

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
JANUARY 6, 2014**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, January 6, 2014, 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**

The minutes of the regular meeting of December 16, 2013 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Trapp.

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

Mr. Skala requested B386-13 be moved from the consent agenda to old business.

Mr. Thomas requested R6-14 be moved from the consent agenda to new business.

The agenda, including the consent agenda with B386-13 being moved to old business and R6-14 being moved to new business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Skala.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**SCHEDULED PUBLIC COMMENT**

**Kittie Rogers - Consider revising the current barking, annoying dogs ordinance, Section 5-56.**

Ms. Rogers read Section 5-56 of the Columbia Code of Ordinances, which indicated no person should own, keep or harbor any dog, which by loud, continual or frequent barking, howling or yelping should annoy or disturb any neighborhood or person, or which habitually barked at or chased pedestrians or vehicles to the annoyance of such pedestrians or drivers of such vehicles, and felt the first part of the ordinance was vague, broad, and too dependent on someone's opinion of annoying. She suggested the Council consider revising the ordinance to allow for greater objectivity and less subjectivity, and referred to San Clemente, California, as its ordinances defined a barking dog as one that barked, bayed, cried, howled or made any noise for an extended period of time, such as incessant barking for 30 minutes or more in any 24 hour period or intermittent barking for 60 minutes or more during any 24 hour period. A dog was not considered a barking dog if the dog was barking due to someone trespassing or attempting to trespass on the private property on which the dog was situated

or if the dog was being teased or provoked. Since this was her second offense she would have to go to court if she did not admit guilt and pay the fine, and the current ordinance provided little or no defense. She explained her dog had barked and it annoyed someone. With definitions, she and the complainant would at least know what was expected. If the ordinance had definitions, she and the complainant would know exactly what was expected. She noted she had not been unresponsive and had put up as much privacy fence as possible. She had also purchased shock collars and citronella collars. Her dogs were inside the house when she was not there and were rarely unattended in the yard when she was home. She stated she was not the only pet owner who had this problem, and asked the Council to consider tightening up the ordinance for greater clarity.

**Amir Ziv or Keith Strausser - Extension for the funding of the sewer line for the Ridgeway project.**

Mr. Ziv asked Council for a 1-2 year extension of the grants and/or monies allocated for the sewer system for the Cozy Cottage project on Ridgeway. He believed the project would occur this year, and the current funding expired this month.

**PUBLIC HEARINGS**

**B382-13 Authorizing construction of improvements at Fairview Park and Fairview Elementary School; calling for bids through the Purchasing Division; authorizing an agreement with the Columbia Public School District.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

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

B382-13 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 the Cliff Drive PCCE #14 Sanitary Sewer Improvement Project.**

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Hoppe asked if neighborhood associations were notified of sewer improvement projects such as this. Mr. Glascock replied the affected property owners received notices, but he was not sure a notice was provided to the neighborhood association. Ms. Hoppe stated she would suggest notifying the neighborhood association during council comments.

Mr. Schmidt understood the laterals were being replaced if it was being connected to a different line. Mr. Glascock stated that was correct, and explained they always tried to connect to something solid.

Mr. Skala asked that the report indicate whether any sewer extensions were within the urban service area in terms of the Comprehensive Plan. Mr. Glascock replied it was within the urban service area if it was within the City of Columbia. Mr. Skala stated he understood, but felt it was important for that to be specified.

Mayor McDavid understood the repairing of defective City sewers within the City limits was paid for with public funds, but an individual with a private sewer system accessing the City sewer system for the first time was responsible for some, if not all, of the costs. Mr. Glascock explained the City was responsible for existing sewer lines and the developer was responsible for new service. A connection charge would apply to anyone connecting to the City sewer.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe stated she was happy to see this project move forward as it was needed.

Ms. Hoppe made a motion directing staff to proceed with the final plans, specifications and construction of the PCCE #14 Cliff Drive Sanitary Sewer Improvement Project as recommended. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(B) Annexation of City-owned parkland located on the north side of St. Charles Road and east of Golf Boulevard (6700 E. St. Charles Road).**

Item B was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas understood part of the subject site was not within the urban service area. Mr. Teddy stated that was correct. He explained he thought it was due to the sewer basins and drainage divides as some areas were less favored for sewer connections. In this situation, he felt it was appropriate to look at it as though the entire tract was within the urban service area. Mr. Thomas understood the urban service area boundary was drawn with a lot of attention to sewer basins. Mr. Teddy stated that was correct.

Mr. Matthes understood some people were concerned with the R-1 zoning designation as they thought homes would be placed on the property. He noted the City intended to continue using the property as a golf course. Mr. Schmidt asked if R-1 was the typical zoning for a park. Mr. Matthes replied he believed it was the typical zoning. Mr. Teddy explained the property had to be placed in a zoning classification. They could have designated the property as A-1 instead, but it also allowed single family use on relatively small lots. He noted it was already a developed City park and any redevelopment would involve a very public process. In addition, the R-1 zoning allowed public parks. He pointed out this was a lateral zoning change as the current County zoning of R-S was almost identical to R-1.

Mayor McDavid opened the public hearing.

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

**(C) Annexation of property located on the northwest corner of Scott Boulevard and Highway KK (5801 S. Highway KK).**

Item C was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser asked if there was a time frame by which this needed to be completed. She noted the Council had received a letter today from the Thornbrook Homeowners Association in opposition to the zoning, and suggested the matter be tabled in order to allow conversation with the neighborhood. Mr. Teddy pointed out no action was required tonight,

and the bill that would consider the zoning was being introduced tonight and would be considered by Council on Tuesday, January 21. Ms. Nauser thought that would allow the necessary time to talk to the neighborhood.

Mr. Schmidt thought it would be helpful to have a zoning specific to the actual use in the future. Mr. Teddy understood he was referring to something like an institutional zoning and agreed it was not something the City had at this time. Mr. Schmidt felt this would address the concerns of neighbors. Mr. Teddy pointed out that sometimes institutions wanted a residential zoning in case their plans collapsed.

Mayor McDavid opened the public hearing.

Sid Sullivan, 2980 Maple Bluff Drive, commented that a public school tended to have an assignment area, which was roughly three square miles, so placing a public school on the fringes of the City and outside of the urban service area would result in requests for additional development as elementary schools were a magnet for development. He noted 5-11 year old children tended to walk to elementary school, and placing the school next to an arterial road, which was designed to move traffic at speeds of 35-50 mph, was a conflict. He understood there were plans to extend Scott Boulevard to I-70, to extend Route K, and to move Gans Road and connect it to Route K, so the elementary school would be at the intersection of two arterial roads. It would also create traffic problems at times the children were picked up and dropped off by vehicles due to weather, etc.

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

## **OLD BUSINESS**

### **B366-13 Amending Chapter 27 of the City Code as it relates to renewable energy standard.**

The bill was given third reading by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Nauser understood there was a cap on what customers could be charged in order to recoup the cost of purchasing renewable energy. Mr. Johnsen stated that was correct and explained the ordinance currently imposed a three percent rate impact limit. Ms. Nauser asked for the current rate impact. Mr. Johnsen replied it was at 1.8 percent of that three percent based on the methodology used, and it generated eight percent of renewable energy last year.

Mr. Thomas understood the 1.8 percent was calculated by comparing the unit cost of the renewable energy versus the average cost of the non-renewable energy. Mr. Johnsen explained they divided the resources into three categories and compared them with similar types of resources. As an example, he noted they would compare the landfill gas generators to base load peaking generators, and wind and solar were compared with market resources. They tried to compare the type of resource to the resource it would replace. He stated it was not a straightforward calculation, but the methodology had been approved by the Water and Light Advisory Board and had been used for the last 3-4 years to determine the rate impact.

Ms. Nauser asked Mr. Johnsen if he could provide a dollar amount rather than a percentage. Mr. Johnsen replied it was just under \$2 million per year. Ms. Nauser

understood that was the amount not being recouped by ratepayers. Mr. Johnsen stated that was correct.

