

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
NOVEMBER 18, 2013**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 18, 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 THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP and SKALA were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of November 4, 2013 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid noted R241-13 needed to be added to the consent agenda and explained it authorized a grant with the State of Missouri for the C.A.R.E. gallery program.

Mr. Skala made a motion to add R241-13 to the consent agenda portion of the agenda. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The agenda, as amended, including the consent agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

SPECIAL ITEMS

R240-13 Approving the City of Columbia as a designated Training Establishment for on-the-job training or apprenticeship benefits through the Veterans' Education and Training Section of the Missouri Department of Elementary and Secondary Education; authorizing veteran training agreements for eligible City of Columbia employees.

The resolution was read by the Clerk.

Ms. Buckler provided a staff report.

Chad Schatz, Director of Veterans Education and Training, a division of the Missouri Department of Elementary and Secondary Education, explained this program was funded through the State with federal dollars and was part of the GI Bill. Veterans had ten years to use it, and had to be within the first two years of training. The on-the-job training program had been around since the 1940's, but had been underutilized. He wanted to ensure everyone understood the concept of the GI Bill and noted he would be happy to work with Columbia toward that effort.

Mr. Skala stated he was appreciative of the GI Bill as it had assisted him in college, but he did not believe there was enough chatter with regard to it. He understood the VA had reached out to veterans, and asked if there was a role the City could play in terms of awareness even though they were an end user. Mr. Schatz replied yes, and commented that he felt the City of Columbia could take a lead in this effort by making this a priority. Ms. Buckler pointed out this would be used in the advertisement of those positions staff felt would

have veteran applicants, and noted the City had participated in the veterans job fair last week.

Curtis Soul, 1600 Silver Lane, stated he had been in Columbia for about 17 years and had been in and out of Columbia for at least 25 years. He thanked the Council for discussing this issue. He explained he had tried to participate in this program in the past, and the issues involved a long wait, difficult paperwork, being overqualified, etc. He suggested assistance in filing the paperwork be provided to veterans. He noted he had been overqualified as he had been in radio for about 35 years. He stated the City had assisted him, as he worked at Douglass Park as Curtis “Boogieman” Soul, the DJ, but believed the program in Jefferson City needed an overhaul. He suggested they find veterans to assist them in determining what veterans needed. He pointed out veterans had been trained to police in overseas countries and felt veterans would make good local police officers.

Mr. Schatz explained the paperwork for the VA benefits for the on-the-job training was done by his staff. They only required veterans to fill out an application for benefits. He also noted there would not be a delay in his office or by his staff.

The vote on R240-13 was recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

AIRPORT ADVISORY BOARD

Escott, Bill, 2400 Edmonds Court, Ward 5, Term to expire May 16, 2016

COLUMBIA VISION COMMISSION

Alsbrook, Margie, 3814 Hyde Park Avenue, Ward 6, Term to expire December 15, 2016

Fazio, Venita, 8693 W. Brennen Drive, Boone County, Term to expire December 15, 2016

Hucker, Eric, 2500 Old 63 South, Ward 6, Term to expire December 15, 2016

MAYOR’S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Peck, Jennifer, 2901 N. Johnson Lane, Boone County, Term to expire November 30, 2014

Mayor McDavid made a motion to readvertise the vacancy on the Personnel Advisory Board based on the recommendation of staff. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

SCHEDULED PUBLIC COMMENT

Fred Malicoat and Wayne Hawks – Ordinance 27-111: electric and metering of residential dwelling units as it pertains to property located at 3107 Green Meadows Way.

Fred Malicoat displayed a diagram of the site and explained the subject building, which housed a laundry, office complex, Murry’s, the Upper Crust and some apartments, had been built in 1981. The office complex below had been built in 1984 and those offices were

modified to apartments in 1993. At that time, fire sprinklers, shutters and separation between apartments had been added. Nothing had been required of the electric meters. He noted they were asking for an exception to Section 27-111 of the Code of Ordinances, which required each apartment or dwelling unit to have an individual electric meter. The apartments on the north end were added in 2002, and it also had only one electric meter. He showed diagrams of the current metering system and explained the owner was proposing changing the current system to a cleaner application with a meter center for all of the tenants other than Murry's, who would have its own unit. He stated they could not fit 17 apartment meters in the space identified. This work could have easily been done in 1993 and 2002, but now it was a hardship to do the work due to the cost and the interruption of business for 2-3 weeks at Murry's and Upper Crust in terms of traffic. He asked the Council to ask staff to provide for a variance to the ordinance since apartments had been operating without separate meters for so long.

Mayor McDavid explained he would be asking for a staff report on this issue at the end of the meeting since it was beyond the expertise of the Council.

Wayne Hawks, 3212 Westcreek Circle, commented that he prided himself on the maintenance of his buildings. In 1993, when the executive suites were converted to apartments, they were required to install an elaborate sprinkler system, fire separation, fire shutters, etc., and no one had ever indicated separate meters would be needed for the apartments. In 2002, they added more apartments, which required fire separators and a lot of brick and block work, but nothing was said with regard to individual meters. He stated to require separate meters at this time would cause a construction problem. There were over 100 people employed in the area and closing Murry's and the Upper Crust would create an issue.

Mr. Schmidt asked who was requiring the separate metering. Mr. Hawks replied the City was requiring it. He explained they had outage issues so the City wanted to provide more power to help alleviate that situation, and had notified him of the requirement for individual metering at that time.

Mr. Thomas asked Mr. Hawk if the work required would cause the two restaurants to close down for two weeks or if it would cause an inconvenience in terms of traffic flow. Mr. Hawk replied two weeks was a conservative estimate of how long they would be shut down. He thought it could be as long as a month.

Ryan Worley, Youth Community Coalition – How the community can support the positive youth development of each and every child.

Ryan Worley stated he was the coordinator of the Youth Community Coalition and a resident of the Second Ward, and wanted to talk about the importance of creating a positive community environment for young people. Research had shown the environment in which a child grew up had a significant impact on that child's development and life long success. The early years mattered and children needed support and empowerment during every step of development through adolescence and into adulthood. As a community, he believed they had the responsibility to create an environment where children could thrive. They needed to promote what was good, and protect children from things that put them in harms way. He felt

the young people in the community should be the top priority. He commented that research had shown there were a certain amount of risk factors that hindered a child's development and threatened to darken their future, and those included exposure to violence, going to bed hungry and broken families. He noted the Columbia and Boone County rates of youth use of alcohol, tobacco, synthetic drugs and marijuana were consistently above the State average, and the average age of first use of those substances was 12-13 years old. The Youth Community Coalition worked passionately on substance abuse issues and had observed trends with regard to youth substance abuse locally. He pointed out the two leading indicators of youth substance abuse were attitudes and availability. The less harmful children thought a substance was, the more likely they were to abuse it. In addition, the more available a substance was, the more likely the child would abuse it. He felt this meant the community needed to consistently educate children on the impact of drugs and alcohol on their bodies, brains and future. He thought they needed to ensure children did not have easy access to drugs and that they took substance abuse and addiction seriously. He noted the consent agenda included a grant the Youth Community Coalition was entering into with the Police Department to continue its efforts to reduce underage drinking in Columbia. He stated they had seen great gains over the years in partnering the Police Department in terms of reducing underage drinking and improving the compliance of local retailers with underage drinking laws. As a community, he believed they had the responsibility to send the right messages and implement policies and practices to back up those messages. They also needed to ensure children had the proper building blocks. The Youth Community Coalition called those building blocks the five promises, which were developed by the America's Promise Alliance, and included safe places, a healthy start, an effective education, caring adults and the opportunity to serve others. He noted research showed children were more likely to succeed in school, at home and in the community with more of these promises in their life. He suggested they place the health and safety of children in the forefront of all policy decisions and consider their well-being as the most precious asset because if it was good for kids, it was good for everyone.

PUBLIC HEARINGS

PR229-13 Adopting a policy relating to the repair, maintenance and restoration of brick paved streets.

The policy resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid commented that he would rather see a formal report from the Disabilities Commission than a three minute statement from a member of the Commission. He wanted a report from the Disabilities Commission, the Human Rights Commission and the Bicycle/Pedestrian Commission as they had shown interest in this topic. He suggested this be tabled to allow time for a formal report from those Commissions.

Mr. Skala stated he wanted better context in terms of how this had been handled in the past. He also agreed with Mayor McDavid in that they needed more input and suggested an informational session with the public as it would allow Council to be more informed as

well. He believed they needed to allow the opportunity to allow everyone to discuss this issue thoroughly.

Ms. Hoppe commented that if they were going to delay this, she also wanted to hear from the East Campus Neighborhood Association since it was a historic district that was not included in the core area. She wanted more information on their status and goals.

Mayor McDavid made a motion to table PR229-13 to the February 17, 2014 Council Meeting to allow time for the Bicycle/Pedestrian Commission, the Human Rights Commission and the Disabilities Commission to provide a report on the issue to Council. The motion was seconded by Mr. Trapp.

Mr. Skala asked why there were restricting the policy to a core area. He thought it should cover any historical brick area.

Mr. Thomas pointed out a letter from the Disabilities Commission had been included in the packet and the Historic Preservation Commission had been involved in the creation of the policy resolution. Mr. Schmidt stated he did not believe input from the Bicycle/Pedestrian Commission had been provided as part of the packet.

Mr. Trapp commented that the Human Rights Commission had requested a delay and he thought they could wait 90 days as there would not be a large change to the underlying brick subsurface during that time. Mr. Teddy stated he did not believe any particular project would impact any underlying brick subsurface.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table PR229-13 to the February 17, 2014 Council Meeting was approved unanimously by voice vote.

Mr. Thomas asked if there was data on the longevity and durability of brick streets constructed with new bricks like on Short Street or as recommended in this policy in terms of removing the ancient bricks, laying concrete and cleaning and replacing the old bricks. He wondered how they would hold up and about the smoothness of the surface. Mr. Teddy replied he thought the Historic Preservation Commission had additional information that might address his question. Mr. Glascock pointed out the existing old bricks were not made to be put on concrete. He thought they would likely be crushed so that would need to be tested to determine if it would work. Mr. Thomas understood Mr. Glascock was referring to old brick and asked about new brick. Mr. Glascock replied Short Street had the new brick process and it had been tested and shown to work in other communities. Mr. Thomas asked if it lasted as long as concrete. Mr. Glascock replied yes. Mr. Thomas asked if it stayed smooth. Mr. Glascock replied he thought it would as long as there were not potholes in the concrete, etc.

