Commission.
- B235-10 Authorizing the acquisition of easements for construction of a 24-inch water transmission main from the intersection of Nifong Boulevard and Ponderosa Street to the Hillsdale Pump Station.
- B236-10 Accepting conveyances for utility purposes.
- B237-10 Appropriating grants funds for the Stephens Lake Park amphitheater project.
- B238-10 Amending Chapter 21 of the City Code as it relates to the police chief's decisions on complaints alleging police misconduct.
- B239-10 Establishing new group insurance premiums for employee health and dental care plans.

**B240-10**     Amending the Classification Plan and adopting the FY 2011 Pay Plan.

**B241-10**     Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.

**REPORTS AND PETITIONS**

**REP84-10**    Intra-Departmental Transfer of Funds Requests.

Mr. Watkins provided a staff report.

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

**REP85-10**    1206 Vintage Drive Customer Complaint Report.

Mr. Watkins and Mr. Johnsen provided a staff report. They explained they were looking at City processes to try to ensure this did not happen again. Mr. Watkins noted the rate was now correct.

Ms. Nauser asked if the City had considered reimbursing a portion of the charges. Mr. Watkins replied there had not been any reimbursement offer at this time. The policy was that if the City made the error, it would be fixed and the customer would be reimbursed, but since this was not the fault of the City, there would not be a reimbursement.

Ms. Hoppe asked how much money the customer overpaid. Mr. Johnsen replied they had only gone back to the last heating season and had estimated an overpayment of about \$400. He pointed out the error had been in effect since service began, which he believed was in 1996. Utility Services had indicated it would be an undertaking to accurately obtain the entire history of the account. He understood the tenant did not occupy the residence for most of the winters, so the bills would likely have been low. They actually stayed in town this winter.

Ms. Nauser asked if utility bills show the rates. Mr. Johnsen replied the bills indicated the type of rate and the City's website described those rates.

**REP86-10**    Street Closure Request – Activities Fair.

Mr. Watkins provided a staff report.

Mayor McDavid asked for an explanation of a soft closure. Mr. Watkins replied a soft closure involved barriers two people could pick up and move, such as saw horses. It did not include blocking a street with a stage or booths.

Mayor McDavid asked if this recommendation was inconsistent with other requests, such as the Harpo's request. Mr. Watkins replied the City traditionally allowed organizations to use the streets for fairs, but there was a process for requests. Requests in the downtown went to Council for approval and non-downtown requests went to the City Manager for approval.

Mr. Sturtz understood the soft closure would be for set up and tear down. Mayor McDavid stated that was his understanding. He also understood this was contingent on the applicant obtaining a special event permit. Mr. Watkins stated that was correct.

Mr. Sturtz made a motion to allow the soft closure during loading and unloading times of the festival contingent upon the applicant securing the necessary temporary special event license. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

**REP87-10 Curbside Recycling Bin Pilot Update.**

Mr. Watkins provided a staff report.

Mayor McDavid understood a complete cost analysis would be provided at the completion of the pilot project. Mr. Watkins stated that was correct.

Ms. Hoppe asked about the time involved. Mr. Glascock replied the use of the bins required 2.5 hours more per route.

Mr. Thornhill understood numbers would be provided for the project after completion. Mr. Glascock stated that was correct and noted they would provide a recommendation as well.

Ms. Hoppe asked if alternative bins had been looked into in order to alleviate the issue of water standing in them. Mr. Glascock replied he had told staff to drill holes in the existing bins.

Mr. Dudley asked if staff had looked into containers with lids. Mr. Glascock replied lids would add cost and time to the process. Bags were the most efficient trash system.

Mr. Sturtz noted the down side to the bags was that they were not recyclable. He asked if there was an opportunity to get more grant money from Mid-Missouri Solid Waste. Mr. Glascock replied he believed they would have to show a positive benefit and it would be dependent on the other applications received.

Ms. Nauser asked if it would be feasible to gradually transition to trucks that could lift large trash bins on wheels. She imagined everyone would have two containers and understood it might be expensive. Mr. Glascock stated he would need a lot more trucks if they went with containers.

**REP88-10 Traffic Study – Parker Street Extension.**

Mr. Watkins provided a staff report.

Mr. Thornhill understood there would be additional fuel usage due to people waiting at a light and asked if the fuel usage would be the same for a round-a-bout. Mr. Glascock replied the fuel usage would be less for a round-a-bout because people would continue to move. The problem with this intersection was the extreme unbalance in traffic on the two intersecting streets. Mr. Thornhill asked if the cost of a round-a-bout was comparable to that of a traffic signal at this location. Mr. Glascock replied he thought it might be comparable because the road was wide and less right-of-way would be required.