Ms. Hoppe asked for a dollar amount for the Peabody Coal Plant capital investment and how that affected the ratepayers for comparison purposes. Mr. Johnsen replied he did not have that specific information at this time. He explained they had terminated some existing contracts when the Prairie State Plant was utilized. He noted he could provide the amount paid as a base load unit, but pointed out the energy had to be bought somewhere. Ms. Hoppe understood the cost had substantially increased over the amount that had been anticipated. Mr. Johnsen stated he did not believe the plant cost had been far from the original projections. The capital costs had increased over time, but it was less than a 10-15 percent increase over the original projections.

Mr. Schmidt understood initial targets had been achieved at a rate of only 1.8 percent and the public had indicated they were willing to pay three percent. Mr. Johnsen stated that was correct, but pointed out the methodology was subject to time and power price changes, causing the fixed resources to decrease in price since it was compared to a variable market. As the market increased, the wind and solar resources would look like a better deal. As a result, an evaluation was done every year with regard to the rate impact. He pointed out that they were not able to decide when wind or solar was available. They just took them when they were available, and what they likely displaced was market transactions.

Mr. Schmidt assumed solar would replace peak. Mr. Johnsen replied it could, but peak also happened on the system when the sun was down, so it would only replace part of it. In addition, solar did not really provide any capacity, which was the ability to serve. He pointed out the City had to show the load, and purchase enough capacity to serve that load along with an additional 15 percent for a safety margin. None of the interruptibles provided any real capacity value at this time. He explained that when they installed a photovoltaic system, they had to sometimes buy capacity as well for back up.

Mr. Skala understood the City's philosophy was diversification, and one reason the City became involved with compressed natural gas was to broaden usage of various types of fuels. He thought they wanted to take advantage of the three percent increase the public was agreeable to in terms of diversification as he felt the public wanted the City to head toward renewables. He asked Mr. Johnsen if he felt the City had a diversification scheme. Mr. Johnsen replied the City's supply portfolio would show diversification in all resources and noted he thought it provided more reliability.

Mayor McDavid understood the City needed to go from 285 megawatts to 306 megawatts in terms of capacity by 2017 per the Burns & McDonnell study. In order to attain a 15 percent renewable portfolio, 26 megawatts of capacity would need to be added instead of 21 megawatts. He asked why the City would not purchase eleven windmills. Mr. Johnsen replied wind did not really provide capacity. He explained wind and solar were not typically used for capacity or to serve the load from a reliability perspective. They were used from the energy perspective, which was why they were shown to offset other resources in the methodology of cost comparisons. Capacity was the ability to serve the load if called upon, and some of the renewable energy resources could not be called upon. They were used as they performed. He noted the capacity factors were determined by MISO, the reliability

coordinator, who had the obligation to balance the system, and MISO specified how much could be claimed to reliably serve the load. Mayor McDavid understood MISO would sometimes shut down the City's wind power. Mr. Johnsen stated that was correct. Mayor McDavid understood the City would sometimes pay one cent per kilowatt hour for them to take the City's energy. Mr. Johnsen stated that was correct if it was happening at the wrong time.

Mr. Skala understood the City was relying on fossil fuels and gas for capacity. Mr. Johnsen stated the City obtained some capacity from the landfill gas generators. He thought it was a little over seven megawatts of landfill gas capacity, but noted it was dispatchable since it had a reliable fuel cell. In addition, the wood at the Power Plant was a renewable and dispatchable, so it was also used for capacity.

Mr. Trapp asked if there was a future for renewables to provide capacity. He wondered if that was where the smart grid concept was heading and whether that would happen within the time they were looking at with this horizon. Mr. Johnsen replied he believed the answer was yes, but felt it would require the ability to have load follow generation. Typically generation followed load, but when generation moved uncontrolled, the load would have to follow generation. Mr. Trapp understood this would shift user behavior. Mr. Johnsen agreed and pointed out they needed load that could be dropped.

Mr. Trapp asked if anyone had navigated a path between where the City was now and where the City was headed. Mr. Johnsen replied yes. He noted the results of a smart grid study would be brought forth soon and would involve how they would proceed in terms of infrastructure, meters, etc.

Mr. Skala asked if storage capacity would play a future role. Mr. Johnsen replied he did not know at this time.

Mayor McDavid understood if the 2012 mandate was ten percent instead of five percent, the 1.8 percent rate would have been pushed to three percent to get what they could. Mr. Johnsen stated they considered both of those targets. They were trying to put in resources as cheaply as possible.

Mayor McDavid believed there was a difference between a standard and a mandate in that a standard was something one aspired toward and a mandate was something one had to meet. In reading the ordinance, he believed the three percent cap was a mandate and the 15 percent renewable energy portfolio was a standard. He did not believe both were mandates because there was a possibility both could not be met. Since the public voted on the three percent cap, he presumed it would supersede the 15 percent renewable energy portfolio unless another election was held, and asked if that was correct. Mr. Matthes replied that was how staff viewed it.

Mayor McDavid referred to five year levelized cost estimates provided by the Department of Energy, and understood combined cycle natural gas was estimated at 6.6 cents per kilowatt hour, coal at 10 cents per kilowatt hour, wind at 8.7 cents per kilowatt hour and 14.4 cents per kilowatt hour. He did not believe wind could be compared with natural gas since it was not reliable. He noted woodstoves and fireplaces were carbon neutral renewable energy sources and suggested it be included in the portfolio if it could be estimated. Mr. Skala was not sure it was carbon neutral. Mr. Johnsen stated he did not

believe a decision had been made on whether it was carbon neutral. Mayor McDavid commented that trees took in carbon as they grew and released carbon as they were burned, which was why he considered it carbon neutral. Mr. Johnsen explained the City claimed wood to be renewable energy. There was still a lot of carbon legislation yet to be decided.

Mayor McDavid commented that unless there was a technological breakthrough, he did not believe they would reach 15 percent in five years. Mr. Johnsen agreed it appeared the three percent rate impact would kick in before they reached the 15 percent renewable energy standard.

Mr. Thomas asked if the 1.8 percent rate increase had not been recouped or if the utility rates had been raised to accommodate the increase. Mr. Johnsen replied the 1.8 percent was being recouped through the rate structure.

Tom O'Connor commented that he believed the portfolio goals were fairly modest by current standards and believed staff could meet the goals with the needed political commitment. He pointed out the Columbia Energy Center was purchased to provide a lot of capacity, and by owning that capacity, the City was free to purchase a variety of intermittent sources. He stated renewable energy was necessary, but not sufficient, as he felt it needed to be local as well. He noted they had the opportunity to bring tens of millions of federal funds into the community in terms of federal tax credits for solar while retaining money within the community. They were currently sending \$71 million out of the community to buy outside energy. He thought it might be a worthwhile tradeoff if they spent \$75 million, but kept it within the community. He felt the only barrier remaining tended to be political and asked the Council to provide the political force to proceed.

Lawrence Lile, 7425 East Route Y, Ashland, stated he was the Chair of the Environment and Energy Commission (EEC) and the EEC endorsed the passage of this ordinance as they felt it was the right direction to move. He noted he had 10 kilowatts of solar on his roof so his energy bill was zero unless it was cloudy. He wanted the direct benefits he received to be had by others City-wide.

Dick Parker, 215 W. Sexton Road, stated he was speaking on behalf of the League of Women Voters who strongly supported the proposed ordinance as the League's national position on energy policy included predominant reliance on renewable resources. Increasing the requirements for renewable energy would help Columbia meet future growth and electric demand with pollution-free green power instead of fossil fuels that harmed health and degraded the environment. Higher goals would also reaffirm Columbia's commitment to achieve the greenhouse gas reduction called for in the Mayor's Climate Protection Agreement signed in 2006. The 15 percent target by 2022 had been a laudable goal when the citizens voted to enact the renewable energy standard in 2014, but it appeared to be modest today compared with 25 percent by 2025 set by Illinois and Minnesota. He noted Columbia had shown it could meet and surpass the current ordinance targets, and felt the increased availability of diverse renewable resources and declining costs would bode well for Columbia's energy future. He understood there had been eleven bids for the RFP for renewable energy last year for wind and solar resources, and new sources of biomass energy were being evaluated. In addition, wind energy was currently the City's lowest cost renewable source and the potential for solar energy had hardly been tapped. Solar

installations provided new local jobs, strengthened the local economy and offered citizens the opportunity to invest in solar projects. The League of Women Voters asked the Council to vote in favor of the renewable energy target.