Mr. Thomas commented that there had been a failure in the bricks as part of the crosswalks in front of City Hall and asked if there had been an identified error in terms of the materials used or the way it was put together. Mr. Glascock replied the wrong materials had been used. Mr. Thomas understood there was no reason to believe this would be typical. Mr. Glascock stated the same brick was used in the repair. Mr. Thomas understood the correct bonding agent was used. Mr. Glascock stated that was correct.

Ms. Hoppe asked if there was data on the traffic calming effects of brick streets. Mr. Glascock replied he was not sure and would need to check. Mr. Teddy understood it was one of the generally cited benefits.

Ms. Hoppe understood crosswalks in streets could be made of a different material so it was easier for people in wheelchairs to navigate, and asked if pictures, etc. could be provided. Mr. Glascock explained the approaches at Short Street when crossing the sidewalk were concrete. Only the street portion was brick.

Mr. Skala understood there was not a reason the crosswalks could not be done properly for access purposes while considering historic preservation for the maintenance of streets.

Ms. Nauser asked if there was a cost estimate for the proposed work in the policy resolution. Mr. Glascock replied no, but pointed out they had a bid for Short Street so they extrapolate information from that bid for a cost estimate. Ms. Nauser thought that would be helpful in the review of the policy resolution.

Ms. Nauser pointed out the policy resolution had “shall” in many places and provided “funding as indicated in section 2.v. shall also be allocated during the budget cycle to uncover the following prioritized list of covered streets.” She noted policy resolutions were usually more open ended and suggested “may” instead of “shall.” She was concerned because this had not been a part of the CIP process and she did not believe these projects should necessarily be ahead of those in the CIP. Mayor McDavid suggested Ms. Nauser amend the policy resolution in February when the issue was back in front of them. Mr. Schmidt thought Ms. Nauser’s concern was dependent on the cost estimates as it could be cheaper. Ms. Nauser stated she would like the word “shall” changed to “may” in the future.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid continued the public hearing to the February 17, 2014 Council Meeting.

(A) Construction of sanitary sewers in Sewer District No. 170 (Poplar Hill Drive).

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid asked when these homes were built and for the age of the sewer. Mr. Glascock replied they were on-site sewers and had been around for a long time. The lagoons were failing and needed to be removed for health purposes.

Mayor McDavid understood these types of systems could not be built anymore in the County. Mr. Glascock stated they could still be built in the County.

Mr. Skala asked if this was within the urban service area defined in the newly adopted comprehensive plan. Mr. Glascock replied it was within that area.

Ms. Hoppe understood the ordinance allowed a tax deferral of up to \$2 million for projects such as this and asked where the City was in terms of that \$2 million as she understood that amount was increased over the years. Mr. Glascock replied he did not have that information, but could provide it later. Ms. Hoppe noted this would involve a lot of money in terms of that deferral, which was why she was asking.

Ms. Hoppe asked for the circumstances whereby the deferred portion of the tax bill would need to be paid. Mr. Glascock replied it would have to be paid if there was subdivision, rezoning, etc. Ms. Hoppe thought some of the property owners were interested

in development and understood they would then have to pay the deferred amount. Mr. Glascock stated that was correct.

Mr. Thomas understood this property was across the road from Parkside Estates. Mr. Glascock stated this development was across Route K from Parkside Estates. Mr. Thomas asked if this upgrade took that development into account. He wondered if that development would hook on to this sewer. Mr. Glascock replied he did not know if that development would hook on to this sewer as that had not been reviewed. These were already annexed lots so the sewer was needed.

Mayor McDavid opened the public hearing.

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

Ms. Nauser made a motion directing staff to proceed with the Sanitary Sewer District 170 project. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

OLD BUSINESS

B337-13 Authorizing an agreement with Tyler Technologies, Inc. for the Columbia Financial Enterprise Resource System (COFERS) project.

B338-13 Appropriating funds for the Columbia Financial Enterprise Resource System (COFERS) project.

R239-13 Authorizing a sales, software license and services agreement with Kronos, Inc. for time and attendance software to be implemented as part of the Columbia Financial Enterprise Resource System (COFERS) project.

The bills were given second reading by the Clerk and the resolution was read by the Clerk.

Mr. St. Romaine provided a staff report.

Ms. Hoppe asked for an example of how the COFERS project would change a current process. Mr. Barrett replied employee self-service was something that had been needed for years. He explained they needed a better way to communicate pay, benefit plans employees were enrolled in, vacation, etc. whereby employees could look up the information on their own instead of asking certain staff members for copies of pay stubs, etc. He pointed out Mr. St. Romaine had mentioned time and attendance in his report and noted they were excited about the possibility of eliminating paper time sheets. He explained staff processed about 2,000 time sheets every two weeks. It was a manually intensive process in that they manually entered the hours instead of importing them. Citizen self service options would also be available as citizens would have the opportunity to access information about their accounts. Mr. St. Romaine pointed out the first phase would include CRM, which was the citizen relationship module, and it would allow the tracking of calls, the determination of whether there were problems based upon the calls, the issuance of work orders to specific departments, tracking time, etc. so staff could communicate with citizens when complaints were resolved.

Ms. Hoppe asked if this system would allow people to report a pothole without having to speak to a person. Mr. St. Romaine replied yes. He noted this would assist the Council as well in terms of real time answers to their particular issues.

Mr. Skala stated he was glad to see the Council tracker system would be enhanced by this system as it was important. He understood different modules would be utilized and

different companies would be providing the modules in some cases, and asked if all of the modules would interact. Mr. St. Romaine replied yes, and explained they had tried to eliminate as many problems as possible. He pointed out that Kronos had been a part of the proposal with Tyler as a third party vendor, but after communicating with both companies, they felt the City would be better served by contracting directly with Kronos. Mr. Blattel noted the contracts with Kronos and Tyler included how those systems had to interface and how they would evaluate whether the vendor had successfully implemented the interface prior to payment for the particular module.

Mr. Schmidt understood some modules could be delayed in terms of the time schedule due to difficulties and other modules could move ahead. He asked where the CRM was in the time line. Mr. St. Romaine replied the Tyler Incident Management and Tyler Notify modules were a part of the first phase and the CRM, and would begin in January 2014 in terms of implementation.

Mr. Schmidt understood a lot of the cost savings were soft as staff was currently keeping needed data in shadow systems because the current system did not meet their needs and asked if there would be any measurements to show the savings associated with this project for any shadow systems no longer needed. Mr. St. Romaine replied they became aware of many of these shadow systems by going through this process and had tried to ensure the functional specifications included functions to avoid the need for shadow systems.

Mr. Schmidt thought a certain amount was spent for utility billing and asked if that would cover the cost of any billing module purchased. Mr. St. Romaine replied they had not estimated detailed costs in terms of man hours for each application. He explained the City would pay a license fee to install and operate the system and an annual maintenance fee. The City would continue to pay maintenance fees to Sunguard until it was phased out. He noted the City would pay 18 percent in maintenance fees to Tyler for updates, etc.

Mr. Schmidt explained he wanted to know if there were soft costs they were paying now that would eventually be saved as they moved forward with this project. Mr. St. Romaine replied they would save some money.

Mr. Schmidt asked about escrow in case these companies went out of business. Mr. St. Romaine replied the contract included provisions for the companies going out of business.

Mr. Thomas understood the \$2 million associated with B338-13 had not been included in the FY 2014 budget for this purpose and asked if these were operating funds or reserve funds. Mr. Blattel replied reserve funds. Mr. Thomas understood the general fund reserve balance would be depleted by \$1 million. Mr. Blattel stated that was correct because it came out of fund balance. Mr. St. Romaine pointed out some of the costs would be absorbed by the enterprise fund. Mr. Blattel explained it was broken down by all of the funds and the general fund would be impacted by \$1 million. Mr. Thomas asked if this had been discussed by previous Councils. He wondered why it had not been anticipated as part of the budget. Mr. Blattel replied staff could not estimate the cost until the contract negotiations were completed. He pointed out this included the software, hardware, staff time, training time, etc. Mr. Thomas understood the utility billing system was still needed and asked if there was an estimated cost for it. Mr. Blattel replied he would prefer not to provide the estimate since

they were still negotiating that contract. Mr. Thomas asked if another appropriation of several millions of dollars would be needed for it. Mr. Blattel replied they would not need to appropriate that much more. Mr. Matthes commented that they had budgeted conservatively for this project knowing they would not purchase a Tier 1 product. He also pointed out the City had twice as many business units as other communities since most cities did not have an electric utility. Staff had been unable to estimate which product would work best for the needs of the City at the time the budget was prepared, so they did not know the exact number until recently. Mr. Skala stated he recalled some discussion and the numbers were significantly higher, and as a result, he was reassured by these numbers.

Mr. Thomas stated he thought it would be helpful to have an idea of the annual savings in terms of operating costs versus the less efficient human run systems, and a concept of the number of years it would take to break even. Mr. Blattel noted they would try to track that the best they could. He noted they knew the Kronos system would save staff time in terms of the time sheet process, and thought they could provide an estimated cost savings. Mr. Matthes pointed out these tended to be soft savings and noted they would not be able to shrink the staffing level as a result of this. It would allow the entire organization to do more valuable things. He thought this would cost about the same as it did today in terms of relative expense, but they would be able to do more and be more productive due to these tools. He noted this was a 20 year commitment as they had kept the previous system running for more than 20 years, so it was a long term investment.

Mr. Thomas understood the upfront cost would be \$7 million plus the cost of the utility billing module, and an annual fee which would be built into operating budgets. Mr. St. Romaine stated the annual fee would be about 18 percent of the software license cost, which was about \$400,000 - \$500,000 per year. Mr. Schmidt asked if that was similar to what the City was paying Sunguard. Mr. St. Romaine replied the City was paying Sunguard \$130,000 - \$140,000 per year for software purchased in 1997 for about \$1.3 million. Mr. Matthes understood the \$400,000 sounded like a lot of money, but pointed out it was for 32 different pieces of software. Mr. Schmidt was surprised it was not indexed to inflation. Mr. St. Romaine noted it had an inflation cap.

Ms. Hoppe understood the additional \$2 million would come from reserves and the reserve total was over the 20 percent requirement. She asked if the future annual costs would be allocated to each department as was done for other services. Mr. St. Romaine replied it would be a part of the department operating budgets annually.

Phillip Ravit, 1415 Godas Drive, stated he used Kronos at the University of Missouri Health Systems and thought it was amazing. He noted he was a laborer that worked weekend and nights and it allowed him to keep up with his time card. It was simple and he could check it anywhere through the internet. He suggested the legends be nuanced correctly for shift differentials, etc. as that was lacking at the University. He reiterated he thought Kronos was amazing.

Mr. Trapp stated he was impressed with the complexity of City government. He found the work orders as part of the contracts interesting as it showed the needs of each department. He noted he was also impressed by the willingness of City staff to look at business processes in terms of what they were doing now and how they could do it better.

He stated the City would continually have budget pressures and increased productivity in terms of doing more with less would be a necessity as people's expectations grew with technology. He liked the fact staff was being cautious and careful. He appreciated the process thus far and the ability to explain it to those that might not be as tech savvy.

Mr. Matthes stated he liked the fact Mr. Trapp caught the best practices piece of this project as it was a core jewel of the approach as the worse thing they could do was to automate a bad service.

Ms. Hoppe commented that 20 years was a long time in terms of technology, especially with regard to paper time sheets. She noted the State had moved to a better fix years ago. She felt they were going from a neanderthal system to a current system. She thought it was needed and the City would benefit as a result.

Mr. Schmidt stated this was a reason they had a reserve fund and suspected there would be soft savings. He suggested those soft savings be measured if possible. He liked the fact the CRM piece would be in the first phase as one of the biggest complaints he received was that it was difficult to get to the appropriate person. He also thought it would provide data-mining to determine problems in order to improve best practices.

Mr. Skala commented that he liked that this would help with the silo issue and allow departments to communicate. He noted that when the Council had gone paperless it allowed for them to receive more information efficiently. In addition, the cost savings to the Council budget alone was \$20,000 - \$25,000 in paper. This project would not only benefit City staff, but it would also assist the public at-large in search capability, etc. He thought this was long overdue and was glad staff had done its due diligence. He agreed it was a large expense, but thought there was a lot of value to the money.

B337-13 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B338-13 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on R239-13 was recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

CONSENT AGENDA

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

PR230-13 **Adopting the "Neighborhood Traffic Management Program" for calming traffic on residential streets in the City of Columbia.**

B324-13 **Abrogating the Final Plat of Discovery Park Subdivision Plat 1 located west of the U.S. Highway 63 and Discovery Parkway interchange.**

- B325-13 Approving the Final Plat of Discovery Park Subdivision Plat 2-A, a Replat of Discovery Park Subdivision Plat 1, located west of the U.S. Highway 63 and Discovery Parkway interchange; authorizing a performance contract.
- B326-13 Approving the Final Plat of Westcliff, Plat 3 located on the northwest side of Labrador Drive; authorizing a performance contract.
- B327-13 Approving the Final Plat of Fox Lair, Plat No. 2 located northwest of Labrador Drive; authorizing a performance contract.
- B328-13 Authorizing a contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri for replacement of a waterline along Scott Boulevard as part of the Scott Boulevard Phase 2 roadway improvement project.
- B329-13 Appropriating funds for the improvement and rehabilitation of sanitary sewer pipes and manholes in the Bear Creek and Flat Branch Creek watersheds.
- B330-13 Appropriating funds for the purchase of rear-loading containers from Civic Recycling.
- B331-13 Accepting quit claim deeds for sewer and road relinquishment purposes.
- B332-13 Accepting conveyances for utility purposes.
- B333-13 Accepting grants from the Youth Community Coalition (YC2) to be used by the Police Department for enforcement activities; appropriating funds.
- B334-13 Amending the agreement with Community Foundation of Central Missouri and Greater Horizons to rename the “Columbia Arts Foundation” to the “Columbia Arts Fund.”
- B335-13 Authorizing a PCS Antenna Agreement with Sprint Spectrum, L.P. relating to the lease of property and space on the Walnut Street water tower (15 East Walnut Street).
- B336-13 Authorizing a PCS Antenna Agreement and Memorandum of Agreement with T-Mobile USA Tower LLC relating to the lease of property at Fire Station No. 5 (1400 Ballenger Place).
- R231-13 Setting a public hearing: construction of the Douglass Park – Phase I improvement project to include construction of an outdoor amphitheater and small shelter, parking improvements, the installation of new signage, construction of walkways, and additional landscaping, storm water and forestry improvements.
- R232-13 Setting a public hearing: voluntary annexation of property located on the east side of Creasy Springs Road and north of Prairie Lane (3680 North Creasy Springs Road).
- R233-13 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.
- R234-13 Authorizing an ancillary services provider agreement with Home State Health Plan for clinical services.
- R235-13 Authorizing agreements for FY 2014 Signature Series Funding under the Tourism Development Program; transferring tourism development funds to the Parks and Recreation Department for the Heritage Festival.
- R236-13 Authorizing an agreement for professional engineering services with Trabue, Hansen, and Hinshaw, Inc. relating to the Avenue of the Columns

streetscape project and the reconstruction of portions of the sidewalk and intersection improvements along Eighth Street between Walnut Street and Cherry Street.

- R237-13 Authorizing execution of a temporary construction easement agreement with The Islamic Center of Central Missouri, Inc. for property located along the eastern edge of Flat Branch Park.
- R238-13 Consenting to an assignment and assumption of the Passenger Services Agreement for operation of the Columbia Star Dinner Train with Central States Rail Associates, Inc. to Columbia Star Dinner Train, Inc.
- R241-13 Authorizing a grant agreement with the State of Missouri – Missouri Arts Council for the Parks and Recreation Department C.A.R.E. Gallery program.

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

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

- B339-13 Amending Ordinance No. 021840 to correct the address designation of property on Wagon Trail Road as it relates to an annexation agreement with Pendurthi Properties, LLC.
- B340-13 Amending Chapter 29 of the City Code to revise the definition of “family.”
- B341-13 Amending Chapter 14 of the City Code as it relates to hourly parking and fees for certain facilities.
- B342-13 Authorizing a right of use permit with North America Islamic for construction, improvement, operation and maintenance of a private sidewalk and site wall with handrail in a portion of the Locust Street (408 Locust Street) right-of-way.
- B343-13 Authorizing a right of use permit with MM III, LLC to allow construction, operation and maintenance of a non-standard patterned, textured and colored sidewalk in a portion of the Ninth Street (404 South Ninth Street) right-of-way.
- B344-13 Authorizing rights of use permits with MM III, LLC to allow construction, improvement, operation and maintenance of balconies and canopies to extend in a portion of the Ninth Street (404 South Ninth Street) right-of-way.
- B345-13 Authorizing a right of use permit with The Curators of the University of Missouri to allow construction, improvement, operation and maintenance of fiber optic telecommunication lines in a portion of the Old Route K right-of-way.
- B346-13 Authorizing a right of use permit with Ameren Missouri to allow construction, operation and maintenance of temporary remedial action

project improvements at the Ameren Missouri manufactured gas plant (MGP) site located at 210 Orr Street; authorizing the temporary closure of a portion of the sidewalk on the south side of Park Avenue, a portion of the sidewalk on the east side of Orr Street and two parking spaces located on the north side of Ash Street.

- B347-13 Authorizing Amendment No. 1 to the agreement with Loomacres Wildlife Management for a wildlife hazard assessment at the Columbia Regional Airport; appropriating funds.
- B348-13 Authorizing an STP-Urban Program agreement with the Missouri Highways and Transportation Commission for the Broadway pavement improvement project from Providence Road to Hitt Street; appropriating funds.
- B349-13 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants.
- B350-13 Authorizing application for public transit planning, operating and capital assistance grants with the Federal Transit Administration.
- B351-13 Approving the Douglass Park Comprehensive Plan; authorizing construction of the Douglass Park – Phase I improvement project to include construction of an outdoor amphitheater and small shelter, parking improvements, the installation of new signage, construction of walkways, and additional landscaping, storm water and forestry improvements; calling for bids through the Purchasing Division.
- B352-13 Appropriating donated funds for construction of the Otho Smith memorial project at the Antimi Sports Complex located in Columbia Cosmopolitan Recreation Area.
- B353-13 Authorizing an agreement with the Columbia Public School District relating to the replacement of tennis courts at Hickman High School.
- B354-13 Amending Chapter 4 of the City Code as it relates to alcoholic beverages.
- B355-13 Accepting a donation from the Downtown Community Improvement District for the purchase of a John Deere Gator™ 825i to be used by the Police Department for patrolling the downtown area; appropriating funds.
- B356-13 Amending Chapter 19 of the City Code as it relates to mutual aid emergency pay and restoration of services.
- B357-13 Authorizing renewal of provisions pertaining to the operation of the Columbia Fire Department and conditions of employment of the Columbia Fire Department personnel.
- B358-13 Adopting the Choice Plus \$750 Plan, the Choice Plus \$1,500 Plan and the Choice Plus \$2,500 High Deductible Health Plan for the City of Columbia.
- B359-13 Establishing retiree insurance premiums for medical and dental care plans.

REPORTS AND PETITIONS

REP161-13 Radon Control in the City Building Code – Update.

Mayor McDavid stated he believed the response from the Building Construction Codes Commission validated the position of Mr. Skala.

Mr. Skala made a motion directing staff to draft an ordinance requiring passive radon equipment installation as it applied to Code Appendix F in the National Building Code. The motion was seconded by Ms. Hoppe.

Mr. Thomas commented that he felt there was a procedural problem with reports as the public did not have the opportunity to provide input. Mayor McDavid stated he disagreed since the public would have the opportunity to comment when it was an ordinance on the agenda. Mr. Thomas agreed that was the case when it was an ordinance on the agenda. If that had not happened in this situation, he would have proposed they hold a hearing on it. He believed a decision to do nothing was a Council decision without public input. He wanted to get to the point where reports were purely informational reports and were looking ahead to a future Council action and not something where Council was being asked to make a decision or non-decision unless a Council Member could make a motion to allow public comment during a report. Mayor McDavid stated he did not believe the intent was to pass ordinances or adopt resolutions without allowing the public to comment. Mr. Thomas felt they sometimes made decisions when they were not passing ordinances or adopting resolutions. Mayor McDavid pointed out any Council Member could ask for an ordinance or resolution. Mr. Skala tended to agree with Mayor McDavid, and pointed out this had been previously discussed with the adoption the building codes and noted they had received reports from the Building Construction Codes Commission and the Environment and Energy Commission. Public comment was allowed at that time, and it was when the radon issue initially came up. He agreed the more public comment, the better, but felt there needed to be a balance. The reports were generally informational, but there were occasionally some actionable types of issues that provided some inclination to staff with regard to how the Council felt, and they were always followed by an informational or comment session in which the public could participate. Mr. Thomas thought there had been situations where actions that were not reversible had been taken during the reports section without public comment. Mayor McDavid suggested Mr. Thomas remind the Council of this the next time a situation like that was to occur.

The motion, made by Mr. Skala and seconded by Ms. Hoppe, directing staff to draft an ordinance requiring passive radon equipment installation as it applied to Code Appendix F in the National Building Code was approved unanimously by voice vote.

REP162-13 Administrative Public Improvement Process – Otho Smith Memorial Project.

Mr. Matthes and Mr. Griggs provided a staff report and explained this was essentially informational.

REP163-13 Downtown Community Improvement District – End of Fiscal Year Report.

Mayor McDavid commented that the relationship of the Downtown Community Improvement District (CID) to the citizens and to the Council was not clear to him, and noted he wanted a report from staff as to the Downtown CID's accountability to the public and Council. The enabling legislation indicated the Downtown CID would provide a report of the services provided, revenues collected, expenditures made through the fiscal year and copies

of the written resolutions approved by the Downtown CID Board. He stated he did not see any resolutions in his packet so they either did not have any resolutions or had neglected to provide them. When the Downtown CID was approved, the Council had been provided Exhibit D-1, which projected expenses, such as \$178,500 for administrative services, but they had spent \$249,000 per the information provided in this packet. As a result, the Downtown CID substantially exceeded what they would be spending. He noted he was not sure the Council had any oversight, which was a reason he wanted a report from staff. The Downtown CID had also mentioned \$50,000 as an expense for public safety in its petition for establishment. He stated he had not seen an expense for public safety. He understood they were collecting substantially more money than had been anticipated and that there might not be accountability, which was fine. He only wanted clarity as this had not followed the pattern he had expected.

Mr. Thomas asked if Council appointed the Downtown CID Board. Ms. Amin replied yes. Mayor McDavid understood they had appointed the original Board, but did not know if they had appointed any replacement members. Ms. Amin explained the Council had been asked to approve all changes to the Board.

Mayor McDavid thought it would be helpful to them all if they understood the chain of command and the level of oversight required by the Council.

Mr. Skala agreed clarification was needed. He also recalled discussion regarding the Downtown CID purchasing a vehicle for the Police Department for the downtown patrol and wondered how that fit in this process.

Mayor McDavid reiterated there were no resolutions or minutes. Ms. Amin pointed out there were a couple resolutions in the packet, but there were not any minutes.

REP164-13 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor McDavid asked for a comment from staff regarding the scheduled public comment on the electrical issue. Mr. Matthes explained electricity was treated differently than water, and one of the fundamental reasons was because electricity could hurt or kill someone and water was generally considered healthy. Master metering was okay for water, but it was not allowed for electricity. Every unit was required to have its own electrical meter, and there were physical reasons for it. In the example of a fire, it was routine for the meter to be pulled and power to be killed to the specific unit while maintaining power to other parts of the building. He noted there were also regulatory reasons in terms of not allowing someone to resell power to tenants while doubling the cost. Mr. Thomas asked if people would buy electricity at the higher price. Mr. Matthes replied the landlord would likely not provide a choice as was usually done with cable. He pointed out laws could be crafted to prohibit this if necessary.

Mr. Matthes explained the residential use was a change from the original building in this situation, and the new use had expanded. The transformer had been built for one use and more people had then been added to it. This caused electrical fluctuations and brown

outs at the building. In the process of fixing that problem, staff became aware of this issue. He stated there might be things the City could do to help with compliance of the ordinance. He pointed out the staff position was to enforce the ordinance and it was the right of the building owner to ask for the law to change, but staff was reluctant in supporting a change at this time. He noted hundreds of people had complied with the law, which involved the added expense and irritation of what it took to do it. He thought there were ways to engineer a fix so it was not as problematic. They did not want anyone to be out of business if it could be helped, but it was safer and compliant to have a meter per unit. He pointed out the City's electrical system was based upon this approach of a meter per unit, and this included billing. There was a base fee and volume charge. If they allowed a change for this situation, the City would have to create a rate for this type of entity. The current residential charge was different than the commercial charge.

Ms. Nauser understood the building owner had gone through two building permit processes and asked why this had not been resolved in 1993 when the use was changed. Mr. Matthes replied staff would have to go through the paper files to try and determine the reason. His guess was that staff did not know people would be residing in the building. Ms. Hoppe stated she had worked in the area and thought it was obvious there were residential units. There had been advertisements on-site as they were working on it as well. She did not believe they had tried to be sneaky. Mr. Matthes stated he was not suggesting they were being sneaky. Staff did not know the details, and if all of the steps had been taken, this should not have happened. Ms. Hoppe commented that she thought the City might have missed a step instead of the owners because residential in a commercial area had been the talk then. Mr. Matthes stated that might have been the case. Ms. Hoppe thought the City needed to be accommodating if it was something they had missed while trying to get to the end goal.

Mayor McDavid agreed they should be accommodating, but also pointed out they were not compliant. He noted they would not let another entity be built with that configuration. He thought it fell on the owner if a configuration was created that violated the ordinances. He understood it would cost money, but pointed out it would have cost money if they had done correctly 20 years ago. He felt they should only allow this if they were willing to allow it for someone else.

Mr. Skala suggested staff look into the reason for this, and they could then determine if remediation was necessary. He asked for clarification on the time line in terms its impact on businesses as a month had been stated as well as a couple weeks. He also asked if the Board of Adjustment could provide any relief. Mr. Matthes replied no. Mr. Skala understood the Board of Adjustment could not rule on this situation.

Mr. Matthes stated staff would try to help fix this specific issue as long as the outcome was complying with each unit being metered. He thought staff could be helpful in how it worked. He would hate to see them close the business for months.

Mr. Thomas asked if a long closure was credible as he did not understand why it would take so long to complete the work. Mr. Johnsen replied he was not familiar with the details of this situation so he could not comment at this time.

Mr. Matthes reiterated staff would prefer to keep the ordinance the way it was written while doing what they could to help.

Mr. Thomas asked if there were other situations like this and wondered if they knew how many. Mr. Matthes replied he was confident there were other similar issues, but did not know how many.

Mayor McDavid understood staff would explore the issue further and try to be accommodating while ensuring compliance with the ordinances, so Council would wait for the suggested resolution.

John Clark, 403 N. Ninth Street, commented that he had been afraid the Council would not encourage staff to go with the most robust and up to date system possible. He stated he could tell them of the hundreds of hours of completely wasted time and ineffectual results substantially due to the failures of the HTE system in the last ten years. A truly robust system was needed. He thought this new system would result in an amazing amount of improved information for decision making. He thanked the Council and staff, and suggested the new system be re-evaluated in 10 years instead of 20 years.

Mr. Clark thanked Mr. Thomas for raising the issue of doing business in the reports section of the agenda. For years, the Council had routinely done real business during the reports section under the guise of staff guidance. He thanked Mayor McDavid for his suggestion of empowering the Council to speak up when they felt business was being done during the reports section of the agenda.

Mr. Thomas commented that during the last legislative session, there had been a push to introduce a one cent on the dollar sales tax for transportation across the State of Missouri. He thought it had not moved forward because it had been blocked by anti-tax conservatives. He understood another push was happening through a citizen petition. The draft wording indicated it would raise about \$8 billion over a ten year period with five percent going to cities and five percent going to counties. Since the tax rate could be raised by one cent, it would make it harder to raise local taxes. He felt they would be able to do better transportation planning and projects in the City if they were able to control the money instead of MoDOT. He asked if staff was aware of this and whether the City had the opportunity to lobby on this issue. Mr. Matthes replied staff followed the legislative process every cycle and was somewhat familiar with the effort to do a citizens initiative petition approach. He noted they had little opportunity to affect the language of the petition, but would if it were a legislative issue. Mr. Thomas understood there was no formal way the City or the Missouri Municipal League could try to negotiate the terms since it was a citizen petition, and asked if they could try, informally, as they would need a majority of voters throughout the State, which could be hindered if cities publicly opposed it. He thought cities should have a larger share and asked if it was something staff could work toward.

Mr. Thomas explained he learned at the Clark Lane Interested Parties Meeting that a big grade separation problem existed. As a result, in order to build the sidewalks in the proper location, the entire 80-100 feet of width had to be graded. If it had not been for that technicality, he thought political will could have resulted in the sidewalks being built in the

correct position more rapidly to address a very great need. He agreed the best thing to do in the short term was to build the aprons as had been proposed. He recommended rumble strips and two white lines as it would provide a stronger visual cue.

Mr. Thomas stated he and Mr. Schmidt had attended a Bicycle/Pedestrian Commission last month at which there was a MoDOT representative, and they had discussed the three intersections for the Stadium Corridor Improvement project that had been designed to only have three crosswalk legs. The MoDOT representative was not able to explain why it had been designed in that manner. He understood there was a possibility for the fourth leg of crosswalk to be able to be added to the Ash and Worley intersections, but it would cause severe timing problems at the Bernadette intersection. He noted he was continuing to push for this and was interested in creating a policy resolution to stop building intersections with only three crosswalk legs so a walkable community was created.

Ms. Hoppe commented that there was a good presentation at the National League of Cities Conference, which indicated engineers had been trained well in terms of moving and accommodating cars, and they were now being taught to focus on people first. She noted four of the Council Members had attend informative sessions at the conference and provided some examples. She suggested a pre-council meeting be set aside so those that attended could share some of the highlights of what they had learned. Mr. Matthes stated they would schedule it.

Ms. Nauser stated she had received phone calls over the past couple weeks regarding cross traffic on the section of Providence Road between Nifong and Southampton, especially when school was let out. She noted the stoplights were not functioning to allow for a long enough gap for left turns to go west on Nifong. She asked for a report with any potential solutions to the problem in terms of traffic flow, especially during the school year.

Ms. Nauser commented that the north side of Nifong, between Bethel and Forum, involved a large stretch of property without any sidewalks even though there were a lot of senior residential homes being developed in the area. If the new electric lines were going to follow the existing light pole path, she suggested the sidewalk gaps be addressed and asked for a cost estimate to be provided.

Mr. Skala agreed with Mr. Thomas' comments regarding the need for rumble strips and double white striping on Clark Lane and hoped it would be accommodated. He also understood there was an issue with street lighting on Clark Lane and asked if that could be reviewed.

Mr. Skala recalled discussion for infrastructure to accommodate solar panels to be placed on top of the City Hall building when it was constructed. He was more recently told mistakes had been made in the construction of the building so the solar panels could not be accommodated and asked for clarification. He wanted a report that indicated whether they could put solar panels on the roof as was originally planned, and if it could not be done, he

wanted to know why it could not be accommodated. He thought they should lead by example if possible.

Mr. Trapp commented that he had met with residents of the Forest Ridge Neighborhood and they had indicated Providence Road, west of Brown School Road, did not have any street lighting. He asked staff to look into the situation and determine whether they could improve safety there.

Mr. Trapp thanked Ryan Worley from the Youth Community Coalition for talking about the important issue of youth substance abuse. The age of first use was a key indicator in whether someone would have a lifelong problem with substances. He was thankful for the writing of that grant as it assisted with enforcement in an effort to diminish youth access to alcohol. He looked forward to more robust approaches to diminish access to substances for young people.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Sheela Amin
City Clerk