Mr. Thornhill suggested a roundabout be included in the CIP instead of a traffic signal. Mr. Watkins noted staff could do a quick analysis to determine the amount that should be included in the CIP.

Mr. Thornhill made a motion directing staff to provide an estimated cost for a round-a-bout at Parker and Vandiver and to add it to the CIP. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**REP89-10 Land Preservation Criteria and Scoring Matrix.**

Mr. Watkins and Mr. St. Romaine provided a staff report.

Ms. Hoppe asked if this could be scheduled for a future pre-Council meeting or work session for further review and discussion. Mr. Watkins replied he would add it to the list.

**REP90-10 Letter from the Cable Television Task Force.**

Mr. Watkins provided a staff report.

Mr. Sturtz asked if they wanted to consider establishing a hotline so people could lodge a complaint. Mr. Boeckmann replied they could, but he was not sure what they would do with those comments or complaints.

Mr. Dudley understood people could contact the Public Service Commission. Mr. Boeckmann explained the legislature did not provide the Public Service Commission any authority over cable television like they did the other utilities.

Ms. Hoppe made a motion directing staff to issue a news release explaining why the City's hands were tied and suggesting citizens with complaints contact their legislative representatives or the Public Service Commission. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP91-10 Parks and Recreation FY2011 Budget.**

Mr. Watkins provided a staff report.

Mr. Kespohl made a motion to accept the recommendation of the Parks and Recreation Commission. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**REP92-10 Central States Railroad Dinner Train.**

Mr. Watkins and Mr. St. Romaine provided a staff report.

Homer Page, Chair of the Disabilities Commission, provided the Council a letter and stated he thought it was unfortunate the issue of accessibility was realized late in the process because the operators and City had made commitments and investments. He did not believe it was fair to stop the project at this point and believed a two year period for accommodations to be made was reasonable. If they proceeded with the two year agreement, he thought the Council should approve the content of the accommodations that would be made and the agreement should include the consequences for non-compliance. He suggested accessibility issues be addressed in the beginning versus later in the process for future endeavors.

Mr. Thornhill commented that he was surprised the operator had not had to deal with this issue before. Mr. Watkins stated he believed the operator acted in good faith and did not believe the ADA requirements applied.

Ms. Hoppe stated she believed accessibility issues should be addressed up-front for all City projects. Mr. St. Romaine explained the City was in the process of a self-evaluation of all City accessible issues.

Mayor McDavid understood this was a two year proposal and this relationship would automatically be reviewed in two years. Mr. Watkins stated that was his suggestion. He

agreed with Mr. Page in that they needed an agreement indicating there would be consequences for not meeting the accessibility requirements. Mayor McDavid understood the consequence was with the City in that they did not have to renew the contract in two years. He felt the consequence was clear. Mr. Watkins agreed, but believed it should be in writing.

Mr. Kespohl asked for the payback on the City's initial investment. Mr. Watkins replied the City's initial investment was about \$45,000. Mr. Kespohl understood there were some hard costs as well, such as rent for space. Mr. Watkins stated Central States Railroad was paying the City for the cost of using the transload facility.

Ms. Hoppe understood Mr. Page had suggested the Council approve the content of the agreement. Mr. Watkins stated staff would ask for a proposal that would be made public so the Disabilities Commission and the community could provide input. Mr. Thornhill understood some of that would be out of the City's control as it would be based on ADA guidelines and regulations. Ms. Hoppe thought there might be various ways to meet the accessibility requirements and Mr. Page just wanted Council to review it to ensure it was reasonable from their perspective.

Mayor McDavid made a motion directing staff to bring forward an agreement for Council consideration requiring the Central States Railroad Company Dinner Train to be ADA compliant within two years. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Mr. Watkins pointed out train service might begin prior to contract approval by Council.

**REP93-10 Rental Registry Amnesty Program.**

Mr. Watkins and Ms. Britt provided a staff report.

Mr. Thornhill asked for the current penalty for non-compliance. Ms. Britt replied it involved a fine of up to \$500 as well as possible jail time.

Mr. Sturtz asked if this would include accessory units and people renting out attics or basements in homes. Ms. Britt replied yes. She explained it included any situation where rent was collected as it was then considered a rental unit.