Linda Green, 206 Anderson, commented that she believed natural gas should be evaluated on more than its financial cost because natural gas from fracking was as dirty as coal. She thought they needed to avoid natural gas as soon as possible and needed this increased renewable energy standard.

Eugene Elkin, 3406 Range Line, stated Germany was now completely solar. He understood any past nuclear disaster would be minor compared to what would happen in Fulton, Missouri, and wondered what the cost to everyone would be to get rid of nuclear waste. He thought the price of solar was cheaper in the long run.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the Columbia Climate Change Coalition, the Interfaith Care for Creation, and People's Visioning, and noted People's Visioning had approached the Council over a year ago regarding an 80 percent renewable energy standard by 2015. She felt they needed to recognize the real costs of energy in terms of pollution and public health, such as asthma and cancer. She believed this was the reason the public was willing to pay more for cleaner energy. She noted the People's Visioning thought it made a lot of sense to keep this money in the community and eliminate health costs.

Ms. Hoppe noted a comment had been made regarding the economic value and importance of locally generated renewables and asked if that preference should be included in the ordinance. Mr. Johnsen replied he thought the ordinance already addressed the issue in terms of a preference for the in-State development of renewable energy resources.

Mr. Skala commented that he had been involved in drafting the original renewable energy standard language and had supported the City utilizing compressed natural gas as he felt it was a bridge to a mostly renewable future since coal was dirtier and nuclear energy had its own problems. He noted he viewed this as a goal setting exercise. He agreed they should not exceed the three percent rate without public consent, but thought they should try to achieve the higher renewable energy standard percentages even if they were ultimately unable reach those goals. He also agreed this required some political effort and stated he would vote in favor of being as aggressive as possible in terms of the future of energy usage.

Mr. Johnsen addressed a previous question of Ms. Hoppe and noted (d) of Section 27-106 of the Code of Ordinances, which involved the renewable energy standard, indicated preferential consideration in the selection process for projects in Missouri.

Mr. Schmidt understood the Environment and Energy Commission supported this proposal, the utility had demonstrated this could be done, the public had indicated three percent was okay, and the people wanted the City to do more in terms of renewables. They had hit the original target with just a 1.8 percent increase, so he felt it made sense to increase the mandate. Most citizens could not produce their own energy, and were looking to the utility company to do something on their behalf. He noted he viewed this as pro-business as it had the potential to create numerous local and state industries. He explained European countries were demonstrating they could hit the mandates, and believed it was appropriate for Columbia to pursue these mandates.



Mr. Thomas commented that he planned to support this ordinance as he felt it was a vision and goal for the City. The three percent cap protected consumers and this was not being subsidized through another source of funding. He pointed out the financial microanalyses comparing energy sources failed to capture the external costs built into fossil fuels that would have to be paid one day, whether by the City, the United States or globally. As a result, he felt they needed to determine the right policy or philosophy in terms of energy consumption and sources. He encouraged everyone to look at the info-graphic completed by Tom O'Connor as it provided a realistic future vision in terms of energy consumption and utilization. He noted homes could ultimately obtain energy at nearly zero dollars, which was something he thought they wanted to move toward as fossil fuels would ultimately be depleted or be too expensive to harvest.

Ms. Hoppe commented that she had worked on the original renewable energy ordinance in 2004 as well, and the goal was set to be modest with a three percent cap. She felt the increased energy percentages were feasible and believed the public wanted them to move in this direction. She noted it was supported by the Environment and Energy Commission and the Water and Light Advisory Board, and was in accordance with the goals of the Mayor's Climate Protection Agreement to reduce greenhouse gas emissions. She stated she supported the proposed ordinance.

Mr. Trapp stated he had some concerns about capacity in terms of intermittent sources, but thought they would be able to move forward with some demand side management. He understood it would be difficult to navigate and that there would be some transitions and increased costs, but felt it would position the City to continue to develop alternative sources and to serve as a catalyst for individuals and other entities pursuing those sources. He explained he had a solar array and noted it felt good to move away from items that had obvious ill effects. He noted he would support the proposed bill.

Mayor McDavid commented that he would not vote in favor of the proposed ordinance. He thanked those involved with the 2004 renewable energy standard ordinance as it involved a lot of articulation, explanation and education, and acknowledged the work done by the Water and Light Department to meet current goals, but felt energy was expensive. He noted the City Charter indicated the City was supposed to keep charges at a level not to exceed the charges made for the same services by privately owned utilities similarly situated. He understood a family with City electric service would pay \$175.03 for 1500 kilowatts while a family with Boone Electric service would pay \$148.40 for 1500 kilowatts, which was a difference of nine percent. He thought they needed to pay a lot of attention to the cost of these services, and \$20-\$27 per month was important to a lot of people. He pointed out he intended to do what he could to keep energy as affordable in Columbia as possible.

Ms. Nauser explained a presentation had been made by the Boone County Community Services Advisory Commission to the City Council earlier in the evening, and it indicated there were more homeless people, the median wage was below national and state averages, and there had been an increase in the utilization of the Woman, Infants and Children (WIC) program. She commented that she had voted in favor of the 2004 renewable energy standard initiative because she, like others, could afford it, but pointed out there were many in the community that could not afford the increase so she was concerned. She

wanted to ensure energy was affordable to everyone in the community. She felt renewable energy was a great idea as they wanted a diverse portfolio, but sources, such as wind and solar, were not a grand panacea in terms of the environment. It took a vast amount of acreage to install massive wind and solar farms to generate the needed energy, and that was also harmful to the environment. She understood wind turbines had killed 4,700 birds at one facility and 4,000 bats at another facility. She stated she was happy with the original mandate and did not believe the Water and Light Department was precluded from meeting higher standards. She did not believe the standards in the proposed ordinance would be cost-effective for everyone in the community as some people could not afford an increased rate.

Mr. Skala stated he was sympathetic to the idea of cost containment and noted conservation was a big issue in terms of affordability. In addition, he agreed with Ms. Nausser in that the current technology for wind turbines caused problems, but understood bladeless wind turbines were on the horizon and would eliminate those issues. He pointed out they did not know what technology would feature in the future, but felt they needed to move forward to determine if the goals could be achieved.

The vote on B366-13 was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, HOPPE. VOTING NO: MCDAVID, NAUSER. Bill declared enacted, reading as follows:

**B372-13 Rezoning property located northeast of the Stadium Boulevard, Cinnamon Hill Lane and Maquire Boulevard intersection (1202 Cinnamon Hill Lane) from A-1 to PUD-9; approving the Statement of Intent with conditions; approving The Avenue at Columbia Preliminary Plat and PUD Plan.**

The bill was given second reading by the Clerk.

Mayor McDavid explained he had received a request for this item to be tabled to the January 21, 2014 Council Meeting.

Mr. Skala made a motion to table B372-13 to the January 21, 2014 Council Meeting. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

**B377-13 Amending Chapter 6 of the City Code as it relates to radon control methods.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid asked if a passive system was a conduit from the foundation through the house to the roof with no moving parts and whether it could be installed in a new house at about \$150-\$200. Mr. Teddy replied he thought that was a fair cost estimate for new construction and agreed it would involve a PVC piping system from below the lowest home level to 12 inches above the roof. He explained the intent was to retard the movement of gas from the soil into the home.

Mayor McDavid understood the average radon level in houses in Columbia was just below 3.9 picocuries per liter, which was just below the danger point of four picocuries per liter. Mr. Teddy stated the data available indicated it was 3.9 picocuries per liter.

Mr. Skala understood Appendix F required a power box next to the passive installation in case an active system was necessary, but there was adequate power in most houses so it was an unnecessary extra expense. He noted he would propose an amendment. Mr. Teddy stated most of Appendix F involved the passive system, but Section AF103.12 required an electrical circuit to extend to an attic or other location where a piped fan would likely be located. Mr. Thomas understood the amendment would be to remove that requirement. Mr. Skala stated that was correct as he understood most houses already had a circuit available for the fan.

Mr. Schmidt asked for the percentage of houses that exceeded the radon threshold. Mr. Teddy replied he understood 25 percent exceeded the threshold, but noted he was not familiar with the methodology used in that determination.

Ms. Hoppe stated she received a health impact assessment completed in November involving radon-resistant new construction in Missouri, and it indicated Boone County was actually in a higher zone, and asked if staff was familiar with the assessment. Mr. Teddy replied he was generally familiar with the assessment and noted Appendix F allowed for locally available data to substitute for the reference maps so a study the City considered credible could stand in for the finding of the model code.

Jan Dye, 2222 Bluff Boulevard, explained she had never heard of radon when her real estate agent suggested they check for radon as part of the inspection after making an offer on her home about ten years ago due to the health risks and her just receiving treatment for cancer a year previously, and her home tested positive for radon at just over the four picocuries limit. The seller paid for remediation at a cost of approximately \$900. The system was ugly as there was a white PVC pipe that extended from the basement on the exterior of the house and climbed along the side of the house until it was over the roof line. It also required two large holes in the foundation of the home. She commented that although it was an eyesore, she preferred this over the health risks associated with radon exposure. She pointed out the motor in the radon blower fan failed this past month and the cost to replace it was \$200. In addition, the contractor that replaced the fan had indicated he was surprised it had lasted ten years as those fans usually needed to be replaced every 5-7 years. She noted the cost of the active radon system was not fixed due to the fan needing to be replaced and the utility costs to run the fan continuously. She understood it would only cost an additional \$300 to convert a passive system to an active system, and that system would not be an eyesore. She also understood some felt the City should require radon testing instead of requiring passive systems, but was not sure how they would ensure the tests were done and felt it would put another burden on the City, whose budget was funded by taxpaying citizens. She believed requiring passive systems in new homes made the most sense because it was economical in the long run, would avoid complications and costs to the City in terms of administration and protected the people.

Lawrence Lile, 7425 East Route Y, Ashland, stated he was the Chair of the Environment and Energy Commission (EEC) and the EEC endorsed the proposed legislation. He noted he had a friend that passed away from lung cancer without ever smoking and wondered if it might have been due to radon. He explained the State Health Department had indicated passive systems would reduce the radon level in any home in which it was installed.

He understood the four picocuries standard was an arbitrary number and there were risks at any radon level. He reiterated the passive system would reduce the risk to the population since homes that would have scored above four picocuries would score below that number without adding the fan. He noted the EEC had not opposed nor endorsed the proposal to require radon testing as they had struggled with how it would be implemented and enforced, who would conduct and pay for the tests, and what the consequences would be if the test failed. They felt this was the most straightforward process and hoped the Council would vote in favor of it.

Mr. Thomas asked Mr. Lile how he felt about removing the power source requirement. Mr. Lile replied he thought it would be fine because almost everyone had electric power in their attic and it would be a low wattage fan.

Don Stamper, 2604 North Stadium Boulevard, stated he was speaking on behalf of the Home Builders Association of Columbia and commented that nothing in the City's ordinances required compliance or testing in terms of radon so they did not know how many homes had radon. In addition, a large portion of the community would be left out. He believed radon testing needed to be done every time a home was sold in order to attain protection from radon. He did not believe the City needed to mandate or monitor compliance through a test as it could be a part of the real estate process. He pointed out there were no definitive numbers on the impact as the 25 percent came from a DNR source based on the number of people that had received free test kits. It did not include any private testing results. He asked the Council to avoid the temptation to pass this feel good legislation and to require testing instead. He noted the plumbers he had spoken with had indicated the cost to installing a passive system was \$500 regardless of whether it was during or after construction. He understood this would ensure all new homes would have a passive system, but felt they should be looking at the entire community if they were really concerned with radon. New construction would impact 1,300-1,500 homes per year, but there were about 50,000 parcels in Columbia so most homes would not be tested unless it occurred at the real estate transaction.

Alyce Turner, 1204 Fieldcrest, referred to the health impact assessment and noted the radon level in Boone County was over 4.4 picocuries per liter based on 25 percent of the homes tested over a ten year period. In addition, although the four picocuries per liter was the action level, the EPA recommended the consideration of a passive mitigation system if the radon level was 2-4 picocuries per liter. The action level set by the World Health Organization was 2.7 picocuries per liter and some documents indicated any exposure was a risk, especially to the old and young. She stated the passive mitigation systems would remove close to 50 percent of the radon in a home. She understood Missouri was one of 34 states that did not have a state building code, so the health and safety responsibilities fell on local governments. She noted 16 Missouri communities had updated and adopted Appendix F as part of their 2012 ICC review, and five of those sixteen communities were in Zone 2, which was the same zone as Boone County. She commented that the EEC had interviewed a few plumbers that indicated a passive system would cost \$150-\$300, an active system would cost another \$300 or more, and the installation of an active system without a passive system would cost \$1,000 and potentially more if it was an older or two-story home.

Eugene Elkin, 3406 Range Line, wondered if they were discussing radon from the fallout of the nuclear plants at the University of Missouri and Fulton, Missouri.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the Columbia Climate Change Coalition, Interfaith Care for Creation and People's Visioning, and commented that she believed the public health cost needed to be evaluated against other costs. She did not believe the system was too expensive to install when building a new home. She noted she agreed with Mr. Stamper in terms of looking at the broader community and existing buildings, and also felt that if they built better, they would not have to retrofit older buildings of a lesser quality. She referred to the netzero home she was involved with in terms of building better. She understood the proposed legislation would only apply to homes and suggested it also apply to commercial buildings in order to benefit the community as a whole.

Dick Parker, 215 W. Sexton Road, understood the 25 percent was based on the number of houses tested by the State and was a solid number. He commented that he supported the idea of requiring radon testing at the sale of a home and stated he suspected builders would rather pay for the installation of an intermittent system than wait three days prior to selling a property.

Mr. Skala made a motion to amend B377-13 by adding a section to delete subsection AF103.12 Power Source in its entirety from Appendix F. The motion was seconded by Mr. Trapp and approved by voice vote with only Mayor McDavid voting against the motion.

Mayor McDavid commented that he believed the cost was minimal and radon was a heavy radioactive gas that was dangerous and could be removed. He felt a competent builder would want to install a passive system as it was a minor regulation and well worth the price.

Ms. Hoppe stated radon was the second leading cause of lung cancer, and there was no safe level of radon exposure since it was mutagenic. Any exposure would increase the risk of developing cancer. She believed this system would help regardless of the level of picocuries per liter since it would reduce the level of radon. She thought it was a minimal cost for a huge benefit.

Mr. Skala commented that although he agreed with Mr. Stamper, he felt they needed to start somewhere, and starting with new construction made sense. In addition, retrofitting was more expensive than installing the system during new construction. He reiterated it would be nice to have a mechanism to deal with this issue in existing homes since one of the primary responsibilities of local government was public health and safety, and suggested they refer the matter to the Environment and Energy Commission for recommendations. He referred to a map in the packet and noted three contiguous counties had higher levels than Boone County. He agreed with Ms. Hoppe in that any level could be dangerous and pointed out a passive system would cut that level in half for a few hundred dollars. He stated he would support the bill.

Mr. Trapp understood a passive mitigation system had been installed in the netzero house mentioned by Ms. Welch for a lot less than had been mentioned by some.

Mr. Thomas compared this to seat belts and airbags in vehicles, as those were initially only required for new construction, but innovation allowed them to be fitted to existing cars

inexpensively. In addition, its benefit was greater than its costs. He noted he supported the idea of testing homes when sold and potentially requiring a system be added if the radon level exceeded a certain level, although he believed more research was needed to determine the issues of any such requirement.

B377-13, 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:

**B385-13 Amending Chapter 24 of the City Code as it relates to special event permits.**

The bill was given second reading by the Clerk.

Ms. Rhodes provided a staff report.

Mayor McDavid commented that it appeared from the flow sheet that a special event permit could be approved without going to the Council for review and asked if that was an oversight. Mr. Matthes replied the intent was to save time and make the approval of special event permits an administrative function if all of the requirements of the ordinance were met. If the permit was denied administratively, it would then go to Council for Council consideration.

Ms. Nauser stated she had asked staff to prepare an amendment sheet to revise the process to include approval by the Council by resolution on the consent agenda.

Mr. Matthes explained the intent was to make it an administrative function rather than a legislative function in order to save time, but Council could choose to maintain the approvals at the legislative level by adopting the amendment sheet.

Mr. Skala commented that the Council approved other administrative items and felt it might be appropriate for special event permits to be handled in the same manner.

Mayor McDavid stated he did not understand why the permits would not come to Council as there had been some controversial items in the past. Mr. Matthes explained he thought those would still come to Council. Staff felt non-controversial events such as marathons could be handled administratively without going to Council. The proposed ordinance would also add structure that did not currently exist, such as the approval of neighbors. They were trying to minimize the time taken at council meetings while allowing an issue to come before the Council through an appeal process if denied by staff.

Mr. Thomas asked if the original ordinance language included the process outlined by Mr. Matthes or if it was within the amendment sheet. Mr. Matthes replied the process he outlined was in the originally proposed language. The amendment sheet would change that so all decisions were kept at the Council level. Ms. Rhodes pointed out it would keep it at the Council level with approval through resolutions. Currently, these issues were brought to Council as part of the reports section of the agenda.

Mr. Schmidt understood the committee and standardization would happen regardless, and felt that would be a huge improvement since part of the problem was inconsistency. He asked if a representative of the University of Missouri would be on the committee. Ms. Rhodes replied no, but explained the City would work closely with the University and the Downtown Community Improvement District (CID) if an event affected their jurisdictions.

Mr. Schmidt suggested an amendment be made to remove the restriction to close an area on the day before and the day of a football game as he felt this would impact a lot of fun runs and events other than bars extending into the street.

Mr. Thomas commented that he felt the Downtown CID street closure policy did a really nice job of distinguishing between public events they wanted to encourage in the downtown and events for the purpose of selling more beer in a public space. He asked if any of that language had been included in the ordinance. Mr. Matthes replied he thought many of those points had been reflected in the changes in the ordinance although not specifically mentioned. Ms. Rhodes stated that was correct, and pointed out a few had not been reflected in the ordinance, to include the one Mr. Thomas mentioned. Mr. Thomas stated the point he particularly liked indicated that while alcohol was not prohibited at events, it should not be the primary or only activity.

Mr. Schmidt stated he thought they were fooled by the Red Bull event in that although it was not an event for alcohol, it was a commercial event which he felt was problematic.

Mr. Skala understood the Council would set the policy and these issues would fall within the purview of the committee that would make the decisions. Ms. Rhodes pointed out this would not preclude the Downtown CID from using their eleven points in making a recommendation to approve or deny a request.

Mr. Thomas understood a specific approval by the Downtown CID Board of each individual request was not required. Mr. Schmidt noted the flow chart indicated an external review by Carrie Gartner, and he assumed she would consult her Board or some committee. Ms. Rhodes explained Section 24-73(d) of the proposed ordinance indicated the city event committee would accept timely written comments from the Downtown CID Board as to any of the denial conditions listed below if the event was in the community improvement district area. Mr. Matthes noted there was a consult role for the Downtown CID.

Richard King, 109 West Parkway, complimented staff for the proposed ordinance as he felt it would clear up many issues involved in street closures. He noted it took a lot of time and money to plan events, and currently, there were so many layers they had to go through to get approval for an event. He explained he first had to get signatures from his neighbors and provide those signatures and the other paperwork to the City for review, which could take 2-3 weeks since the committee only met once a month. Ms. Rhodes pointed out the committee would meet twice a month starting in January assuming this ordinance passed. Mr. King stated it would then go to the Downtown CID, which only met once a month, and to the Council for approval, and this process created timing problems. He felt he should be able to move forward after obtaining signatures from everyone in the neighborhood and receiving approval from the appropriate City departments and committee, without having the issue go before the Council. He commented that he was on the Downtown CID Board and they had discussed the points submitted by Ms. Gartner. He believed those recommendations would go a long way in making this process easier.

Mr. Schmidt understood Mr. King had timed this new process and it did not work for him in scheduling musicians. Mr. King explained his situation was unique as he needed to get a date confirmed with an artist prior to going through the City process. He understood the downtown community wanted to encourage private businesses to do more events taking

the burden off of the City and the Downtown CID. If they wanted these types of events to continue, he thought they should streamline the operation, and the proposed ordinance was a step in the right direction. Mr. Skala asked if it would take more time to go through the process based on the proposed ordinance than it did previously. Mr. King replied no. He explained the current process took longer. The proposed process would take less time and had a 90 day maximum time frame. Mr. Skala asked Mr. King if he felt adding the Council to the process would create too long of a time frame. Mr. King replied it was a timing issue as there were many layers. He noted he had never had any issues with the City Council, but felt the City experts were reliable. Mr. Skala commented that the Council sometimes disagreed with City staff.

Carrie Gartner, 11 S. Tenth Street, thanked staff as they had all been working on the proposed ordinance for a very long time. The Downtown CID was supportive as they believed it would really clarify the process for those reviewing and organizing the events. She hoped this would encourage people to run more events and to run all events well. She commented that the Downtown CID Board debated home football weekends, and two points swayed them against prohibitions for those weekends. One point was that football Saturdays were slow downtown because everyone was at the game so it would be nice to be able to pull the non-football people downtown. In addition, there were many non-controversial events that added to the festive environment of weekend and could pull people to Columbia earlier or encourage them to stay longer. She provided the Art Huddle as an example, and did not want to limit events due to the concern of businesses just wanting to set up kegs in the streets. She thought they needed to be able to distinguish between what was truly a special event and what might not be a special event, and encouraged the Council to consider that instead of creating a blanket prohibition.

Mr. Thomas asked staff if the proposed ordinance would prohibit special events on football weekends. Ms. Thompson replied it would prohibit the event committee from issuing the permit and would require a negotiated agreement with the City Manager and Council approval. The reason for this was due to the extra demand already placed on staff resources during football weekends and the City's ability to then accommodate certain street closures or special events.

Mr. Thomas asked Ms. Gartner for her thoughts since it was not a prohibition. Ms. Gartner replied she wanted the Council to understand how the Downtown CID Board had resolved the issue internally. They wanted Council to know there were special events that could enhance the flavor of a football weekend for a lot of the merchants.

Mayor McDavid understood they had a well thought out plan to streamline the process, and the amendment sheet would add another layer to the process through a resolution on the Council agenda for each event. Ms. Rhodes stated that was correct. Mr. Matthes explained the Council had two options. The proposed ordinance would allow staff to make a decision with appeals going to the Council, and the amendment sheet would allow staff to make a recommendation to Council with Council making a final decision through a resolution instead of a report as was currently done. Mayor McDavid asked if a resolution would come before Council for every event. Ms. Rhodes replied yes. Mr. Matthes clarified the resolution could be placed on the consent agenda. Mr. Skala believed it was acceptable



for it to be placed on the consent agenda because it would be an administrative function if the details had been worked out ahead of time.

Ms. Nauser explained she requested the amendment sheet be prepared because people that did not always have a business in the downtown area had contacted her regarding street closures in the past. She felt Council should be involved in the approval of special events because the events would occur on a public street and utilize public resources, and there had been instances where the Council denied a request that had gone through the necessary processes. She thought it would also make it fairer as staff would not need to determine whether something was controversial. She noted she envisioned the resolutions being placed on consent agenda with the ability for someone to remove a resolution from the consent agenda if there was controversy or a concern. Mr. Matthes pointed out the addition of Council approval would only add two weeks to the time frame in most instances. Staff had suggested the proposed ordinance language in order to streamline the process to remove the extra two week wait time for the majority of events.

Ms. Nauser made a motion to amend B385-13 per the amendment sheet. The motion was seconded by Mr. Skala.

Mr. Thomas understood the applicant had the opportunity to appeal to Council if denied by the event committee regardless of whether the amendment sheet was approved. He commented that he wanted to try to shorten the process, and as a result was not in agreement with the amendment sheet. He understood an application would not even be accepted if the date of the event was less than 90 days away and hoped they could compress that time frame. He was not sure every event needed to be approved by Council if they had clear rules, and the applicant always had the opportunity to request it go to Council.

Mr. Trapp stated he agreed with Mr. Thomas because he felt streamlining the council meeting process was important. He thought they did best when they stuck to policy. He noted there were a lot of important issues pending for Council to consider, and felt special events in the downtown had taken too much time in the past. He planned to vote against the amendment proposed.

Mayor McDavid stated he agreed with Mr. Thomas and Mr. Trapp.

Mr. Schmidt commented that he also agreed Mr. Trapp, and thought a future council would likely remove Council's role in the appeal process.

Mr. Skala commented that he felt the committee would eliminate 90 percent of the problems the Council would face and was reluctant to give up the possibility of disagreeing as they were accountable to more than those with an interest in the downtown. He understood Mr. King to say this would streamline the process, and they would only add a final step that would likely be on the consent agenda. Two weeks in terms of the entire length of the process was not a significant amount of time. He noted he was torn as he liked the idea of streamlining the process, but also wanted to ensure everyone was agreeable to the event.

Ms. Hoppe stated she was also torn as she like the idea of streamlining the process, but also thought there could be a situation in which the committee approved an event the Council would not approve. She thought they could approve the proposed ordinance as it

was written and change it in the future if a problem arose, or could amend the proposed ordinance tonight so the permits required Council approval.

The motion made by Ms. Nauser and seconded by Mr. Skala to amend B385-13 per the amendment sheet was defeated by voice vote with only Ms. Nauser and Mr. Skala voting in favor of it.

Mr. Schmidt asked if an amendment needed to be made in terms of football weekends. Ms. Thompson replied events were not prohibited on football weekends. The committee itself could not issue the permit. It would be elevated to the City Manager to negotiate an agreement, and to the Council for approval. She noted it would likely work its way through the process for a recommendation, but the event committee could not approve the permit.

Mr. Schmidt asked if there was a way to further streamline the process, such as having the external review happen simultaneously to the review of the committee. Mr. Matthes replied they had generally not been successful when attempting this because at least one decision making body would not have provided feedback in time due to rigid meeting schedules. He suggested the Council approve the proposed ordinance tonight and allow staff to come back to Council with suggested changes. Mayor McDavid pointed out the legislation was dynamic so they could always amend it in the future.

Mr. Thomas noted the proposed ordinance indicated the city event committee could not consider a request for a football Saturday and asked if they should allow the committee to consider it while requiring the extra step of working with the City Manager due to resources being stretched on those weekends. Ms. Thompson suggested changing “consider” to “approve” in Section 24-73(b)(1) of the proposed ordinance because the next paragraph indicated any closure of this kind would require an agreement negotiated by the City Manager, and would also allow the committee to provide a recommendation.

Mr. Thomas made a motion to amend B385-13 so Section 24-73(b)(1) read “the city event committee shall not approve closing any area as set out....” The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

Mr. Thomas asked about the 90 day minimum period as it placed an additional burden on event organizers. Mr. Matthes replied he would suggest keeping it at 90 days for now with the idea that staff could determine if it could be compressed. He noted part of the 90 day period included trying to get event organizers to plan because they had many instances of people with great ideas that did not realize the impact of the event. He provided marathons as an example as they required many street closures and there was a big public safety component to that type of event. He pointed out the committee would meet more frequently in order to try to streamline the process. Ms. Rhodes stated she thought they should be able to accomplish approval in 60 days in most cases, and that was their goal.

Ms. Nauser asked for the definition of an occupant of an abutting building. Ms. Thompson replied the Law Department defined an abutting building as anything that abutted the street and was adjacent to the street. Ms. Nauser asked if the owner or occupant had the authority to sign, and if it was the occupant, if that meant the tenants. Ms. Thompson replied an occupant would be a tenant. Ms. Nauser understood signatures from 100 tenants would be required if the building had 100 tenants. Ms. Thompson stated if an applicant was trying

to show they had the approval of the occupants, signatures from at least 50 percent of the 100 tenants would be required. The ordinance allowed for flexibility in that it might be easier to obtain the approval of the owner if there were a large number of tenants in a building, or the occupants if the owner was affected. It was an either or situation.

Mr. Schmidt pointed out the occupants were affected in the case of a residential building, and not necessarily the owner. Mr. Thomas stated he thought an argument could be made that the owner could be affected if the occupants chose not to live there anymore. Mr. Matthes explained it was worded in a way to provide balance. In a situation in which a business leased a building, the business was more affected than the owner by the event. A situation where there might be 50 or 100 tenants was complicated so the event planner would have the opportunity to obtain approval from the owner or landlord with the assumption they were representing the tenants.

Mr. Schmidt asked Mr. King for his thoughts. Mr. King replied he always obtained the signatures of tenants. Mr. Schmidt thought it was worth the work to prevent any issues. Mr. King agreed, and noted his personal opinion was they should always obtain the signature of the occupant because they would be affected. Mayor McDavid pointed out the problem with requiring the signature of tenants was that some businesses and events were close to large apartment complexes, which could create an untenable situation.

Mr. Schmidt suggested they amend the proposed ordinance from “owner or occupant” to “owner and occupant.” Ms. Nauser thought that could make it difficult to accomplish. Mr. Matthes suggested just “occupant” if he wanted a change because owners were sometimes absentee owners. Mr. Thomas understood the change proposed would require an applicant that wanted to close a street near the Brookside Apartments to obtain signatures of 50 percent of the residents in the block that abutted the street. Mr. Skala thought they would want to allow either the owner or the occupant to sign off on it. Mr. King commented that he would suggest the occupant regardless, based on his experience, and the owner was an option they could also consider. Ms. Nauser asked how they would know what constituted 50 percent of the occupancy of a particular residential building. Mr. King replied he was unsure, but thought they could go by the number of mailboxes. Ms. Rhodes stated it would be extremely difficult to administer. Mr. Schmidt stated he would withdraw his proposal.

Mayor McDavid noted the Council could revisit the ordinance if there were any unintended consequences.

B385-13, 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:

**B386-13 Authorizing Amendment to Memorandum and Agreement of Leases and Parking Rights with Broadway Lodging, LLC to increase the number of leased parking spaces in the Short Street parking garage.**

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid thought the garage was sold out. Mr. Glascock explained they were sold out in the beginning, but some people did not take their spots. Mayor McDavid understood the garage could accommodate this capacity and asked for the rate. Mr.

Glascock replied Broadway Lodging would receive 36 spaces at the reserved rate, which he thought was \$115, and the other 103 spaces for \$65, which was the current rate. Mayor McDavid understood the garage had the capacity to accommodate the additional spaces requested. Mr. Glascock stated that was correct.

Robert Hollis, an attorney with offices at 1103 E. Broadway, stated he was available to answer any questions.

Mr. Skala understood some downtown merchants were concerned about parking in the downtown due to the elimination of surface and street parking spaces, and this had caused a feeling of unfairness in that it was viewed by some as a parking subsidy.

Mayor McDavid asked for the number of parking spaces in this garage. Mr. Glascock replied he thought it had about 427 parking spaces.

Mayor McDavid understood 38 spaces would be leased at \$115 per this agreement. Mr. Glascock explained 36 spaces would be leased at that rate and those spaces were outside of the gate. As a result, there was no way to regulate it unless meters were installed. Broadway Lodging was willing to take these at a premium reserved rate, which were the highest priced spaces. Mayor McDavid understood these spaces would not be available to the general public. Mr. Glascock stated they would not be available to the public unless a meter was installed.

Mayor McDavid asked about the number of spaces inside the garage. Mr. Glascock replied the number of spaces being leased was going from 73 to 103. Mayor McDavid asked how many unleased spaces were in the garage currently. Mr. Glascock replied he was not sure because Brookside and North Light had taken fewer spaces than initially requested. Mayor McDavid understood there were currently 50-100 spaces available and asked how many were metered. Mr. Glascock replied none were metered as they were behind the gate where one would pay. Mayor McDavid understood metered spaces were on the other side of the gate. Mr. Glascock stated all of the spaces outside of the gate were reserved and not metered. Broadway Lodging was taking all of the reserved spots outside of the gate. Mayor McDavid asked how many metered spots were in this garage. Mr. Glascock replied he thought that would be 36 from 427 because they were all behind the gate. Mayor McDavid asked if the 36 spaces were accessible to the general public. Mr. Glascock replied yes.

Mr. Glascock explained staff was going through the list and contacting people to determine the number of spaces they needed, and he felt they had enough to fill the garage.

Mr. Skala asked if there was a way to increase the number of available spaces to the general public. Mr. Glascock replied there were 427 spaces in the garage. They had an agreement with Broadway Lodging and North Light, but the remaining spaces were sold to the general public. In addition, they had 25 hourly spaces. Mayor McDavid asked if they could provide more hourly spaces. Mr. Glascock replied yes, but pointed out hourly spaces did not sell well in garages because people tended to park in the street. He stated he would rather have permit parking than hourly spaces in the garage for financial reasons.

Mayor McDavid understood they could monitor the situation and ask for a change in the number of hourly spaces next year. Mr. Glascock stated that was correct as they could choose not to renew permits as they expired. Mr. Skala stated he did not want to preclude this from happening because the City promised spaces to certain entities and people. Mr.

Glascock pointed out an adjustment had been made in the Fifth and Walnut garage because it opened with 150 metered spaces and only had 75 at this time.

Mr. Schmidt asked for the length of the agreement with the hotel. Mr. Glascock replied he thought it was for as long as Broadway Lodging wanted those spaces, and pointed out Broadway Lodging could release them. Mr. Skala understood, but felt the City would be precluded from making changes if Broadway Lodging wanted to continue leasing those spaces. Mr. Glascock stated the City had 300 spaces they could use however they wished since they did not have to renew a permit.

Mr. Matthes explained the City wanted to assist anyone that had a specific issue or need so he asked the Council to send anyone with an issue to staff so they could try to find a parking space for them.

Mr. Schmidt asked if the prices per parking spaces were indexed for inflation or the prices the City charged since the contract was essentially forever. Mr. Glascock replied it was indexed to the prices of the parking spaces so Broadway Lodging would have to pay more if the parking prices increased.

Mr. Trapp asked if new bus passes would be issued for the New Year with the new parking passes. Mr. Glascock replied yes.

Mr. Thomas commented that there was a successful program in Boulder where downtown employees were given discounted bus tickets, and the business owners were urged to encourage their employees to use the bus passes instead of driving and taking up parking spaces as it freed up the relatively few parking spaces for customers. He hoped something similar could be implemented in Columbia.

B386-13 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.

- B373-13**     **Approving an increase in the maximum number of dwelling units allowed on property zoned PUD-2 located northwest of the Louisville Drive and Chapel Hill Road intersection; approving a revised statement of intent.**
- B374-13**     **Vacating an access easement on Lot 519A within Thornbrook, Plat 15A located on the north side of Henwich Drive and west of Newbury Way.**
- B375-13**     **Vacating a utility easement on Lot 1 and Lot 3 within Broadhead Place located on the south side of Conley Avenue, between Fourth Street and Fifth Street.**
- B376-13**     **Vacating a sanitary sewer easement on Lot 4 within Academy Village Subdivision Plat 1 located on the south side of Green Meadows Road and east of Providence Road; accepting a conveyance for sanitary sewer purposes.**
- B378-13**     **Authorizing construction of the Fairview Road Sidewalk Project from Highland Drive to West Broadway; calling for bids through the Purchasing Division.**

- B379-13 Authorizing the acquisition of easements for construction of the Fairview Road Sidewalk Project from Highland Drive to West Broadway.
- B380-13 Accepting conveyances for utility, sidewalk, temporary construction, temporary access and sewer purposes.
- B381-13 Accepting conveyances for utility purposes.
- B383-13 Authorizing an amendment to the agreement for conveyance of building and lease of land with Heibel-March, LLC for city-owned property located at 900-902 Rangeline Street.
- B384-13 Authorizing a PCS antenna agreement with SBA Structures, LLC for the lease of land at Fire Station No. 6 (3112 Chapel Hill Road).
- R1-14 Setting a public hearing: construction of four pickleball courts at the Albert-Oakland Park.
- R2-14 Authorizing Amendment No. 4 to the program services contract with the Missouri Department of Health and Senior Services for the HIV Prevention Project.
- R3-14 Authorizing the City Manager to execute agreements with various social service agencies; and prescribing the form and content of the agreements.
- R4-14 Authorizing a contract with the Central Missouri Humane Society for 2014 animal control services.
- R5-14 Authorizing the 2014 municipal shelter supplemental funding agreement with the Central Missouri Humane Society.

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

- R6-14 Adopting a list of legislative tracking issues for the 2014 state and federal legislative sessions; adopting infrastructure funding priorities and requesting state and federal assistance in support and funding of the legislative and infrastructure priorities.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thomas stated he did not understand the effect of adopting this resolution. Mr. Matthes explained it really just guided the staff in terms of what they should focus on. If staff found something triggered by this, they would bring it back to Council to determine whether a letter should be sent to the delegation, whether they should lobby more aggressively, etc. Mr. Thomas stated that made sense to him with regard to Appendix A, but noted he was not sure of the purpose of the infrastructure funding priorities. Mr. Matthes explained the City worked with its neighbors, and especially Boone County, on grants with governmental bureaucracies, such as MoDOT, as they tended to support regional projects, and this list guided staff in those efforts.

Mr. Thomas commented that there were a number of very expensive infrastructure projects listed, and asked if they were on the Capital Improvement Project (CIP) Plan. Mr. Matthes replied yes. He pointed out these were intentionally broad, and provided an upgrade to the COLT railroad as an example for which they would attempt to receive a grant.

Mr. Thomas asked if these ten projects were currently not funded. Mr. Matthes replied he understood some had some funding while they waited for additional funding, but others did not have any funding. They were generally not fully funded projects.

Mr. Thomas stated he would not vote in favor of this resolution because there were a number of projects he was not sure were needed. He felt the projects would cost an enormous amount and were part of a growth scenario he did not believe was healthy for the City or consistent with the Columbia Imagined plan, and provided the \$68 million I-70/Scott Boulevard interchange as an example.

Mr. Skala understood some of these projects were on this list and the capital improvement project list, and asked if the distinction was that these were more regional than the items on the capital improvement project list. Mr. Matthes replied the Council would find some connection to CIP Plan with the items listed, and pointed out they were trying to communicate the list on this resolution with those on the federal level. Mr. Skala understood this applied to projects the City needed help with in terms of money. Mr. Matthes stated that was correct.

Mr. Thomas understood Council had not had input on the selection of these ten projects. Mr. Matthes explained Council had input in the past, and this was the annual renewal of them as they had not been funded. He noted the Council could change them if they wanted. This list had been created in partnership with the City's colleagues and allowed staff to look into funding for the projects at the federal level.

Mr. Skala understood examples of this were the COLT railroad bridge and overpass for the airport. Mr. Matthes stated that was correct.

Ms. Hoppe understood the I-70/Scott Boulevard interchange project would alleviate pressure at Stadium and I-70, and wondered if that could be removed since the Stadium and I-70 interchange had just been reconstructed. She thought there might be too many items on the list and suggested focusing on a few priorities. Mr. Matthes explained they did not number these projects on purpose as they were all high priorities. They allowed the federal government to choose the project they would fund. Ms. Nauser commented that part of the City's traffic problem was only having two north-south routes. Scott Boulevard was the next logical route because it connected to Route K. She noted she did not know how long the Sorrels Overpass would last, and felt something would need to be done.

Mayor McDavid understood this resolution set the process to interact with the state and federal government. This was not the time to debate priorities in terms of projects as the discussion on the CIP Plan was when they determined priorities.

The vote on R6-14 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA, NAUSER, HOPPE. VOTING NO: THOMAS. 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.

- PR7-14     Establishing a revised policy for intergovernmental relations.
- B1-14     Annexation of City-owned parkland located on the north side of St. Charles Road and east of Golf Boulevard (6700 E. St. Charles Road); establishing permanent R-1 zoning.
- B2-14     Annexation of property located on the northwest corner of Scott Boulevard and Highway KK (5801 S. Highway KK); establishing permanent R-1 zoning.
- B3-14     Rezoning property located on the west side of Woodard Drive and south of Mexico Gravel Road from R-1 to O-P; approving the OHM Professional Offices Development Plan; granting a variance to the Subdivision Regulations relating to sidewalk construction.
- B4-14     Rezoning property located east of the intersection of Old Hawthorne Drive West and Pergola Drive from C-P to PUD-6.6; approving the Preliminary Plat and PUD Plan for On The Ninth; approving less stringent setback requirements.
- B5-14     Approving the Final Plat of Broadhead Place, Plat No. 2, a Replat of Lots 1 through 6 of Broadhead Place located on the south side of Conley Avenue, between Fourth Street and Fifth Street; authorizing a performance contract.
- B6-14     Amending Chapter 14 of the City Code to prohibit parking along the east side of Morningside Drive.
- B7-14     Authorizing a road maintenance cooperative agreement with Boone County, Missouri for 2014 pavement preservation projects.
- B8-14     Approving revisions to the Albert-Oakland Park Master Plan; authorizing construction of four pickleball courts at the Albert-Oakland Park; calling for bids through the Purchasing Division; transferring funds.
- B9-14     Authorizing a grant agreement with the Missouri Department of Conservation for the replacement of archery target materials at the American Legion Park archery range; appropriating funds.
- B10-14    Appropriating funds for various projects in the Parks and Recreation Department.
- B11-14    Authorizing an agreement with Green Valley Rifle & Pistol Club, Inc. for range facility access and use.
- B12-14    Appropriating federal forfeiture funds for the purchase of Simunition® equipment and NetMotion Wireless Locality™ management software for the Police Department.
- B13-14    Calling a municipal election to elect Council Members for Wards 1 and 5.
- B14-14    Authorizing the dissolution of the 10th & Locust Special Allocation Fund; terminating the designation of a Redevelopment Area as described in the 10th & Locust Tax Increment Financing Plan.
- B15-14    Declaring the results of the special election held in the City of Columbia on November 5, 2013 relating to the issuance of sewer system revenue bonds.



## REPORTS AND PETITIONS

### REP1-14 Traffic Calming Year End Report for 2013.

Mr. Glascock provided a staff report. Mr. Matthes pointed out staff would proceed in this manner unless Council objected. In addition, this would be discussed further at the Council Retreat on March 6 and 7, 2014.

### REP2-14 Report on Volunteer Hours for FY 2013.

Ms. Britt provided a staff report.

## COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line, commented that there was a discussion regarding foam about two months ago and he wondered how that event would be handled if it came up again. He stated he helped to bring Habitat for Humanity to Columbia 25 years ago, and Habitat for Humanity and the People's Visioning hoped the netzero home would help low-income individuals. He thanked the Council for providing bus tickets to the homeless.

Mayor McDavid commended the staff of the Water and Light Department and the Public Works Department and others that had to work in the recent terrible weather.

Mayor McDavid believed the Council was the Board of Directors for Columbia Water and Light, which was a \$179 million complicated enterprise. He noted they were fortunate to have engaged Water and Light Advisory Board members as some of their meetings lasted longer than council meetings. He commented that due to its complexity, he had struggled with items associated with the Water and Light Department. The language, metrics, etc. were different. As a result, he stated he planned to provide a letter to the Water and Light Advisory Board asking for clarification regarding some issues, and read the letter. The letter asked for validation regarding whether Columbia Water and Light was in compliance with paragraph 2 of Section 102 of the City Charter, if the listed expenses associated with landfill gas were allocated to the three percent renewable energy cost cap, if the cost of solar rebates was expensed under the three percent renewable energy cost cap, whether the differential cost between electricity purchased from net metered clients versus MISO was expensed under the three percent renewable energy cost cap, whether the listed costs of the low energy loan programs for renewable energy were expensed under the three percent renewable energy cost cap, if the unused redundancy required by intermittent energy sources was cost accounted and whether the energy from wood burning stoves was considered a part of Columbia's renewable energy portfolio. He noted he would provide the letter to Ms. Amin, who could distribute it to the Council, staff and the Water and Light Advisory Board.

Mr. Thomas agreed the utility needed to be operated in a way fiscal jeopardy was avoided as it was an enormous part of the City's budget. He understood Mayor McDavid had indicated Boone Electric Cooperative electric costs were lower than the City's electric costs, and wanted to know the reason. Mayor McDavid explained only one segment was nine percent cheaper, and the City might have created it. He commented there were three metrics

he felt were important to understand. He wanted to know if the infrastructure needs were being met as he thought they had all been blindsided by the infrastructure issues in the downtown. He thought it was beneficial to be monitored by the bond agencies, consultants and the Water and Light Advisory Board. He understood some of the City's rates were more expensive when compared with Boone Electric, and thought they needed to look at how resources were being used if there was an issue. He stated he planned to be more diligent in monitoring this complicated enterprise

Ms. Hoppe asked staff to draft an ordinance revision to include neighborhood associations to the notification list for sewer improvement projects.

Ms. Hoppe asked staff to review the dog barking ordinance to determine if it could be more specific and to work with any appropriate board or commission.

Ms. Hoppe asked staff to draft an ordinance to extend funding for the sewer system for the Ridgeway project as requested by Mr. Ziv so the Council had the opportunity to vote on it.

Ms. Hoppe commented that she wanted to attend the New Partners in Smart Growth Conference that would be held next month in Denver, but did not have enough funds left in her training allocation due to attending the National League of Cities Conference earlier in the fiscal year. She explained she would be willing to cover her own food and would drive, but would like \$750 to cover registration and lodging. She understood this money could come from the council contingency account or one time surplus funds.

Mr. Skala understood the policy when he was previously on Council allowed the use of unused funds from council members that were unable to travel to be shifted. Ms. Amin explained that had been done last year with the consent of the council member from which the funding came.

Mayor McDavid commented that he felt this was bad policy. The Council was asking the community to be frugal, they had not provided employees with raises, benefits had been cut, the City did not have enough police officers, etc. He understood it was not a lot of money, but thought it was bad for them to overspend their budgets while expecting other departments to hold to their budgets. He stated he would not support this request.

Mr. Skala stated he would support it because he felt professional development was critically important, and hoped he could convince Mayor McDavid when those that attended the National League of Cities Conference made presentations. He did not feel it was too much to ask.

Mr. Schmidt stated he agreed with Mayor McDavid because they had cut staff travel and training. He thought it made sense to stick with the budget.

Mr. Skala asked if the policy had changed so it was now proscribed to ask another member who had unused funds. Ms. Amin replied that was what the Council had been doing lately, but there was no written policy.

Ms. Hoppe pointed out she had shared her room for 4-5 years for various National League of Cities and Smart Growth conferences with other Council Members and Planning and Zoning Commission Members because she felt there was a tremendous value in

attending these conferences. She noted the parklet was an idea that came from the Smart Growth conference in the past

Mr. Thomas stated he felt it was healthy for all Council Members to avail themselves to these opportunities, and pointed out they were unpaid volunteers until April. As a result, they were doing more unpaid work by attending these conferences.

Ms. Hoppe made a motion to allocate \$750 of the Council's surplus funds to her travel/training budget. The motion was seconded by Mr. Thomas and approved by voice vote with only Mayor McDavid and Mr. Schmidt voting against it.

Mr. Skala stated he was happy Ms. Hoppe brought up the Amir Ziv request as he felt it was important.

Mr. Skala asked the Environment and Energy Commission to review the possibility of requiring radon testing at the sale of all homes, and to report back to Council.

Mr. Skala commented that the improvements made at the crosswalks downtown in terms of brick were very nice and added to the ambiance, but noted he had received complaints regarding them in the winter because they became very icy. He asked staff to focus on the brick intersections and the plaza outside of City Hall as it became dangerously slippery. He understood some of the downtown merchants were not maintaining the areas outside their stores appropriately, and thought it was in their best interest to do so.

Mr. Trapp commented that he felt snow routes had worked well on priority streets because cars being moved off of the street allowed for better plowing, and wondered if they could do some limited enforcement in terms of the sidewalk ordinance. He suggested narrowly targeting commercial properties on priority one and two emergency snow routes as it would capture the high traffic areas. It would place a burden on business owners in high traffic locations that had the capability. He felt businesses should do it regardless for the appearance that people went to their businesses. He reiterated he wanted to see a targeted and enforceable ordinance or administrative change to ensure people cleared their sidewalks, and thought it might be palatable to start with businesses on the priority one and two routes.

The meeting adjourned at 10:39 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk