

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
SEPTEMBER 16, 2013**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, September 16, 2013, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Mayor McDavid explained the minutes of the September 3, 2013 Council Meeting had not yet been completed.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Thomas stated he wanted B250-13 to be moved from the consent agenda to old business.

Ms. Hoppe stated she wanted B252-13 to be moved from the consent agenda to old business.

Ms. Nauser stated she wanted R184-13 to be moved from the consent agenda to new business.

Ms. Nauser understood R190-13 had an amendment sheet so it needed to be moved from the consent agenda to new business as well.

Upon her request, Mayor McDavid made a motion to allow Ms. Nauser to abstain from voting on R191-13, REP141-13 and REP145-13 due to a conflict of interest. The motion was seconded by Mr. Skala and approved unanimously by voice vote. Ms. Nauser noted on the Disclosure of Interest forms that the resolution contained a provision regarding the sale of alcoholic beverages and the reports involved street closures with waivers for the open container ordinance, which were conflicts due to her family business.

Mr. Skala made a motion to add REP145-13 to the reports section of the agenda. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The agenda, including the consent agenda with B250-13, B252-13, R184-13 and R190-13 being moved to old business and new business respectively and the addition of REP145-13 to the reports section of the agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Trapp.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

CITY OF COLUMBIA NEW CENTURY FUND INC. BOARD

Ferris, Stephen, 2413 Cimarron Drive, Ward 5, Term to expire September 30, 2016

Neidel, Lori, 2911 Oaklawn, Ward 5, Term to expire September 30, 2016

Tillotson, William, 720 S. Rustic Road, Ward 6, Term to expire September 30, 2016

CONVENTION AND VISITORS ADVISORY BOARD

Beard, Joan, 154 W. Green Meadows Road, Ward 5, Term to expire September 30, 2015

Cristal, Scott, 118 Crestmere Avenue, Ward 4, Term to expire September 30, 2015

LaRocca, John, 2507 Corona Road, Ward 4, Term to expire September 30, 2015

McDonald, Bob, 1301 Strathmore Drive, Ward 5, Term to expire September 30, 2015

Thomas, David, 155 Maple Grove Way, Ward 5, Term to expire September 30, 2015

PERSONNEL ADVISORY BOARD

Cox, Stephen, 2205 Oak Harbor Court, Ward 5, Term to expire September 30, 2016

Jago, Arthur, 5303 E. Tayside Circle, Ward 5, Term to expire September 30, 2016

PLANNING AND ZONING COMMISSION

Loe, Sarah, 1900 Vassar, Ward 4, Term to expire May 31, 2017

SCHEDULED PUBLIC COMMENT

Katie Huddlestonsmith – Water fluoridation – benefits, risks and analysis.

Ms. Huddlestonsmith stated she was a junior at Mizzou studying biology and psychology and had first encountered the topic of fluoridation in Dr. Folk's honors science and public policy class. She explained the practice of fluoridating water was started to combat cavities, particularly in socio-economic classes that might not be able to afford regular dental care. The government began introducing medicine to the population via the water supply and there was no feasible way to opt in or out of the program. As a result, the right of individuals to decide what went into their bodies had been taken away. She commented that politicians were not doctors or dentists, and should not be choosing medications for its citizens. In 2012, Columbia spent \$47,000 on water fluoridation to affect that did not go to the dentist to preventively take care their teeth instead of providing them needed healthcare. She understood the average dental visit cost Medicaid \$660, while the payout of emergency dental care was \$6,500. She pointed out the government was already paying for dental care for people consuming fluoridated water and they did not know if this policy to fluoridate the water even worked. When water fluoridation began, overall dental health improved, but over that same time period, health education and the availability of dental hygiene had also improved. She noted conclusive data suggesting the efficacy of fluoridated water did not exist, but evidence indicating excessive fluoride was harmful did exist. While the City maintained the water at optimal levels, they had no way of limiting the intake of children that needed much less fluoride or athletes that consumed more water than the average population. She stated fluoride was also found in many common foods and did not believe it was needed in the water. She suggested the City bolster existing aid programs for those that could not afford dental visits, help to make Medicaid and Medicare more viable

insurance programs by increasing how much dentists were paid, and create a need-based voucher system for dental hygiene products instead of fluoridating the water.

Thom Baker – Property rentals with unsafe living conditions.

Mr. Baker stated he never realized how poorly tenants were treated in Columbia until his youngest daughter, Taylor, had found herself in this situation, and played a video to explain the situation. He noted brown recluse spiders were the second most poisonous spider in the United States and had been found in the apartment his daughter and friend had rented at Timber Ridge, which was a Garry Lewis Property managed by Jennifer Welsh. They signed their lease in August and had started to see the brown recluse spiders soon after. Their next door neighbors went to the property manager and asked to be released from their lease, which management had refused to do until their father became involved. In the meantime, his daughter and her roommate had collected over 40 brown recluse spiders and had asked to be released from their lease as well, but that request was not granted. He listed other issues with the apartment, parking lot and grounds. After the management company refused to return his calls, he visited the office and was assaulted. He summoned the police and a report was issued. The complex manager had indicated they would have the four-plex professionally sprayed, and from that point forward, the tenants would be responsible for further spraying. He had asked for the professional report from management, but had not received anything. As a result, they believed a maintenance man for the complex had sprayed the building instead of a professional. He noted he had spoken with professionals that had indicated spraying only a fourth of the complex would not resolve the problem, and the cost to spray the complex would be about \$350 with additional sprayings likely to be needed. He pointed out the management company had recently informed them to send all communications to their attorney. In addition, the City inspector had found dead carcasses, but needed to see live ones, and did not go into the attic because he had not been issued a ladder. After three days of Facebook postings, the manager stated she would allow the girls to move to another apartment, but they were no longer interested in staying with this management company. He commented that he had recently been harassed while on a City street, and due to this continued harassment, he was contemplating a lawsuit. He felt tenants needed more protections in Columbia and suggested the City require rental management companies to disclose former complaint issues, the creation of an arbitration board where grievances could be addressed, a code of conduct for all rental property management, a more vigorous inspection of rental properties and a webpage devoted to the rights of renters.

Daniel Redmond, PhD – Fluoride known to cause harm per 2006 National Research Council report.

Mr. Redmond commented that professional societies had warned about fluoride for infants and listed some of those organizations. The American Dental Association had indicated infants might be receiving more than the optimal amount and water with no or low levels of fluoride should be used, and a similar statement was made by the Academy of General Dentistry. He displayed a table from the National Resource Council (NRC) report and noted the NRC had found endocrine effects could start at .05 milligrams per kilogram per

day. The Scientific American article indicated fluoride could alter endocrine function, especially in the thyroid, which was the gland that produced hormones regulating growth and metabolism. He described the basis for some calculations and stated .07 milligrams per kilogram per day of fluoride was consumed by infants and 70-100 percent of that could be absorbed based on the type of fluoride that had been consumed. He believed the average was about 91 percent and based on the calculations, this meant .05 or .06 milligrams per kilogram per day of fluoride was being absorbed in the blood stream of infants. He displayed a graph with consumption numbers based upon the recommended water intake, etc., and stated the amount of fluoride an infant received from fluoridated tap water was greater than the amount that was known to cause harm. He listed his references, and explained this information had been provided to the Board of Health. He believed those with infants needed to be provided the chance to be informed and to make their own decision, and noted a meeting would be held on Wednesday, September 18 in the dining section of the Rock Bridge Hyvee at 7:00 p.m.

Ms. Hoppe asked Mr. Redmond to provide his presentation to the Council. Mr. Redmond replied he would.

PUBLIC HEARINGS

- B222-13 Adopting the FY 2014 Annual Budget for the City of Columbia.**
- B223-13 Amending Chapters 4, 13 and 28 of the City Code relating to license and permit fees.**
- B224-13 Amending Chapter 11 of the City Code relating to Public Health and Human Services Department fees.**
- B225-13 Amending Chapter 14 of the City Code relating to parking fees for unmetered off-street facilities and parking meter rates in the campus area.**
- B226-13 Amending Chapter 17 of the City Code relating to Parks and Recreation fees.**
- B227-13 Amending Chapter 27 of the City Code relating to water rates.**
- B260-13 Establishing plan year 2014 health and dental care group insurance premiums for active employees and COBRA; providing for payroll withholdings.**
- B261-13 Adopting the FY 2014 Classification and Pay Plan; providing for implementation of the Classification and Pay Plan.**
- B262-13 Amending Chapter 19 of the City Code as it relates to health care benefits for City employees.**
- B263-13 Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.**
- B264-13 Amending Chapter 2 of the City Code as it relates to appointment of a temporary city clerk.**

B222-13, B223-13, B224-13, B225-13, B226-13 and B227-13 were given fourth reading and B260-13, B261-13, B262-13, B263-13 and B264-13 were given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Nauser understood public safety budgets had increased over \$1 million to cover the current pension, pay issues, increasing personnel and operating expenses for public safety departments, so some of the 911 money had been used for public safety. Mr. Matthes stated that was correct.

Ms. Nauser asked if the amendments on the amendment sheet for B222-13 were essentially revenue neutral in terms of the overall budget. Mr. Matthes replied yes. He

explained the amendment sheet represented conversations to date and the budget would still be balanced.

Ms. Nauser made a motion to approve the amendment sheet associated with B222-13. The motion was seconded by Mr. Schmidt.

Mayor McDavid made a motion to amend the amendment sheet associated with B222-13 by deleting the funding identified for Columbia Access Television (CAT). The motion was seconded by Ms. Nauser.

Mayor McDavid explained the \$200,000 for CAT had come from the sidewalk capital budget and the total sidewalk need was around \$18 million. He appreciated the contributions of CAT, but he felt the City needed to accept financial reality and respects its own priorities. He believed the City's financial situation was far from sanguine. Risky pension promises had left Columbia with a \$114 million deficit, and \$8 million from the general revenue account would go toward those pensions this year alone. This was 10 percent of the general fund budget. He believed this was the price of lax fiscal oversight, and as a result, the Police Department was staffed at 30 percent below the levels of comparable cities. The three new police officers in this year's budget represented a two percent increase, but it only matched the City's two percent population increase. The Fire Department had hired five firefighters due to the receipt of a two year federal grant, and when it expired, the City would be left without the financial wherewithal to pay for those firefighters. He noted the citizens had indicated public safety was the priority of government and he felt Columbia was failing to meet the demands of its citizens with respect to public safety. As a result, he did not believe the City had the money to meet the varied requests of its citizens, and would not support the funding of CAT at the expense of public safety and sidewalks.

Mr. Schmidt understood the concerns of Mayor McDavid, but noted his constituents had indicated they would prefer to fund CAT. He pointed out they had invested in CAT for five years, and CAT was at a crucial point whereby the City risked losing its past investment by ceasing funding today.

Mr. Skala commented that he felt Mayor McDavid was conflating public safety, sidewalk issues and the pension solution, and believed he was more sanguine than Mayor McDavid regarding the City budget. He stated he thought the pension solution had been a solution, and understood it would take some time to correct. Although the funding for CAT had been mentioned in terms of the sidewalk fund, which had needs, it was a result of savings from last year that had not been appropriated. He agreed public safety was a primary concern, but this \$200,000 was being funded with one time funds. A police officer would likely not be hired unless there was a capacity to continue that position for about 20 years, which was about \$2 million over the life of the position or \$100,000 per year. He reiterated the \$200,000 was one time money due to savings from last year. He commented that he would argue public safety was a subset of infrastructure, which was a subset of quality of life, and noted CAT was important to that quality of life. He agreed public safety and infrastructure were important and noted he had discussed on several occasions a plan to suggest a way to obtain more funds. That discussion was ongoing and would be further discussed as part of the capital improvement plan in 2015. He believed CAT was important

to the community in terms of quality of life and felt these one time funds were appropriate for that expenditure.

Mr. Thomas stated he believed this discussion highlighted a breakdown in process. He agreed sidewalks were a huge need in the City and noted he had been concerned when he learned the proposal to fill the funding gap for CAT would come from money that had been allocated to sidewalks even though it had not been in the capital improvement plan for FY14. He believed a better process was needed to allocate the savings if there were savings again in FY13. He also felt better communication was needed with regard to situations like the loss of funding for CAT, so an organization that relied on funding was warned if the funding was to come to an end. He thought that was one of the reasons they felt so inclined to help the organization continue.

Ms. Hoppe pointed out they had heard about many of the organizations that were served by CAT at a prior meeting, and in turn, those organizations served the community. She understood some of those organizations played important roles in assisting youth, obtaining jobs skills and crime prevention, so the City benefited from CAT as well. She stated she liked the fact the agreement with CAT had a matching funds component and an incentive for raising funds from other organizations. She noted she was interested in improving sidewalks, but felt there were other ways they could fund sidewalks.

Ms. Nauser stated she concurred with previous comments made. They had increased public safety by \$1 million and this was one time funding from FY12 savings. This \$200,000 was not being taken from an ongoing cost. She thought ample warning should have been given to CAT earlier in the year if the City was planning not to fund them in order to provide them the opportunity to re-evaluate their mission and how they operated. She understood the proposed agreement would provide \$100,000 up front and require a match for the other \$100,000, and was comfortable with that arrangement and the fact three new officers would be hired. She hoped they would start taking about the philosophy, etc. with regard to next year's budget soon, so needs were addressed and resolved earlier in the budget process.

Mr. Trapp stated he felt they needed to be careful in taking symbolic actions, especially when people's jobs were on the line. This was one time funding and not budgetary funding. CAT had not been restored in the City's budget. They had only rectified the lack of notification. He planned to support the one time funds for CAT.

The motion made by Mayor McDavid and seconded by Ms. Nauser to amend the amendment sheet associated with B222-13 by deleting the funding identified for Columbia Access Television (CAT) was defeated by voice vote with only Mayor McDavid voting in favor of it.

Ms. Hoppe explained she planned to make a motion for an amendment to the budget, but wanted to vote on it after the public hearing was held. She noted the Water and Light Advisory Board had recommended \$2 million from the water and electric cash reserve fund be used toward energy efficiency since the cheapest energy was the energy saved. It was one-third of the cost of purchasing generating capacity or other forms of energy. She thought this money could be placed in a revolving loan fund so the money was returned to the City, and noted she would be making a motion to amend the budget to allow for this after the public hearing was held.

The motion made by Ms. Nauser and seconded by Mr. Schmidt to approve the amendment sheet associated with B222-13 was approved unanimously by voice vote.

Mr. Thomas explained the proposed budget included a five percent increase on some aspects of the water rates for water meters of 2 ½ inches and less in diameter, but did not include an increase for the larger water meters of 3, 4 and 6 inches. There had been vague references indicating the rates for the larger meters were already covering their cost of service, but he had not been provided justification for this when he pressed for more information. He had asked staff to prepare an amendment that would apply the five percent increase to all water meters in the absence of a good reason to not to apply it across the board. He understood this would create a small fiscal change since there were very few of those larger meters.

Mr. Thomas made a motion to approve the amendment sheet associated with B227-13. The motion was seconded by Mayor McDavid.

Mayor McDavid asked staff to comment on this proposed amendment. Mr. Matthes replied he did not believe there was a compelling reason not to make the increase an across the board increase. This change would not harm anything and would potentially create a small amount of additional revenue.

The motion made by Mr. Thomas and seconded by Mayor McDavid to approve the amendment sheet associated with B227-13 was approved unanimously by voice vote.

Mayor McDavid made a motion to amend B222-13 by adding the revenue generated by the amendment to B227-13 to the budget. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Matthes commented that an amendment was needed for B261-13 largely as a result of the meet and confer process. Mayor McDavid understood these were largely administrative changes. Mr. Matthes replied yes.

Mr. Trapp made a motion to amend B261-13 per the amendment sheet. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

Mr. Skala understood a fee was being assessed for public tennis courts for the hour and day, and asked for clarification. Mr. Griggs replied there had always been a fee for the rental of public tennis courts. He explained the courts were open on a first come first served basis, but there was a fee if someone wanted to rent them. He noted there had been requests for renting them for tournaments, fundraising events, school matches, etc. Mr. Skala asked if high schools routinely rented them. Mr. Griggs replied the private schools rented them more than the public schools, although Hickman was using these courts since they were in the process of building their own.

Mayor McDavid opened the public hearing.

Cheryl Price, 511 Parkade Boulevard, stated she was the President of the Board for Services for Independent Living and served on the City's Disabilities Commission and Public Transit Advisory Commission, and asked if the funding for CAT had impacted funding for sidewalks that had been promised to the Disabilities Commission and previously approved. Mr. Matthes replied that \$200,000 had not been specifically allocated to any project. Ms. Price commented that she was concerned with public safety, which included infrastructure, sidewalks, etc. She believed more police officers were needed to address crime and hoped a

campaign to increase property taxes to fund officers would move forward as she did not know of another way they would be able to obtain funding for the number of police officers needed. She commented that there had been an op-ed piece in the Columbia Daily Tribune with suggestions of things that could be done now, and those included internships for college students and volunteers so fewer officers were needed at incidents, such as accidents. She noted another person had also mentioned the formation of a public safety council or commission that would work at the same time as the Task Force on Community Violence and become a permanent commission, which she thought might be beneficial. She stated she hoped the Council had received input from the Fire Department and the Great Plains ADA Center with regard to the building codes, and if they had not, she suggested those items be tabled until they received input from those two entities. She understood people tended to pick up large print agendas even when not necessary and suggested a sign be placed by those agendas asking them to be reserved for those with vision problems.

Monta Welch, 2808 Greenbriar Drive, commented that the Mayor's Climate Protection Agreement had been dismissed by some at the City as not possible due to growth, and believed this was a problem as it set the culture at the City in the wrong direction. She suggested everyone look at the Mayor's Climate Protection Agreement as the steps taken to move forward with compressed natural gas were in violation of that agreement. She felt the City was making critical decisions with only half of the information. She listed past weather related events she felt were a result of climate change, and the costs and fatalities of some of those events. An analysis by the Center for American Progress found that the federal government spent \$136 billion from FY 2011 to FY 2013 on disaster relief. Due to the budget impacts of man-made climate change, she felt it was advisable to consider the Mayor's Climate Protection Agreement. She suggested the agreement be reviewed as part of the City's budget process and requested a delay in any action involving compressed natural gas. She provided a handout with about 80 signatures of people in agreement with her comments and asked those in support in the audience to stand. Approximately ten people stood.

Ben Jacob, Fifth Ward, stated many that had moved to Columbia had come because it was not too urban, so he wanted to ensure it remained that way. He wanted to attain and preserve a less hectic lifestyle and asked that there be more transparency with regard to budgeting and upcoming projects. He did not feel there had been transparency regarding the compressed natural gas issue. He reiterated he wanted City government to be more transparent and more sensitive to the philosophy of sublimity of life. He asked that money be spent on the projects of those that showed up to council meetings instead of special projects of the Council.

Joan Wilcox, 13181 N. Old Highway 63, commented that because so much of the budget involved reoccurring money, she wanted a process where they could go back to those issues. She felt some items that really enhanced the community, such as parks, were not in the budget on a regular basis. She believed so much of what was happening in Columbia tended to advance building construction instead of enhancing quality of life. She understood they could not go back 30 years in time, but believed Columbia was a beautiful combination of the rural, the University and a City at that time. The rural part of Columbia had slowly been

pushed out. She felt tree boundaries and other items were needed and reiterated she was concerned about the reoccurring funding in the budget without any input.

Dick Parker, 215 W. Sexton Road, explained energy efficiency was the cheapest way to meet energy needs. The 2012 demand side management report contained a table summarizing six years. The energy efficiency improvement cost for Columbia Water and Light were about 20 percent of what the utility paid for electricity to outside suppliers. Some people tended to think energy efficiency was a free product, but it was not free since the utility and its customers spent money on materials and equipment to achieve energy efficiency. He pointed out energy efficiency money was spent in Columbia while money for electricity and fuel was spent outside of Columbia. He agreed individuals that spent money for energy efficiency were the primary beneficiaries of it, but noted there were also significant benefits to all Columbia Water and Light customers since there was a reduction in the need for additional capacity to generate electricity as peak capacity was purchased by them all. The cost of capacity reduction through energy efficiency was about 60 percent of what it would cost the City to get the cheapest capacity projected. The 40 percent savings would go to everyone in the community. He asked the Council to support the unanimous recommendation of the Water and Light Advisory Board to add \$2 million to the budget for energy efficiency improvements.

Tom O'Connor, 806 Leawood Terrace, reiterated the Water and Light Advisory Board had unanimously recommended the investment of an additional \$2 million in energy efficiency programs. He believed timing was critical as they had a unique window of opportunity now to make these investments and move forward in uncertain times. He felt they were in great shape as they had a publicly owned utility with good programs, and thought it was time to move forward with this financial investment and future political decisions and investments. If the City showed some vision, drive and commitment, he thought they could remain in good shape when resources became more and more limited.

There being no further comment, Mayor McDavid closed the public hearing on all of these bills.

Ms. Hoppe made a motion to amend B222-13 by moving \$2 million from the Water and Light cash reserve fund to a fund for energy efficiency. She explained she planned to ask the Water and Light Advisory Board and the Environment and Energy Commission to make recommendations on the use of the \$2 million at the end of the meeting. She felt it was clear energy efficiency was the cheapest and cleanest form of energy. This would save a lot of money in terms of reduction in peak demand and capacity. The motion was seconded by Mr. Skala.

Mayor McDavid asked how this would impact electric rates. Mr. Matthes commented that if he understood the proposal correctly, a one time \$2 million amount from the fund balance would be used. Ms. Hoppe stated the money would come from cash reserves, which fluctuated and varied year to year. Mr. Blattel explained the reserves were used for the capital expansion of the utility so it would not cause a rate increase today, but could cause a rate increase in the future as they would not have the \$2 million for future capital expansion. Ms. Hoppe stated she recommended it be a revolving loan fund so the City would get the

money back. Mr. Blattel explained that by putting the money in the revolving loan fund, it took it out of the cash available fund for capital projects in the future.

Mayor McDavid understood the power line project, which was a capital improvement project, was forthcoming and some of the cash reserves would be used to pay for those power lines. He also understood the rate increase would be higher if the cash reserve fund was lower. He asked how much money had been made by the utility in August. Mr. Blattel replied the City had not collected as much for July as they had in the past 2-3 years, but he did not have the information for August due to the delay from the time the utility was used to the time the City billed the customer. He stated June and July had been lower than previous months. Mayor McDavid thought August had been a cool month as well. Mr. Blattel agreed and noted September was warmer, so he did not know the net effect at this time.

Mr. Thomas commented that he felt they had an unusual and perverse incentive as a provider of energy. They wanted to sell as much energy as they could so they had a good fund balance, but at the same time, they wanted to drive down energy consumption from fossil fuels in order to provide for sustainability and a clean environment. He thought they needed to change this philosophy.

Mr. Skala agreed it was a shame to denigrate good weather. He noted this reminded him of the purchase of property the Water and Light Department had an interest in whereby it spent \$1 million and pledged another \$3 million, and the same criticism of its effect on rates could have been made in that instance. He believed it was a narrow view to base these kinds of requests on one season, and felt a five or ten year view needed to be taken into account. He understood there had been discussion regarding the fund balance for some time and believed there was enough of a cushion to take advantage of this type of timely incentive that would save water and light utility money in the future.

Mr. Matthes explained since they were talking about the use of fund balance, it did not have to be attached to this budget as this budget would set up the spending limit for the operating budget for next year. A pre-council or work session could be held on this topic, and that would allow staff the time to develop a program to present to Council as well.

Mr. Schmidt understood the Council could make the decision regarding the investment of the fund balance at a future date.

Ms. Nauser stated she believed their first obligation was to deal with the new transmission line project. She also thought it was bad policy to set an arbitrary amount and set up a program based on that amount. She suggested they determine what they wanted to implement and develop funding around it.

Mr. Matthes commented that he understood the Water and Light Department staff and the Water and Light Advisory Board had been working on a community solar initiative for some time now, which he thought might fit well with this idea.

Mayor McDavid stated he wanted to see a more in-depth analysis and modeling.

Mr. Blattel explained part of the problem with analyzing the fund balance for the water and electric utility was that the high revenue months for the utility were in June, July, August and September, so they could not tell the Council what the fund balance for the year would be until November. It was a timing issue that was bad for the budget. Mr. Skala commented

that they knew what the past had yielded. Mr. Blattel stated that was correct, but pointed out the utility either broke even, made money or lost money on the summer months.

Mr. Schmidt understood there was uncertainty regarding the excess amount of fund balance available.

Ms. Hoppe referred to a report regarding the cash reserve policy that had been provided to the Water and Light Advisory Board on September 4, and a chart as part of the report had indicated actual cash reserves for FY12 were higher than projected and the FY13 estimate was \$40,337,000, so they had a good projection. The demand side management and response report had listed current City programs and had indicated lost participation. She thought more could be done to further those programs and noted this was not anything new.

Mayor McDavid made a motion to table the motion made by Ms. Hoppe and seconded by Mr. Skala to the December 16, 2013 Council Meeting pending an analysis by staff and discussion at a work session. He was concerned due to the \$19 million power line project and the fact Columbia Water and Light charged nine percent more for 1500 kilowatt hours than Boone Electric. The motion was seconded by Mr. Trapp.

Mr. Trapp noted he was uncomfortable allocating funds and developing the program afterward. He wanted to know how the money would be paid back. He commented that he was supportive based on its principle idea, but did not believe they should set an arbitrary amount. He thought they should be more deliberate in developing a program that worked for rate payers as he felt they needed to keep utility costs down for the citizens that struggled the most financially.

Mr. Thomas stated he would like information based on what might have been implemented in other cities so they had information regarding what worked and what did not worked.

Ms. Hoppe commented that energy efficiency reduced rates and wanted to emphasize that point. She also noted that energy efficiency and community solar were two different initiatives.

Mr. Skala stated he was torn between the option of getting more information, which was always good, and the potential lost momentum and opportunity for some real savings and gains. As long as they continued the momentum toward renewables, he would be in favor of tabling the issue for more information.

Mayor McDavid thought they could obtain input from the appropriate boards and commissions as well. Mr. Skala suggested the Environment and Energy Commission and the Water and Light Advisory Board.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table the motion made by Ms. Hoppe and seconded by Mr. Skala to the December 16, 2013 Council Meeting pending an analysis by staff and discussion at a work session was approved unanimously by voice vote.

The vote on B222-13, as amended, was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B223-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B224-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B225-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B226-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B227-13, as amended, was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B260-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B261-13, as amended, was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B262-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B263-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B264-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of an equipment storage building at the Columbia Regional Airport.

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Schmidt made a motion directing staff to proceed with the final design and construction plans for the equipment storage building at the Columbia Regional Airport. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

R193-13 Authorizing an amendment to the FY 2013 Annual Action Plan for CDBG and HOME funds; transferring funds for downtown ramp and sidewalk projects.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid opened the public hearing.

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

The vote on R193-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B239-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Building Code.

B240-13 Amending Chapter 6 of the City Code as it relates to the 2006 Edition of the International Code Council Electrical Administrative Provisions referencing the 2011 National Electrical Code.

B241-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Plumbing Code.

B242-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Mechanical Code.

B243-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Residential Code for One- and Two-Family Dwellings.

B244-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Property Maintenance Code.

B245-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Fuel Gas Code.

B246-13 Amending Chapter 9 of the City Code relating to adoption of the 2012 Edition of the International Fire Code.

The bills were given second reading by the Clerk.

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

Mayor McDavid understood there were three options. One option was to accept the recommendation of the Building Construction Codes Commission (BCCC), in which case no amendments would be required. The second option was to include any or all of the recommendations of the Environment and Energy Commission (EEC), and amendment sheets had been prepared for each of the three issues, the ceiling, the wall, and the foundation. The third option was for the full adoption of the 2012 IRC. He understood another issue was passive radon installation and was an amendment Mr. Skala might be making.

Mayor McDavid explained he had received a letter from Mark Timberlake questioning a section of the code, but thought that issue, economizers on very small air conditioning equipment, would best be served by sending it back to the BCCC for analysis. He asked for that issue to be referred to the BCCC for evaluation.

Ms. Hoppe commented that a diagram had been provided as part of the packet and the bottom right quadrant of the house indicated 50 percent of lamp should be of high

efficacy and 75 percent should be high efficacy, and asked if that should be 75 percent of fixtures should be high efficacy. She did not believe it made sense otherwise. Mr. Skala thought there had been a change in the language. Ms. Hoppe understood the diagram did not reflect the contents. Mr. Teeple commented that the lamps discussed in the building code were in reference to individual bulbs. The Commission had recommended 50 percent of the lamps as high efficacy, but they were recommending to contractors that there should be 75 percent efficacy of the lamps.

Jan Dye, 2222 Bluff Boulevard, stated she was representing the Sierra Club and its local members, and asked the Council to implement the 2012 building codes as they related to the residential code as written. They did not want any changes that might weaken them. Columbia had embarked on several projects in the past in the interest of producing or purchasing renewable energy and tended to talk a lot about renewables and the importance of finding a source for sustainable energy. The best and easiest solution was to simply use less energy and the new building codes were a great aid in that direction. In many cases, homeowners started saving money after only one year. In addition, property values would likely increase. She pointed out that two of the proposed changes to the codes would remove the responsibility of the builder to implement the codes correctly as they removed the testing requirements for air leakage and duct leakage. She asked the Council to adopt the 2012 building codes as it made sense to conserve as much as possible, and the builders were not the ones that would pay the energy bills.

Lawrence Lile, 7425 Route Y, Ashland, Missouri, explained he was the Chair of the EEC and they had presented the Council with a few options. The option they preferred was to adopt the 2012 energy codes as written. They had worked out some compromises they felt would not water down the codes too much, but the language in B239-13, which covered commercial, and B243-13, which covered residential, basically rolled back measures to previous code levels, and they did not support that.

Dick Parker, 215 W. Sexton Road, read a paragraph from the 2013 Update of the Integrated Resource Plan, which stated Columbia Water and Light should continue to discuss the approach to encourage more energy efficient building codes and their enforcement in its service territory with the City. The movement toward energy star performance for all new buildings would allow Columbia Water and Light to focus its efforts on improving existing structures and eventually allowing it to stop demand side management programs aimed at retrofitting inefficient structures and making more efficient use of capital and personnel. He noted energy star performance levels were above those of the international code.

Carolyn Amparan, 4804 Shale Oaks Avenue, stated she was a residential homeowner in Columbia and asked the Council to implement the 2012 IRC codes without amendments because residential consumers, such as herself, relied on building codes when purchasing a new home. They expected homes to be built to quality standards, which meant energy efficiency to her and others in this day and age. The codes offered consumers the opportunity to save \$300 per month by some estimates. She believed it was the right thing to do for the residential consumer today and in the future.

Randall Maley explained he was with the State Health Department and noted the EEC had recommended radon resistant new construction to the Council this past November. He stated radon was a naturally occurring radioactive gas and was found in all types of buildings across the United States. It was a concern because it was the second leading cause of lung cancer and the leading environmental cause of cancer leading to more than 20,000 deaths in the United States each year. Radon induced lung cancer was tied with leukemia for the sixth leading cause of cancer mortality in the United States. The EPA action level for radon was 4 picocuries per liter and the average home in Columbia and Boone County was at that level. He pointed out 25 percent of the homes in Columbia exceeded the EPA action level. He noted it was possible to retrofit existing homes, but the cost was about \$900-\$1,000. Passive radon systems tended to cost only \$150-\$250 if they were installed during construction. The easiest way to adopt radon resistant new construction was to adopt Appendix F of the International Residential Building Code.

Ms. Hoppe understood a passive system would reduce radon levels even if the level was not at 4 picocuries per liter. Mr. Maley stated that was correct.

Mr. Skala asked about the difference between a passive system and an active system. Mr. Maley replied a passive system was simply a pipe that went below the foundation and ran through the envelope of the house to the roof line, and it relied on the stack effect. An active system, when a house was retrofitted, involved attaching an inline fan to suck the soil gas from under the house and vent it out through the roof.

Dan Cullimore, 715 Lyons Street, asked the Council to keep in mind assumptions mattered when considering the new residential building code as they informed the cost, benefit and payback period calculations provided by the BCCC and the EEC. Methods for calculating such figures employed many strategies, such as simple payback formulas, cash flow analyses, net present value calculations, internal rate of return formulas and return on investment calculations. Other considerations included initial construction costs, operational and maintenance costs and net lifecycle costs. He commented that a study prepared for the New Jersey Association of Realtors in July 2011 by the Rutgers University Center for Green Building utilized net lifecycle cost and net present value to calculate the costs and benefits of a variety of single and combined energy conservation methods and materials and compared them to a base residential model. The study concluded there were sufficient benefits in the new standards to warrant incorporation in new home construction. He read the executive summary of the study and stated he believed the recommendation of the EEC represented the best chance for Columbia.

Kelsy Wingo stated she was a student at the University of Missouri and felt the adoption of the new building codes could make a huge difference in terms of energy efficiency and the utility costs paid by students. She noted the University's tuition was set to rise in the next few years so it would be helpful to have the buildings the students resided in to be as up to date as possible. She urged the Council to consider the difference it would make for students when making the decision.

Jeff Frey, 300 Maplewood Drive, stated he was speaking on behalf of the Sierra Club and noted the Midwest Energy Efficiency Alliance had indicated residential energy savings for Columbia with the unamended adoption of the 2012 IRC would result in about \$294 per

year for a home similar to his. He believed this was a great incentive for the working poor like him.

Matt Kerns stated he was representing the Building Codes Assistance Project and suggested the adoption of the full Chapter 11 of the IRC. While the full IRC might add up front costs to the home, the homeowner would recoup those costs quickly. If they used the numbers provided by the Texas A&M study as referenced by the BCCC, the added cost to a home with 20 percent downpayment would be \$1,500-\$1,600 and would result in an extra \$6.50 per month and \$290 per year in energy savings. He noted the additional cost would be paid off with savings in only 16 months. He listed other scenarios, which all resulted in savings and pointed out it was cheaper to construct the home with these energy efficiency standards versus going back later and renovating the property. The National Association of Home Builders had recently conducted a survey and found that 85 percent of respondents had indicated low utility costs were important to them when purchasing a home. He asked the Council to consider that as they made their decision.

Monta Welch, 2808 Greenbriar Drive, commented that she was at the meeting the last time updates to the codes were being discussed a couple of years ago and recalled a representative of the Home Builders Association indicating that with the compromise that year, they would agree to adopt the codes in full without any compromise the next time they came up for updates. She urged the Council to adopt the full codes as it made sense moving forward.

Terry Ganey, 1515 Inverness Court, explained that when he had moved to Columbia five years ago, he had an idea of how homes were constructed, and if the Council adopted the most efficient energy saving code possible, they would be creating a housing stock that people moving to Columbia would be more inclined to buy. Although these new requirements might not pay for themselves right away, they would add to the value of housing in the community over time. He encouraged the Council to adopt the code.

Linda Green, 206 Anderson, stated she had an energy audit done on her older home, and as a result, they added insulation, plugged leaks, etc. This resulted in an improvement to the energy efficiency in their home by 30 percent. She noted the house was more comfortable in terms of holding heat and cool air. She thought it would be wonderful if houses were constructed in accordance with quality building codes when initially built. She pointed out their utility bills had decreased as a result of the improvements as well. She hoped the Council would vote in favor of the stronger codes. She stated Columbia was known for being a great place to live and thought they should be known as a place where great homes were built as well.

Alyce Turner, 1204 Fieldcrest, commented that there were radon risks in Columbia and Boone County in terms of the EPA action levels, which was the reason they wanted schedule F of the International Building Code adopted. She stated the Board of Health was in support of this as well. She told the story of a colleague having to pay \$1,000 in materials alone to mitigate high radon levels prior to selling a home, and as a result, he installed a passive radon system for his new home, which she believed cost substantially less than \$1,000. After doing a lengthy test, he learned he still had high levels of radon, and since he had already roughed in a passive system, it did not cost much more to turn it into an active

system. She thought it was about \$150 in parts and some labor to add it. She noted one of the biggest complaints Mr. Maley received at the State Health Department regarding radon involved builders not installing passive systems in newly built homes. She asked the Council to be frugal for the citizens of Columbia by adopting schedule F.

Doug Muzzy, 2202 Potomac Drive, stated he was a home builder and a member of the BCCC, and thought they needed to get past the statistics as he believed the issue was affordability. These requirements would add costs to every home built and create a disproportionate burden for low income people to buy homes as the additional cost impacted them more substantially than someone building a \$400,000 home. He was surprised by the radon discussions as the BCCC had not reviewed that issue. He understood Mr. Maley had indicated it would cost \$125-\$150 for a passive radon system, but he recently paid \$800 to his plumber to install one. He noted Mr. Maley had also indicated 25 percent of homes had a radon level above 4 picocuries per liter in Columbia, and felt that might be an unreliable sample as the information came from people submitting a request to obtain a free kit from the State to test for radon. He believed the rates were likely higher than the general population of Columbia and stated he would be interested in obtaining the true rates from the Columbia Board of Realtors to determine if there was even an issue. He believed the radon issue needed to be studied further by the BCCC prior to adopting any requirements associated with it. He pointed out the cost of a permit for a 2,000 square foot home had increased from \$2,700 to \$4,500, and had increased 65 percent since 2008. He felt they were putting a lot of pressure on home buyers as developers and builders passed on those costs to them.

Fred Malicoat stated he was the Chair of the BCCC and explained they had put forth the recommendation they had because they already knew the costs and benefits. If they thought any item would take less than ten years to be paid back, they would have recommended it.

John Hickey, St. Louis, explained he worked for the Sierra Club and the 400 members of the Sierra Club that resided in Columbia, and stated he believed low income buyers needed the strictest energy efficiency codes because they had less money to waste. He noted low income homeowners tended to lose their homes due to monthly payments and overhead, and the payback for meeting the full 2012 energy efficiency code was less than 12 months, so they would pay less after those 12 months. He stated the Sierra Club supported the full 2012 code.

John Page, 8391 Forest Creek Drive, stated the cost of the passive radon system was significantly more than \$150-\$250. It was about \$800 for a passive system and \$1,600 for an active system. He explained he was responsible for the subcommittee that reviewed the IRC code, and pointed out they substantiated their numbers in the review of the code. He noted the BCCC was the only commission the Council appointed to review and make recommendations on the building codes, and thought the Council should go with their recommendations since that was a part of their charge. He referred to the document included in the packet from the National Association of Home Builders (NAHB) as the NAHB had indicated the 2012 International Energy Conservation Code was broken and not cost effective. This was the reason it had the lowest adoption rate in history. He pointed out only one state had adopted the code as written. It increased construction costs by more than 15

percent compared to the 2009 edition and by more than 30 percent of the 2006 edition. Many of the requirements were stringent, not practical and not cost-effective. The NAHB estimated it would take 13 years on average to recover construction costs with annual energy savings. He understood many of the requirements were a result of proprietary interests inappropriately trying to sell their products through the codes. It reduced options for homeowners and put constraints on designs. He noted it adversely and unnecessarily impacted housing affordability as every \$1,000 increase in the price of a home prevented 234,000 potential homebuyers from qualifying for a home mortgage. He understood the Council had a report on the barriers to affordable housing and pointed out the 2012 energy code was a barrier to affordable house. He stated those on the BCCC loved codes, but they wanted to ensure safe, affordable housing.

John Clark, 403 N. Ninth Street, commented that Columbia had managed to remain a full service city with respect to most of its utilities in a period of excessive outsourcing, which he believed was an enormous benefit to its citizens. He stated he had no way to reconcile the competing recommendations, but most of the reports involved only two of the four major stakeholders, which were the buyers and sellers. He felt this caused the fiscal impact analysis to be narrow and did not provide an adequate basis for a decision. It did not take into account the effect on the City's budget of staying with less energy efficiency in terms of capital improvements and operational costs. It also did not consider the utility rate payers that paid for usage and capital costs. He agreed with Mr. Parker in that adopting the full code would implement demand side control of the long range utility costs. He pointed out the money saved for an individual house would be transferred as a cost to the rest of the community. In terms of affordable housing, he thought the loan application process included an appraisal and the energy efficiency of a house as it impacted disposable income, which was an important factor in the loan process.

Mark Timberlake, 1100 E. Walnut, asked the Council to maintain the 2009 energy code for commercial buildings instead of adopting the 2012 energy code as that was the recommendation of the BCCC. He explained they had found the actual energy use for LEED buildings was higher than standard designed buildings because the more complex systems that were used to try to achieve energy efficiency could cause increased energy use. The 2012 code radically expanded the use of complex systems and he was afraid they would cause a net increase in energy use if adopted instead of a decrease. He suggested they wait to allow time for technology to catch up.

Ben Jacob, Fifth Ward, explained People's Visioning had fostered a net zero energy home that essentially exceeded these standards in most areas and it had been valued at \$100 per square foot even though it had been built for less than that amount. Based on this experience, Habitat for Humanity was now looking into doing other net zero homes.

Don Stamper, 2604 N. Stadium Boulevard, stated he represented the Home Builders Association and the Central Missouri Development Council, and commented that they were missing the greatest energy users in the community. He thought the City needed a comprehensive energy efficiency policy, which existed in other communities. He suggested they spend time looking at old houses as they consumed 3-4 times more energy than new houses and reiterated a comprehensive review with incentives was needed to make all

homes more energy efficient. He did not believe these incremental steps and manipulations of the codes served the City well. The Home Builders Association was proud of the fact their members participated in the review of the codes, which had taken 18 months. He commented that they were not successful in the work they did if they did not build efficient, quality homes in quality communities and neighborhoods, so they did not try to cheapen this to the point they were building to inefficient standards, but they also did not want to waste money and invest in items in which there was not a return. He noted there was currently a debate regarding energy star standards as very little of those standards were in homes today because the consumer did not believe the systems paid out like they had in the past. He reiterated he believed a comprehensive discussion was needed on the energy efficiency of the community in terms of encouraging and increasing energy efficiency while decreasing consumption.

Mr. Skala made a motion to amend B243-13 by requiring all new residential homes to have a passive radon mitigation system installed in accordance with the International Residential Building Code Appendix F. The motion was seconded by Ms. Hoppe.

Mayor McDavid understood this was normally vetted by the involved commissions. Mr. Skala stated it had been vetted with some of the commissions. Mayor McDavid understood it had not been vetted by the BCCC. Mr. Skala stated it was not really part of the building and construction codes review, but could have been reviewed as it was discussed in appendix F.

Mayor McDavid commented that he did not know how much it would cost. Mr. Skala stated it would be dependent on who they believed as they had conflicting testimony. Mayor McDavid felt it needed to be vetted by the BCCC. Mr. Skala pointed out it had been vetted by the EEC and the BCCC could have taken it up as it was in appendix F. In addition, the BCCC had been aware of the fact the report had come to the Council some time ago. Mr. Schmidt thought one could argue the recommendation of the BCCC was to not include appendix F since it was crossed out and asked if that was fair. Mr. Malicoat stated the BCCC had not reviewed that part of the code because they did not see the need to review it. Ms. Nauser noted she did a quick search on the internet and the EPA site indicated the cost for a new passive was \$350-\$500 and the cost of existing was \$800-\$2,500. The State of Illinois had costs that mirrored the costs of the EPA of \$350-\$500 for passive, but also made reference to activation of the passive system with an additional cost of \$250-\$400. She stated she wanted more information prior to moving forward.

Mayor McDavid made a motion to table the motion made by Mr. Skala and seconded by Ms. Hoppe to the October 21, 2013 Council Meeting to allow the Building Construction Codes Commission (BCCC) the opportunity to vet the issue. He noted he was sympathetic to Mr. Skala's position, but felt it was a matter of courtesy to the BCCC as they had spent a lot of time on the codes. The motion was seconded by Mr. Trapp.

Mr. Trapp noted he was also sympathetic to the radon concerns, but felt they could use more information to make an informed decision.

Mr. Skala stated he was accustomed to and liked referring something back for more information, but felt this was a public safety issue, and prevention tended to be much less

expensive than retrofitting later. He did not have any particular objection to the BCCC reviewing the issue further as they could have reviewed it previously.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table the motion made by Mr. Skala and seconded by Ms. Hoppe to the October 21, 2013 Council Meeting to allow the Building Construction Codes Commission (BCCC) the opportunity to vet the issue was approved by voice vote with only Mr. Skala voting against it.

Mr. Trapp made a motion to amend B243-13 per the amendment sheet that would adopt the 2012 Residential IECC. The motion was seconded by Mr. Skala.

Mayor McDavid commented that he understood the Council had the right to disagree with any board or commission, but felt this amendment would be a nullification of the work of the BCCC. Ms. Hoppe and Mr. Skala did not feel it was a nullification of their work. Mr. Thomas stated the Council did not agree on only a few issues.

Mr. Skala pointed out they were only focusing on the residential codes, so they agreed with their work on all of the other codes. He noted the BCCC had done a tremendous amount of work and he knew what that work was like as he had participated in it as a member of the EEC. He believed they needed to increase energy efficiency for affordable housing and explained his constituents had requested an increase in energy efficiency. In addition, the discussion in 2009 had indicated they would pay attention to these codes as they came forward.

Mr. Trapp stated he appreciated the work of the BCCC, but did not agree with the review of each of the energy improvements in isolation and then only choosing to move forward with those that had a quick payback as he felt it doomed them to never being energy efficient. The ones with the quickest paybacks in its entirety would cover the ones that took longer. He found the numbers from the Home Builders Association convincing as it had indicated the payback was 13 years, and that was acceptable to him. He explained he was not a home builder or environmental scientist, but had met with an environment scientist that had built his home. They went through the recommendations piece by piece and his recommendation was to accept it since it would lower the overall electrical demand and capacity, and because it would set Columbia up for the next round of codes. In addition, energy efficiency was the easiest step toward getting away from fossil fuel overconsumption and the related negative consequences. He reiterated they would be further behind with the 2015 codes if they did not adopt the 2012 codes, and thought they might have to dig deep when looking at the 2015 codes. He believed this went along with the concept of building for permanence as well. He thought this was good for Columbia and was supportive of the amendment.

Mr. Thomas believed there were some unanswered questions regarding whether to invest \$2 million in energy efficiency programs and understood they would review the issue, but he did not feel there were unanswered questions with regard to whether they should adopt the code as written. It would provide for the strongest available insulation and energy efficiency. He understood the payback on most items was 12 months, and even if it took 12 years, it would reduce the amount of energy consumed and wasted, which provided broader benefits to the community. It would reduce the burden on the Water and Light Department to

provide for peak usage and reduce greenhouse gas emissions. He believed it made it sense to adopt the recommendation of the EEC.

Ms. Hoppe thanked the BCCC for its work and noted they agreed with many of their recommendations. She commented that improving the building efficiency by working on older homes was extremely expensive and noted the City was working on ways to make existing homes more energy efficient, but felt they also had to stop the bleeding. They needed to create energy efficiency at a point it was the most inexpensive and residents could gain the greatest payback. She recalled the BCCC stating, in 2011, they wanted to ease into meeting the International Building Code, which was not the highest energy code possible as it was a compromise, when they considered the 2009 building codes, and noted there was testimony indicating the BCCC would adopt the 2012 energy code in the future. She thought they should be held to that promise and stated she was in favor of the amendment.

Mayor McDavid stated he would support the position of the BCCC as they had been making incremental changes. This was a year's worth of work and they had put in a lot of hours. He noted he would oppose the amendment and follow their recommendation.

The motion made by Mr. Trapp and seconded by Mr. Skala to amend B243-13 per the amendment sheet that would adopt the 2012 Residential IECC was approved by voice vote with only Mayor McDavid and Ms. Nauser voting against it.

B239-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B240-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B241-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B242-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B243-13, as amended, was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B244-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B245-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B246-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B248-13 Amending Chapter 20 of the City Code as it relates to Planning and Zoning Commission member attendance requirements.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Schmidt asked if the Planning and Zoning Commission had discussed having three unexcused absences in the last twelve months instead of a calendar year. Mr. Teddy replied they had discussed it and wanted to clarify whether it was any twelve consecutive month period or a calendar year. The language in the ordinance was calendar year. Mr. Schmidt understood staff made the determination the calendar year made sense. Mr. Teddy stated they were flexible. Mr. Schmidt stated his concern was for someone potentially being appointed in September and missing meetings, but then having the clock start over in January allowing them to miss more meetings, and this created quorum issues, which was the reason for the change.

Mr. Skala asked who constituted the executive committee. Mr. Teddy replied the officers, which included the chair, vice chair and secretary.

Ms. Hoppe asked if this included work sessions as well. She understood the Planning and Zoning Commission generally held a work session prior to the regular meeting, and those tended to be important as well. Mr. Teddy replied, as written, the ordinance stated regular meetings so it would not include work sessions.

Mayor McDavid stated he was tempted to accept the recommendation of the Planning and Zoning Commission, and if it was not adequate, it could be changed again.

Mr. Skala commented that six absences were a lot of absences in the course of the year. In addition, he did not see the point of the executive committee meeting for a combination of six absences. Regardless of the circumstances, he felt six absences was too high as the Commission had a lot of business to conduct as their recommendations came forward to the Council, so they needed to ensure they had quorums. He stated he was inclined to tighten this up. Mr. Schmidt stated he agreed.

Mr. Skala made a motion to amend B248-13 by deleting the portion of the ordinance which discussed the conference with the executive committee.

Mayor McDavid understood any member would then be automatically off with six absences. Mr. Schmidt and Mr. Skala agreed.

The motion made by Mr. Skala to amend B248-13 by deleting the portion of the ordinance which discussed the conference with the executive committee was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Skala thought they needed to decide if six absences were too much. Mr. Thomas stated he believed there was a logical problem with the absences being based on a calendar year. Mayor McDavid asked if they wanted to make it twelve months. Mr. Thomas thought the anniversary date could be used. Mr. Matthes suggested any twelve month period so it was a rolling twelve month period.

Mr. Schmidt made a motion to amend B248-13 by changing calendar year to any twelve month period. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe stated she felt six absences was too high and noted she had been on the Council for seven years and had only missed three meetings. The Planning and Zoning Commission had a lot of work to do and needed the diversity of dialogue. Mr. Skala thought four absences was more reasonable.

Mr. Thomas asked if there were 24 meetings in a year. Ms. Hoppe replied she thought it was slightly less.

Mr. Thomas asked if this would be four unexcused absences. Mr. Schmidt replied it would be four unexcused or excused absences. Mr. Skala agreed. Ms. Nauser noted someone could miss meetings due to being in the hospital for two months. Mr. Thomas agreed since they met every two weeks and someone might have a trip or something causing them to miss meetings. Mr. Skala noted the Planning and Zoning Commission had a lot of work it needed to do. Mr. Schmidt thought someone that was in the hospital and had to forfeit their office could reapply. Ms. Hoppe suggested it be reduced to five absences.

Ms. Hoppe made a motion to amend B248-13 by changing the number of combined absences causing a forfeiture of office from six to five. The motion was the seconded by Mr. Schmidt.

Mayor McDavid stated he felt that was too tight and would vote against it.

The motion made by Ms. Hoppe and seconded by Mr. Schmidt to amend B248-13 by changing the number of combined absences causing a forfeiture of office from six to five was approved by voice vote with only Mayor McDavid and Mr. Trapp voting against it.

B248-13, as amended, was given third reading with the vote recorded as follows:
VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B250-13 Amending Chapter 14 of the City Code to establish the issuance of visitor parking passes in the North Village parking district.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas understood the Council had already approved two passes per household or unit for residents, and asked if that meant each unit in an apartment building would receive two resident passes. He wanted to know what they were provided in terms of resident passes prior to this change for visitor passes. Mr. Glascock replied two resident passes were received. Mr. Thomas understood a single family home that had been divided into three apartments would be allocated six resident passes. He asked if that was correct or if it was two per building. Mr. Glascock replied it was two per residential unit. Twelve passes would be allocated for a six-plex. Mr. Thomas understood this would add one visitor pass to each residential unit as well. Mr. Glascock stated that was correct. Mr. Thomas asked for the approximate number of passes as it would be 50 percent larger than previously determined, and wondered how that compared to the number of parking spaces in the area. Mr. Glascock replied the City issued 75 residential permits last year and they anticipated less

than one visitor pass per permit as they did not anticipate everyone having one at the same time. There were 43 residential permit spaces, 62 metered spaces and 33 unmetered non-permit spaces along Park. Mr. Thomas asked if the permits could be used at the metered spaces. Mr. Glascock replied no. Mr. Thomas asked how many spaces were available for permit holders. Mr. Glascock replied 43. Ms. Hoppe pointed out there were driveways for some residents to park so some might not need to use street parking. She understood the resident passes could only be used for particular vehicles and were non-transferable.

Mr. Schmidt asked if the visitor pass was a hang tag. Mr. Glascock replied yes and explained they were like the other passes. Mr. Schmidt understood this had been vetted with the neighbors and they were happy.

Mr. Thomas asked about the timeline to start these parking programs in other areas. Mr. Glascock replied they were already planning in terms of East Campus, Benton-Stephens and Stewart, but the more the program changed for these other neighborhoods, the longer it would take to implement. He thought the Benton-Stephens area would have a program similar to North Village, but East Campus wanted something completely different so it would take longer to establish. Mr. Skala understood there might be some stop gap measures that could be implemented in advance. Mr. Glascock stated that was correct.

B250-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B252-13 Accepting certain streets for public use and maintenance.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Ms. Hoppe commented that the report indicated the primary cost would be for snow service and noted the City currently did not have enough staffing or vehicles to serve existing areas so she was concerned with adding 2.61 miles as it would reduce the level of service for existing areas. She wondered if these areas could be served after the other areas were already cleared until they had the staffing and vehicles to serve everyone equally. She was reluctant in reducing the level of service to existing residences. Mr. Glascock pointed out that would be inefficient because these streets were scattered throughout the City. It made sense to remove snow on all streets in a certain area when they were in the area instead of only the areas that were in existence for 50 years because they would then have to go back to the area later to clear the newer streets.

Ms. Nauser wondered why they would not serve streets for subdivisions developed in the City as they received other City services.

Mr. Schmidt understood the City was accepting maintenance of the streets as well. Mr. Glascock stated that was correct. Mr. Schmidt asked what was in it for the other taxpayers. He wondered if they were being paid to take them over. Mr. Glascock explained that when the Council agreed to a platted subdivision, it was also agreeing to accept the streets in the subdivision as public streets. Mr. Schmidt understood these were intended to be public. Mr. Glascock explained these streets were privately constructed on platted subdivisions.

Ms. Hoppe suggested Council work on a way to ensure the City could fund all of the new streets they were taking in so the level of service to existing residents was not reduced. Mr. Schmidt thought the problem was that they did not have a level of funding for the current streets. Mr. Skala stated he felt this was related to the discussion they would have in October regarding the comprehensive plan and the urban service area in terms of capacity and funding.

Mr. Schmidt understood this was about ½ a percent of the streets the City currently had. Mr. Glascock stated they had 1,200 lane miles and this would add about five lane miles. He noted the only way not to accept streets was to not accept plats.

B252-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B257-13 Authorizing a facility usage agreement with TAG Events, LLC for the lease of the Central Missouri Events Center for the annual Halloween event.

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Ms. Hoppe asked if they had discussed having bus service that evening so people that did not have access to cars could still attend. Mr. Griggs replied no. Ms. Hoppe asked if it was possible. Mr. Thomas stated he thought it was a good idea because people were accustomed to coming downtown or to campus, and this was a lot further away.

Mayor McDavid asked how much money was being spent for this. Mr. Griggs replied \$1,600. Mayor McDavid asked how much bus service would cost. Mr. Matthes replied staff would look into it.

B257-13 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. 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.

B247-13 Rezoning property located on the south side of Cedar Lake Drive and east of Commercial Drive (100 N. Cedar Lake Drive) from C-1 to C-3.

B249-13 Authorizing a consolidated grant agreement with the Missouri Highways and Transportation Commission for transportation planning services.

B251-13 Authorizing construction of the Wilson Avenue and High Street Private Common Collector Elimination (PCCE) Project #11; calling for bids through the Purchasing Division.

B253-13 Authorizing a right of use permit with Walnut II, LLC for construction, improvement, operation and maintenance of a private storm sewer system in a portion of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street (1222 East Walnut Street).

- B254-13 Authorizing a right of use permit with East Campus Neighborhood Association for construction, improvement, operation and maintenance of four decorative gateway signs with breakaway bases in a portion of the Ann Street, Bouchelle Avenue, Cliff Drive and University Avenue rights-of-way.
- B255-13 Authorizing a coordinated functional registration agreement with Midcontinent Independent System Operator, Inc. (MISO) regarding select modeling, data and analysis reliability standards.
- B256-13 Accepting conveyances for utility purposes.
- B258-13 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant to provide advanced forestry training and education for Parks and Recreation Department employees; appropriating funds.
- B259-13 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for development of a GIS-based ash tree inventory and comprehensive Emerald Ash Borer (EAB) Readiness Plan; appropriating funds.
- R179-13 Setting a public hearing: construction of the Gans Creek Recreation Area – Phase I improvement project, more specifically to include construction of multi-sport athletic fields, a shelter with concession stand, a large picnic shelter, a playground, a dog park, a perimeter walking trail, restrooms and supporting amenities to include the installation and construction of utilities, roads and parking areas.
- R180-13 Setting a public hearing: consider the FY 2014 Annual Action Plan for CDBG and HOME funds and changes to the City’s Citizen Participation Plan.
- R181-13 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for WIC Local Agency Nutrition Services.
- R182-13 Authorizing a program services contract with the Missouri Department of Health and Senior Services for WIC Local Agency Nutrition Services.
- R183-13 Authorizing a memorandum of understanding with the Cape Girardeau County Public Health Center Rural Health Clinic and the Missouri Department of Health and Senior Services relating to deputizing and oversight of local public health agencies to provide vaccines for underinsured children.
- R185-13 Authorizing the City Manager to grant permission to the United States Environmental Protection Agency and other governmental or nonprofit entities to utilize public service announcements produced by the City of Columbia relating to the City’s stormwater education and outreach program.
- R186-13 Transferring funds for signal improvements at the intersection of Green Meadows Road and Grindstone Plaza Shopping Center.
- R187-13 Authorizing Amendment No. 3 to the agreement for professional engineering services with Cook, Flatt & Strobel Engineers, P.A. relating to the Stadium Boulevard corridor projects.
- R188-13 Authorizing an amendment to the neighborhood stabilization program development agreement with Job Point for property located at 908 Madison Street.

R189-13 Authorizing the City Manager to submit a 2014 Historic Preservation Fund Grants Planning/Outreach Projects Pre-Application to the Missouri Department of Natural Resources to host a historic preservation hands-on educational workshop.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R184-13 Authorizing a transportation services agreement with EDR Columbia, LP, d/b/a The Reserve at Columbia for expanded evening transportation services.

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Nauser understood this was for an apartment complex. Mr. Glascock stated that was correct and noted they were paying for it. Ms. Nauser asked if this service would be available for any other company if they were to pay for the service. Mr. Glascock replied yes as long as they currently had service from the City, which The Reserve did. Ms. Nauser understood The Reserve has service for students throughout the day as well.

Mayor McDavid asked how many beds were being covered now. Mr. Glascock replied he did not recall.

Mr. Thomas understood this was an extra 2 ½ hours on three nights and the cost over 14 weeks was \$2,700. Mr. Glascock pointed out they were already a month into the semester, which was the reason the fall semester was cheaper than the spring semester. Mr. Thomas understood it only cost \$100 to run the bus for 2 ½ hours. Mr. Glascock replied transportation service was already being provided. This only extended the service.

Ms. Nauser asked for clarification regarding the gold route. Mr. Glascock replied he thought it went down Old Highway 63. Ms. Nauser understood the route was already being run on those dates and at those times and asked who was receiving the service. She wondered if it was other apartment complexes in the area. Mr. Glascock replied yes. He explained they had provided the service as part of their five year contract, which ended last year, and they asked for it to be continued this year.

Monta Welch, 2808 Greenbriar Drive, asked who was paying for this service. Mr. Glascock replied the apartment complex was paying for the service. Ms. Welch understood there was not a cost to the City. Mr. Glascock replied that was correct. Ms. Welch did not believe there was a reason to be against this if it was being paid for privately, but noted she would be concerned if the taxpayers were paying for the service as there were many people, such as those with low incomes, that needed extended service for jobs. She felt any future expansion of service should keep low income people in mind.

Mayor McDavid commented that the Council had challenged a couple contracts about three years ago because they did not feel the City was charging enough for service. The contracts were restructured to a cost of service model, and the hope was for the market penetration to increase. A year ago, the City was serving about 50 percent of the beds on the black and gold route, and it did not cost anymore to increase the market share. He felt

the challenge was to continue to push the market as some of these complexes were paying money for their own buses or for private buses. It would be great to have them contributing to the City's system as a whole. The more the City's transportation service was self-funded, the more the service could be expanded to areas where there were constituents that could not pay for the service.

The vote on R184-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R190-13 Authorizing an amendment to the agreement with Columbia Access Television (CAT) for operation of the public access channel.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Skala made a motion to amend R190-13 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

The vote on R190-13, as amended, was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R191-13 Authorizing an amendment to the agreement with Thumper Productions, LLC to allow the use of a Ferris wheel at the 2013 Roots 'N Blues 'N Barbecue Festival and permit provision of alcoholic beverages by Friends of the Festival.

The resolution was read by the Clerk.

Ms. Rhodes provided a staff report.

The vote on R191-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, HOPPE. VOTING NO: NO ONE. ABSTAIN: NAUSER. Resolution declared adopted, reading as follows:

R192-13 Transferring Council Contingency Funds for the 2013 Roots 'N Blues 'N Barbecue Festival.

The resolution was read by the Clerk.

Ms. Rhodes provided a staff report.

Mayor McDavid asked for a summary of the support the City was giving the Festival at this time. Ms. Rhodes replied they had applied for and received through the Columbia Convention and Visitors Bureau \$10,000 to pay for advertising and prize money for the ½ marathon and 5K walk/run and another \$10,000 for out-of-state marketing, advertising and media outreach, so they had received a total of \$20,000 for this year's Festival. Mayor McDavid asked if they had received any other support from the City. Mr. Matthes replied the City was not charging for police and fire service.

Mr. Skala asked how much money was left in the Council contingency account. Ms. Hoppe understood this would be from the FY13 contingency account. Mr. Skala recalled providing some funds to Job Point. Mr. Schmidt asked if it was the FY12 or FY13 contingency account. Ms. Hoppe replied it was FY13. Ms. Rhodes stated it was the current fiscal year, so it would not affect FY14. Mr. Schmidt stated he did not have a problem with

this as long as they had \$20,000 in the FY13 account. Mr. Trapp commented that he thought they had about \$90,000 when they provided Job Point \$75,000, and noted they also had the FY12 surplus funds. Mr. Skala was concerned about the use of the surplus funds as there had been correspondence from Ms. Amin indicating that could potentially be used to adjust professional development funding for the Council. Ms. Amin stated she understood this did not affect the FY12 surplus, but noted she could be mistaken. She pointed out no one had told her it would come from those funds. She commented that she thought this had been looked into prior to Ms. Hoppe making the motion at the previous meeting, and it was determined this amount had been left in the Council contingency for FY13, but noted she had not been involved in those discussions so she was not certain.

Ms. Hoppe asked if staff could describe the other events Roots N' Blues was holding, such as Blues in the Schools, as she understood they did not receive funding to do those types of extra activities. Ms. Rhodes replied City funds were not provided for that event. Ms. Hoppe understood they also provided a certain amount of tickets for the City to distribute. Ms. Rhodes stated the operations agreement included 300 weekend passes. Ms. Hoppe asked how those were distributed. Ms. Rhodes replied the Parks and Recreation Department accepted applications for those tickets and they had been distributed. Ms. Hoppe understood those tickets were valued at about \$22,000 in total.

Mr. Skala asked how this money would be used.

Richard King stated he was a representative of Thumper Entertainment and explained they provided the City 300 weekend passes, would pay for trash service, and had other expenses they were required to pay. He noted they were trying to get help for all of the expenses.

Mr. Matthes explained the City could not waive fees and this was a reflection of assisting with those fees. He noted the fees to the City were a little under \$20,000.

Mr. Schmidt asked if the City had placed additional requirements on them this year, such as an ambulance being on-site, etc. Mr. King replied yes. Mr. Schmidt thought it would make sense to assist since they were requiring this.

Ms. Rhodes commented that City trash service would cost about \$9,500, Thumper had paid \$5,500 for the rental of Stephens Lake Park, the ambulance would cost \$2,500, and the shuttle would cost about \$16,000. She understood they were requesting financial support to cover those costs.

Mr. King pointed out the City received \$2 for every ticket sold as well. With regard to the Blues in the Schools, he noted they had sponsors, but were also trying to obtain public funds for it. They would also have a free stage on Saturday for Blues in the Schools from noon to 3:00 p.m.

Mayor McDavid stated he did not believe he could vote in favor of this after his comments regarding CAT and the public safety and infrastructure needs they had.

Ms. Hoppe commented that she felt the City added an extra expense to this event by not working out or taking the opportunity to highlight and advertise the bus system as the City's bus system could have been used in this event, which might have reduced the \$16,000 cost for transportation. She pointed out if the event was successful it would benefit the City in terms of sales tax, etc. Mr. Glascock explained Federal Transit Authority buses could not

be used for private ventures. They were able to use it for University events because it was another governmental agency. Ms. Hoppe thought it had been used for the True/False Film Festival. Mayor McDavid understood the FastCAT route could have continued to run. Mr. Glascock replied he had offered to run that route, but they did not want that service.

The vote on R192-13 was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, HOPPE. VOTING NO: MCDAVID, NAUSER. 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.

- PR194-13 Supporting a compensation philosophy for employees of the City of Columbia, Missouri that reflects the values and goals of the City.

- B265-13 Voluntary annexation of property located on the west side of Howard Orchard Road, south of Stedman Road (5551 Howard Orchard Road); establishing permanent R-1 zoning.

- B266-13 Rezoning property located on the north side of West Broadway and west of Pershing Road (1311 West Broadway) from R-2 to PUD-8-7; approving the Cottage Grove PUD Plan; allowing reductions in the required perimeter setback.

- B267-13 Granting a variance from the Subdivision Regulations, and a waiver from the requirements of the City Code, relating to construction of a sidewalk along a portion of the south side of Richland Road (5000 E. Richland Road); setting forth conditions for approval.

- B268-13 Changing the use allowed on PUD-10 zoned property located east of Old Hawthorne Drive West, north of the Old Hawthorne Clubhouse; approving a revised statement of intent; approving the Residences at Old Hawthorne PUD Plan.

- B269-13 Approving the Final Plat of Alamo Place, Plat 1-A located on the south side of Business Loop 70, west of Clinkscates Road.

- B270-13 Approving the Final Plat of Heritage Village, Plat No. 1 located on the north side of Muirfield Drive, at the western termini of Southampton Drive and Kenilworth Drive; authorizing a performance contract.

- B271-13 Vacating Hillcrest Road street right-of-way subject to the demolition of the structures located at 1800 and 1804 Hillcrest Road and removal and relocation of the existing utilities.

- B272-13 Vacating public rights-of-way located north of Chapel Hill Road, between Face Rock Court and Madison Park Drive.

- B273-13 Vacating drainage easements and a sanitary sewer easement within Magnolia Falls Subdivision Plat 2 located southeast of the intersection of Old Mill Creek Road and State Route KK.

- B274-13 Authorizing an annexation agreement with Pendurthi Properties, LLC for property located at 5960 and 5964 N. Wagon Trail Road.

- B275-13 Amending Chapter 14 of the City Code to prohibit parking on signed snow routes when snow is more than two (2) inches deep on the roadway.

- B276-13** Amending Chapter 14 of the City Code to prohibit parking on a portion of Madison Street.

- B277-13** Authorizing a Contract of Obligation with the Missouri Department of Natural Resources to satisfy financial assurance requirements for proper closure and post-closure care with respect to a permit to operate Columbia’s landfill.

- B278-13** Accepting conveyances for sewer and drainage purposes.

- B279-13** Authorizing replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle; directing that plans and specifications for the improvement be prepared; declaring the necessity for the acquisition of easements.

- B280-13** Accepting conveyances for utility purposes.

- B281-13** Authorizing construction of the Gans Creek Recreation Area – Phase I improvement project, more specifically to include construction of multi-sport athletic fields, a shelter with concession stand, a large picnic shelter, a playground, a dog park, a perimeter walking trail, restrooms and supporting amenities to include the installation and construction of utilities, roads and parking areas; calling for bids through the Purchasing Division.

- B282-13** Amending Chapter 21 of the City Code as it relates to member term limits for the Citizens Police Review Board.

- B283-13** Accepting donations from State Farm and Central Missouri Chapter CPCU to be used by the Fire Department for a fire sprinkler education program; appropriating funds.

- B284-13** Authorizing a cooperative agreement with Boone County, Missouri and the Boone County Sheriff’s Department to govern the use, storage and disclosure of Automatic License Plate Recognition (ALPR) data.

REPORTS AND PETITIONS

- REP141-13** Street Closure Requests - Susan G. Komen Race, MU Pagan Pride, Harpo's, Bengal's, SoCo, Campus Bar, Shiloh Bar, The Heidelberg, Room 38, Casablanca and Electric Flurry.
- REP145-13** Street Closure Request – Ninth Street Summerfest.

Mayor McDavid made a motion to approve the street closures as requested for the Susan G. Komen Race and MU Pagen Pride. The motion was seconded by Mr. Schmidt and approved by voice vote with Ms. Nauser abstaining.

Mayor McDavid asked if staff had any issue with the Ninth Street Summerfest request. Ms. Rhodes replied the original application did not contain the signatures of Commerce Bank and the Coffee Zone, but those signatures had been obtained since the report was submitted.

Mayor McDavid made a motion to approve the street closure and waiver of the open container ordinance for the September 25, 2013 Ninth Street Summerfest event. The motion was seconded by Mr. Schmidt and approved by voice vote with Ms. Nauser abstaining.

Mayor McDavid asked if the Electric Flurry event had been approved by the Special Event Committee and the Downtown Community Improvement District (CID). Ms. Rhodes replied the Special Event Committee did not meet with applicant and the Committee’s comments were included in the staff report. The Downtown CID recommended approval contingent upon approval by the University of Missouri and the Special Event Committee.

Mayor McDavid asked if this event would create an issue with the noise ordinance. Ms. Rhodes replied yes. Mayor McDavid stated the Council preferred these items be vetted by the Special Event Committee and the Downtown CID and asked if issues such as the noise ordinance had been vetted by the Special Event Committee. Ms. Rhodes replied all of the issues had not been vetted. Mayor McDavid asked how they dealt with something that had not gone through the vetting process. Mr. Matthes pointed out the staff recommendation was for the remainder of the requests to be denied as there were concerns with public safety, noise, etc. Mayor McDavid felt the Electric Flurry event was inherently different than the Homecoming events. Ms. Rhodes referred to Section 24-73(d) and noted it indicated the Council should not close a street and issue a street use permit unless it determined no safety hazard would be created, no obstruction would be created that would unreasonably interfere with police, fire or health protection, and there would be no reasonable interference with the normal use of abutting property. She pointed out the Public Works Director could not guarantee a safety hazard would not be created because there were too many issues that had not been vetted. Mayor McDavid stated he was reluctant to use that as a reason because this could not be guarantee for Summerfest events either. He noted he liked to approve street festivals if the Downtown CID and Special Event Committee had approved it. Ms. Hoppe pointed out the University had concerns as did she regarding what was in the foam and the effect of it going down storm drains.

Mayor McDavid made a motion to deny the street closure request and waiver of the open container ordinance for the Electric Flurry event since it had not been vetted. The motion was seconded by Mr. Trapp and approved by voice vote with Ms. Nauser abstaining.

Mayor McDavid commented that he was going to change his course on the issue of football weekend street closures. He noted he disagreed with the premise that this was a zero sum game where one establishment benefited at the detriment of another as he believed they could create an increase in the number of people that came downtown to benefit all establishments, but they had a chaotic group of requests and would likely need to approve all or none of these requests.

Mayor McDavid made a motion to deny the remaining street closure and waiver of the open container ordinance requests. The motion was seconded by Mr. Skala.

Mayor McDavid implored the Downtown CID to deal with this issue and to come back with a solution for next year. He wanted them to be in support of no street closures for commercial entities or provide a template for acceptable street closures. If a street was closed for a commercial use, he felt it needed to be fair and for a reasonable fee to be charged as the City was providing police and other services. He also did not feel these events should impact bus routes. He reiterated he believed the Downtown CID should come up with a consensus as he did not believe they should be the ones arbitrating issues for this fractured group.

Mr. Schmidt commented that he thought these events would be a mess as they had been badly thought out, and many were in protest of the original one. The abutting property owners were unhappy. He did not believe this would be in accordance with any noise ordinance. Since they could not allow all of them, he thought they should not allow any of them.

Mr. Skala commented that at the previous meeting he had been sufficiently impressed to think about a potential pilot, the equity issue and a fee, but since then he had spoken with more people regarding other issues, such what was going on downtown at 2:00 a.m. He stated he understood the SEC factor and its economic viability, but these events were potentially endorsing bad behavior. Columbia was not New Orleans as they did not close the town and allow open containers everywhere solely for a football game. He also felt football crowds were different from music crowds, which was part of the reason they viewed these closures differently. He believed they needed to deny all of the requests unless someone could show him a viable way for this to work.

Mayor McDavid stated he believed this was a great opportunity for the downtown business people to get together to support FastCAT as it went from the intersection of Hospital Drive and Tiger Avenue. He thought they should figure out a way to use it to their advantage. It would get their clients from their establishment to the stadium and back.

Mr. Schmidt commented that he believed if they approved one of these events, it should go to the highest bidder since they were doing this for profit. It was not a festival. It was being done to get extra square footage. He felt they should pay for police and the other costs to the City. If they approved a request, which he hoped they would not, he reiterated he thought they should do it as a pilot and bid it out.

Ms. Hoppe stated she thought it was important for any event like this to be well thought out and for there to be a consensus in the downtown with regard to it. There were a lot of different options and possibilities that could help the downtown thrive, but this type of event was not it. She thought they should take a year to allow the downtown businesses and CID to review different options for something that might work and be equitable.

Mr. Trapp commented that a lot of decisions made a 3:00 a.m. look very different at 11:20 p.m.

The motion made by Mayor McDavid and seconded by Mr. Skala to deny the remaining street closure and waiver of the open container ordinance requests was approved by voice vote with Ms. Nauser abstaining.

REP142-13 Possible Parking Prohibition on Sandifer Avenue.

Mr. Glascock provided a staff report.

Ms. Hoppe understood the comments indicated they wanted residential parking only as parking from the business would take up any allowed parking. Mr. Glascock stated this was an interim fix as there were four residential parking permit projects ahead of this.

Mayor McDavid made a motion directing staff to bring forward an ordinance amending Section 14-324 of the City Code to prohibit parking along the southwest side of Sandifer at all times. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

REP143-13 Mobile Vending on City Street.

Mr. Rehard and Mr. Matthes provided a staff report.

Ms. Nauser asked if six months would provide sufficient time for the pilot as it would be done in the fall and winter months. Mr. Rehard replied they might need to adjust the time frame depending on how long it took to bring back an ordinance to allow for the pilot. Mr.

Skala commented that some food trucks, like ones that had roasted chestnuts, might do well in the winter.

Ms. Hoppe understood the operation of a food truck would be prohibited within 200 feet of a restaurant unless provided written consent and asked if that was written consent from the restaurant owner. Mr. Rehard replied written consent from the private property owner would be required. He provided Pepe's as an example as they used the Tropical Liquors parking lot and noted they had an agreement with the property owner or restaurant manager. Ms. Hoppe understood consent would be needed for the Columbia Public Schools as well. Mr. Rehard stated that was correct and noted permission would be needed from the Parks and Recreation Department if someone wanted to do business at a park. Ms. Hoppe asked that staff ensure that was in the ordinance.

Mayor McDavid made a motion directing staff to bring forward an ordinance and changes to existing ordinances to allow mobile vending on City streets for a six month pilot period. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Trapp thought this was great and noted he was pleased this was coming along quickly.

The motion made by Mayor McDavid and seconded by Mr. Trapp directing staff to bring forward an ordinance and changes to existing ordinances to allow mobile vending on City streets for a six month pilot period was approved unanimously by voice vote.

REP144-13 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Hoppe noted she had requested that staff look into the removal of parking on the east side of Morningside in East Campus and asked for a status on that report.

Ms. Hoppe asked the Water and Light Advisory Board and the Environment and Energy Commission to make recommendations as to how \$2 million or another appropriate amount could be used for energy efficiency as discussed during the budget discussions.

Ms. Hoppe explained water was continuously coming up from a manhole near 506 William Street and asked staff to determine what might be the cause.

Ms. Hoppe understood property owners were having difficulty meeting the City codes and requirements while trying to preserve historic buildings and asked that the Building Construction Codes Commission, the Historic Preservation Commission and the Planning and Zoning Commission determine what could be done to adjust City codes to make it easier for people to renovate and preserve historic buildings. She wanted to know what codes were creating the problem and what they could do to amend those codes.

Mr. Thomas asked about the status of rescinding or revising the over occupancy ordinance. Mr. Matthes replied the City had met with the Columbia Board of Realtors, landlords and neighborhood groups, and had then met internally to discuss how far they

could go to satisfy their desires without deleting the ordinance. He thought they would have something on the next Council Meeting agenda.

Mr. Thomas noted there was a fairly low wall where Paris Road went over I-70, which made anyone walking or biking feel vulnerable, and asked if there was a possibility of installing a fence or railing to raise the wall and prevent anyone from falling on to I-70.

Mr. Thomas commented that he had recently been in Boulder and had spent time with transit planners learning about their system, and three things had really allowed their system to expand. One was an ecopass whereby they provided a free bus pass to every employee of a business operating downtown. They also provided the business owners the incentive to encourage their employees to use the pass and leave parking spaces for customers. They focused on one or two key routes in order to get them working really well and then branded those routes. They then looked at improving other routes. They also suggested bus bays not be built because they trapped buses. They felt bus stop areas should be marked in the right hand lane as it was legal for buses to stop even though it held up traffic for a bit.

Ms. Nauser noted she had requested information regarding the crossing situation at Hickman after school let out as someone would run out with a stop sign in traffic, which created a traffic hazard since there was no warning, and asked for a status of that report.

Mr. Skala recalled some discussion with regard to the role of the Water and Light Department paying the electric bill for street lights and asked if that was still paid for with general fund money. Mr. Matthes replied yes, but noted it was significantly less than it was a number of years ago. Mr. Skala asked staff to look into the possibility of those costs being paid by the Water and Light Department.

Mr. Skala explained some of his constituents in the N. Hinkson Creek Road area had indicated the west bank was becoming a dumping ground. He asked staff to look into the situation and determine who might be responsible and how they might resolve the issue.

Mr. Skala thought it might be useful to have a task force on community policing to run parallel with the Task Force on Community Violence that had already been established to assist with public safety issues.

Mr. Skala understood paratransit drivers could not knock on someone's door. They had to wait for someone to come out to the street and this was an issue for some. He asked staff to look at the policy and determine if anything could be done to assist with the situation.

The meeting adjourned at 11:43 p.m.

Respectfully submitted,

Sheela Amin
City Clerk