Ms. Hoppe asked if a month and a half was enough time for staff to process these amnesty applications. She asked if they knew how many applications might be received. Ms. Britt replied it was difficult to estimate, but 210 units had registered since January. She explained they were asking property owners to make application to be compliant and understood they might not be able to conduct all of the inspections immediately.

Ms. Nauser asked how the public would be notified of the amnesty period. Ms. Britt replied they had already received some media coverage. They would also issue press releases, include information in the City Source newsletter, and communicate with lenders, mortgage brokers, bankers, real estate agents and others that interacted with rental property owners.

Mr. Kespohl stated he thought this might be a good time to start a program the former mayor, Darwin Hindman, had suggested, which was a registry of all landlords. This would help with compliance and allow for a system to notify landlords of Code changes. He asked for a report to be provided on the issue.

Mr. Thornhill made a motion directing staff to proceed with the rental registry amnesty period as recommended. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

**REP94-10 Trash in Containers.**

Mr. Watkins and Ms. Britt provided a staff report.

Mr. Sturtz understood the City actively discouraged putting garbage in a trash can. Ms. Britt explained the issue was with filled trash bags outside of a door prior to trash day. It was an issue of temporary storage of trash and the trash should be placed in a hard container during the temporary storage period. Ms. Hoppe explained that if the trash bag was too far from the curb, it could not be picked up through the trash out early system even though it was a health issue. She understood staff would try to enforce the existing Code language. Ms. Britt stated that was the intent. If they had chronic violators, they could take them to Municipal Court. She hoped they would be able to educate property owners and tenants for more voluntary compliance.

Ms. Hoppe made a motion directing staff to provide a six month follow-up report, so they understood the actions being taken and whether enforcement was working. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP95-10 Report from Columbia Special Business District – DRAFT – Taxi Stand Report.**

Mr. Watkins provided a staff report and asked Council to allow staff time to review the report and provide comments to Council prior to requesting an ordinance be drafted.

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

**REP96-10 Environment and Energy Commission recommendation for the Energy Code.**

Mr. Watkins provided a staff report.

Mayor McDavid understood it was too early to draft an ordinance. Mr. Watkins explained the Council would receive a recommendation from the Building Construction Codes Commission on changes to the building codes. Mr. Sturtz asked if there was a time line in terms of when those recommendations might be received. Mr. Watkins replied he thought it would be soon because he understood they would soon be interviewing consultants.

Mr. Kespohl asked if the Building Construction Codes Commission had seen this report. Mr. Watkins replied he was not sure and noted he would provide it to them.

Mr. Dudley asked why changes would be made to an internationally accepted code. Mr. Watkins replied it was so they could accommodate local issues.

Mr. Glascock noted two consultants would soon be interviewed by a group that included the Sustainability Manager, the Chair of the Environment and Energy Commission and the Chair of the Building Construction Codes Commission. He thought it would be at least a month or so before the recommendations would be provided to Council.

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

## COMMENTS BY PUBLIC, COUNCIL AND STAFF

Victoria Chance stated she was the Facilitator of Mid-Missouri Pagan Pride and Hearthfires: The Mid-Missouri Pagan Spiritual Alliance and thanked the Council for approving the soft closure for their event earlier in the evening. She commented that there was a problem with the system as this was the ninth year for Pagan Pride Day in Peace Park, but the first year in which they were told they needed a special event permit which involved a cost of \$5.00 per vendor. Her issue was not with the fact this was required, it was with the fact she did not know about it. She noted the organizer of Earth Day was not aware of this requirement either. She felt a better notification system was needed so those putting on events were aware of any new requirements in a timely manner, and not three weeks before an event as had occurred in her situation.

Mr. Watkins explained this fee was added during the last budget year for booths requiring inspection by the Health Department. He agreed there were some communication issues between the City and the University.

Mr. Thornhill understood this was the first year fees would have applied to this request. Mr. Watkins agreed, but understood the issue was that notification should have been provided earlier. Ms. Chance agreed and noted this request had been initiated in January and she had not been informed of the requirement until September. Mr. Watkins agreed and explained he understood there had been notification, but it had gotten lost in the system.

Dan Goldstein, 604 Redbud Lane, stated he was the Chair of the Environment and Energy Commission (EEC) and understood more reports would be brought forward with regard to energy codes. He noted the EEC had been working on the report accepted earlier for nine months and had been involved in a series of meetings with the Building Construction Codes Commission. They decided to go ahead and forward the report because they could not get a specific date from the Building Construction Codes Commission as to when they would be reporting to Council. He noted he had not heard of discussion involving a third party consultant until tonight even though they had been working on this for nine months. Mr. Watkins commented that the Council had been quite adamant about involving a consultant during the building code review. Mr. Goldstein explained that had not been communicated to the EEC and he wished they had been made aware of the process from the beginning. He suggested being provided with a better time line of the process if they were to do this again in three years, so people's time would not be wasted. Mayor McDavid agreed the process should be clearer.

Mr. Goldstein asked if Council knew of the plan to hire a consultant to assist in reviewing the energy codes. Mr. Glascock replied this had started when Barbara Buffaloe was still the Chair of the EEC and the plan had always been to hire a consultant.

Ms. Hoppe thanked the EEC for their work and stated their input was valuable and would be considered.

Mr. Glascock pointed out the Chair of the EEC would be invited to be on the selection committee for the consultant.

Mayor McDavid noted the Friends of Columbia Parks Committee, which was an advocacy group for the November Parks Sales Tax, would be co-chaired by Mary Anne McCullom and Vicki Russell with Steve Erdel being the treasurer. Other members would include Tom Atkins, Marin Blevins, Sue Davis, Meredith Donaldson, Kee Groshong, Chad Henry, Darwin Hindman, Linda Hutton, Karl Kruse, Tom Mendenhall, Joe Moseley, Clyde Ruffin and Mike Vangel. He stated the first meeting of this group would be Thursday at 7:00 p.m. in Conference Room 1A.

Mr. Dudley asked for a report on the status of the downtown cameras.

Mr. Dudley commented that he had spoken with Trout Unlimited and they indicated the Council had agreed to pay for the trout program when the original deal had been made and asked for clarification. Mr. Hood explained he believed the program was initiated by staff. Staff had been contacted by Trout Unlimited and asked to consider participating in the program. He was not sure it was ever placed in front of the Council. In 2009, they were asked to identify all of the pass-through funds given to other agencies to assist with recreation programs for potential budget cuts, and the trout program was on the list for Council review. It was a minimal cost and popular program. If Trout Unlimited was able to pay for half of the cost of the match, the Parks and Recreation Department could fund the remaining \$1,200 through its miscellaneous contractual services budget. He was requesting Council direction with regard to restoring the program and whether the restoration would be based upon a contribution by Trout Unlimited. He noted the Department of Conservation was requesting a two year commitment and they needed to notify them soon.

Mr. Dudley made a motion directing staff to prepare an ordinance contingent upon a contribution by Trout Unlimited for half of the cost of the match for two years. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Dudley asked if three plastic pillars could be placed in the turn lane between the two Fairview and Worley intersections to keep people in their half of the turn lane as it was currently unsafe. Mr. Watkins stated staff would look into the issue.

Ms. Hoppe noted she had requested a report with regard to restricting truck traffic on Rock Quarry Road, which had not yet been provided. She wanted to proceed with the drafting of an ordinance and they could review the report at the same time.

Ms. Hoppe made a motion directing staff to draft an ordinance restricting truck traffic on Rock Quarry Road. The motion was seconded by Mr. Sturtz and was approved unanimously by voice vote.

Ms. Hoppe commented that there was a continuous drainage of water on Wilson Street, east of College. She understood it was coming from a fraternity or sorority and during the winter it was icy. It was also deteriorating the road. She wanted staff to look into the issue again.

Ms. Hoppe made a motion directing staff to investigate the source of the water on Wilson Street, east of College, and to provide a report. The motion was seconded by Mr. Sturtz and was approved unanimously by voice vote.

Ms. Hoppe provided the Council an article from the Missouri Conservationist, which was related to an item on the consent agenda regarding the TRIM program, and asked staff to share the article with the Planning and Zoning Commission, Parks and Recreation Commission and the Environment and Energy Commission. The article discussed the benefit of trees to include how they provided substantial economic benefits to the City, including substantial stormwater benefits, reduced costs of long term street maintenance and more.

Mr. Thornhill noted he would like to work on potential revisions to the boards and commissions process after the budget discussions were over. The issue of communication was a part of what he was hoping to fix.

Mr. Kespohl commented that he was contacted by a constituent who wanted the City to explore the possibility allowing motorcycles and bicycles to park in the yellow striped areas in the garages. He understood the University of Missouri allowed it, but the City did not.

Mr. Kespohl noted he had received an e-mail from a constituent who wanted to know the status of improvements on the intersection of Keene Street and I-70 Southwest by Patricia's as there had been talk about installing a traffic signal at that location. Mr. Watkins recalled it was a part of a CID proposal that fell through.

The meeting adjourned at 11:26 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk