

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JANUARY 20, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 20, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, JANKU, WADE and NAUSER were present. Council Members STURTZ and SKALA were absent. 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 January 5, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Janku.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman understood R16-09 needed to be removed from the agenda. The agenda, with the removal of R16-09, was approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

SPECIAL ITEMS

Mr. Wade recognized the fifth grade classes from Grant Elementary, who in their civics class were studying democracy and city government.

SCHEDULED PUBLIC COMMENT

Neeley Current – Mediacom Recent Cable Rate Increases.

This speaker was not in attendance.

Jeannette Acton – Misguided Use of Grant Funds.

Jeannette Acton, 704 Hunt Avenue, stated she strongly disagreed with the plans the City had for Hunt Avenue. She commented that she had previously come before the Council on behalf of the residents and herself, and had promised her neighbors she would fight this all of the way through. She noted her property had been condemned today. Due to the amount of trees that would be removed, she felt City Ordinance 17007 applied. She noted the City added calcium phosphate to sidewalks so they would dry faster, which shortened the life of the cement and rusted the rebar. This left the homeowner responsible for repairing an inferior product installed by the City. She commented that the purpose of the CDBG grant was to improve the City. Not only was a sidewalk not warranted on Hunt Avenue, but it would also impact the street environmentally through the removal of most of trees, which were over 70 feet tall. The cost to replace a tree of that size would be \$50,000. The cost to transplant a tree would be \$15,000 - \$20,000. She believed this project would drive down property values because some front yards would be cut nearly in half. Most of the people in the

neighborhood had moved there because it was an old street and they liked the look of it. She stated they had agreed to everything else. They loved the idea of having curbs, gutters and sewers and having the street fixed. They were only against the sidewalks and the removal of over 13 trees. She provided pictures of Hunt Avenue and the sidewalks on West Worley and stated she felt the CDBG money should have been used to improve the sidewalks on Worley because it was a main street and because it would impact the ARC, grocery stores, malls and schools. She commented that people were falling out of wheelchairs due to the condition of the sidewalk and were driving the wheelchairs down the street instead. She stated the City's right of way agent indicated there was no bidding on this project. When spending this much money, she felt it would be prudent to ask for bids to get the best deal. She commented that she understood the City Manager, Shafer, Kline and Warren, who did the blueprints, and Columbia Ready Mix were all on a board of advisors together and felt that was a conflict of interest. She stated she had a video of residents on the street who felt pressure, fear and injustice with regard to this project and suggested they view it. Due to eminent domain, possible conflicts of interest and the irresponsible use of funds, she had asked for a review and audit by the City's internal auditor, the Regional HUD Office and the State of Missouri. She provided the Council with a copy of the sidewalk ordinance and noted it indicated sidewalks were not warranted when detrimental to trees and the area.

PUBLIC HEARINGS

B79-08 Amending Chapter 9 of the City Code as it relates to fire sprinkler systems in fraternity and sorority buildings.

The bill was given third reading by the Clerk.

Mr. Watkins explained a task force had been appointed to study the issue of sprinkler systems, and at their January 12, 2009 meeting, the task force asked for an extension of time to further study the issue. They had not recommended a particular date so staff was suggesting March 16, 2009.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the March 16, 2009 Council meeting.

Mr. Janku made a motion to table B79-08 to the March 16, 2009 Council meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

B1-09 Voluntary annexation of property located on the southwest side of Strawn Road (State Route ZZ) south of I-70; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a requested voluntary annexation of 27.5 acres of property that was now owned by the City. It had been purchased as part of an extension to the Perche Creek Trail. The policy was for ground owned by the City to be voluntarily annexed when contiguous to the City. The requested zoning was R-1 and was the general zoning for parks. The Planning and Zoning Commission recommended approval of R-1 as permanent City zoning on this property.

Mayor Hindman opened the public hearing.

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

Mr. Janku noted the plan was to eventually reach the MKT Trail and the City had acquired quite a few easements over time, so it was coming together well.

B1-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B14-09 Authorizing construction of a water sprayground at Douglass Family Aquatic Center; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the construction of the Douglass sprayground, which was included in the FY09 capital improvement budget. The total project cost was expected to be about \$200,000 with \$75,000 coming from parks sales tax and \$125,000 coming from CDBG funds. If Council elected to move forward with the project, they anticipated construction to begin later this summer.

Mr. Hood noted the sprayground would be located adjacent to and immediately north of the existing swimming pool. Because they were using federal funds that had not yet been released and because they did not want to interfere with the operation of the swimming pool this summer, construction would likely not begin until the end of the swimming season. They did, however, want to move forward with the bidding and contracting of a portion of the project.

Mr. Wade understood this would be available for use even when the swimming pool was closed. Mr. Hood stated that was correct. He explained when the pool was open, it would be operated as part of the pool, but when the pool was not open, the sprayground would remain open and free of charge for public use. The sprayground would be open from about the first of May to roughly the end of September. During summer hours, it would also be open in the morning and evening when the pool was not open. Mr. Wade thought that would provide a huge service to the people in the area that used the park.

Mayor Hindman opened the public hearing.

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

Mayor Hindman stated he believed this was a great project and that it would add a tremendous incentive with regard to the use of that park.

Ms. Hoppe noted the sprayground at Stephens Lake was used a lot by people of all ages. She also liked that it was free and available for use when the pool was not open.

B14-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B15-09 Authorizing construction of improvements at Douglass Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the required public hearing on a public improvement with an anticipated cost of about \$55,000, which would come from the parks sales tax and

was included in the current year capital improvement budget. The project would consist of improvements to the Douglass baseball/softball fields.

Mr. Hood stated this project was approved as part of the park sales tax ballot issue, and at that time, it was designed primarily for improvements to the baseball/softball field. As they had met and worked with the interest groups and citizens, there was also an interest in upgrading the walkway system. Staff believed there were enough funds to allow them to accomplish that as well.

Mayor Hindman opened the public hearing.

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

B15-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the east side of Rolling Hills Road, extended, approximately one mile north of State Route WW.

Item A was read by the Clerk.

Mr. Watkins explained this was a public hearing with regard to whether the City should annex this property or not. The property involved about 46 acres north of the present City limits in the east part of the City. The applicant was requesting R-1 permanent City zoning.

Mayor Hindman opened the public hearing.

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

(B) Construction of sanitary sewers in Sewer District No. 159 (South Route K).

Item B was read by the Clerk.

Mr. Watkins explained the Council had previously approved the formation of this South Route K Sewer District on South Route K. The City would be extending City sewers to the four parcels of land involved. The entire cost of the project was proposed to be paid from tax bills levied against the property. Tax bills exceeding \$5,000 would be deferred according to current policy. He understood this project was requested by all four of the property owners.

Mr. Wade noted the maps were not copying well and asked that they be provided clear copies in the future.

Mayor Hindman opened the public hearing.

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

Mr. Wade made a motion directing staff to proceed with final plans, specifications and construction of Sewer District 159 - South Route K. The motion was seconded by Ms. Hoppe.

Mr. Janku asked how long these properties had been within the City limits. Mr. Glascock replied he thought they had been there quite a while as they were on the edge of Victoria South subdivision. Mr. Janku asked when they were brought into the City. Mr. Watkins replied he thought these properties had been annexed a few years ago in order to obtain City sewers. He noted that was one of the sewer projects that had been delayed. Mr. Janku understood they had voluntarily annexed into the City and now wanted the City to pick up a substantial part of the cost since all of it would not initially be recovered and might not

ever be recovered since the properties were already developed. Mr. Watkins stated that was accurate.

Mr. Janku commented that this policy was developed due to properties on Mexico Gravel Road that had been annexed into the City as part of the 1969 voter approved annexation, which some considered an involuntary annexation, and because they had to pay a substantial amount to connect to the City sewer. The policy was changed so the public would pick up a larger part of the cost based upon the argument that these people were told to come into the City and comply with City rules. Now they had people voluntarily coming into the City, requesting City sewer and asking the public to pick up the tab. He questioned that philosophy since the policy was designed for a group of people involved in an involuntary annexation 30 years ago. He felt the equities were different.

Ms. Hoppe asked how many times this had been done due to a similar situation. Mr. Glascock replied, these homes had lagoons and they were trying to eliminate lagoons in the City since they were a health hazard. He understood these situations sometimes involved issues the Health Department had brought forward. He noted he was not sure if this was one of those situations.

Ms. Nauser understood there had been several other projects they had initiated to get rid of the lagoons. Mr. Janku noted they had done major trunk sewers where they removed big lagoons by partnering with the Boone County Regional Sewer District, and those customers paid more toward the sewer. He thought it was about 15 percent more. Mr. Glascock stated he was not sure of the percentage, but pointed out there were others in the area that were also having issues with the Health Department due to lagoons, so another sewer district might be formed in the future.

Ms. Hoppe understood Mr. Janku was suggesting a Council policy with a two tier system, so people who voluntarily annexed into the City would pay \$10,000 or some amount other than \$5,000. Mr. Janku stated he was just pointing out this was a different equity situation. They were building these dollar amounts up over time and did not realistically expect to get them to be paid back. It was an on-going obligation of the utility, which had to be covered. He commented that people were building homes in places without the proper infrastructure and then coming to the City for help. He wondered if they would continue to do this. He thought this was different than traditional sewer districts where they were rebuilding the older parts of Columbia.

Mr. Wade understood Mr. Janku was stating circumstances had changed from when the policy was first put into place, so they might need to look at the policy dealing with annexations for the purpose of getting off of a lagoon due to public health issues. He noted they were getting a number of annexations to tie into City sewers. He understood the present policy was designed for a different set of circumstances, so they might need to look at that policy. Mr. Janku stated he knew they were getting a lot of those types of annexations, but noted he had not seen many sewer districts in that context. He agreed they might need to be treated differently. He pointed out he was a fan of people coming into the City, but was concerned about the cost.

Mr. Wade asked if this should be discussed during council comments. Mayor Hindman thought it might affect whether they should act on this tonight if they were talking

about changing the policy. Mr. Janku commented that once they set a precedent, it was difficult to tell the next group they were outside of the boundaries. He was unsure about approving this without getting a better sense of where they were going and the potential dollar amounts. He wondered how many more were potentially out there and what the cost would be. Mayor Hindman noted they did not have to approve a motion tonight.

Ms. Nauser thought it would be unfair to the people involved in this sewer district to change this mid-stream as they had been working on it for some time. She noted there was also some public good to removing lagoons. She thought they had recently discussed a sewer issue off of Route K involving Arrowhead Estates. Mr. Janku understood they put in a pump station in that area. Mr. Glascock stated they were letting Arrowhead and other areas attach to the Cascades pump station. Mr. Janku understood Arrowhead was not within the City, so they were not asking for a subsidy. Ms. Nauser stated they were connecting to the City sewer. Mr. Glascock noted that was being done on behalf of the Boone County Sewer District. Ms. Nauser felt they were gaining a benefit at City cost. She pointed out she did not mind re-visiting the issue, but thought they should let this one go forward instead of changing the policy midstream. She noted the City subsidized the upgrading of water lines. If they believed there was a public benefit to removing lagoons, which she felt was an extreme health hazard, this should be allowed to move forward.

Russ Meiners, 1001 W. Route K, commented that sewer could potentially get into the stream near his property line. He understood the property located at 971 Route K had received two letters indicating his septic system was bad and needed to be fully replaced, but he could not replace it because he was within the City limits. When they voluntarily annexed into the City, they had an increase in City taxes so the City could do more. City sewer would increase their property taxes as well. They were doing this in good faith and were willing to move forward in order to do better for the property, the people around them and the streams.

Mr. Wade stated he agreed with Ms. Nauser because they had operated under a set of rules. He also thought they needed to stop and take a look at the rules to determine if they were appropriate for the situations they would be facing in the future. He noted he did not have a problem with a precedent. This was a vote under a particular set of rules. If they changed the policy, they would then operate under a different policy. He thought they should move forward with this sewer district, but also agreed with Mr. Janku in that they needed to determine if the policy was appropriate as more and more country estates that no longer meeting the public health rules were asking to become a part of the City sewer system to meet those problems.

Ms. Hoppe stated she agreed with Mr. Wade. She thanked Mr. Janku for noticing the problem and thought it should be addressed by looking at changing policy in the future. She felt it would be unfair to these people to apply what was needed in a future policy now.

The motion made by Mr. Wade and seconded by Ms. Hoppe was approved unanimously by voice vote.

(C) Construction of sanitary sewers in Sewer District No. 162 (Valley View Road).

Item C was read by the Clerk.

Mr. Watkins stated this was a common collector, similar to what they had seen in the older areas of the community. They were proposing to bring it up to City standards and connect it to the City sewer line there. This would be paid entirely by the City sewer utility. The proposed district consisted of nine parcels of land and the estimated cost for the improvements was about \$74,000.

Ms. Hoppe pointed out the map in the packet was not clear.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe stated she had contacted the neighbors and understood they were happy with it.

Ms. Hoppe made a motion directing staff to proceed with the final plans and specifications. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

OLD BUSINESS

PR13-09 Adopting procedures for soliciting bids and proposals for tax increment financing projects under the Real Property Tax Increment Allocation Act.

The policy resolution was read by the Clerk.

Mr. Watkins noted that as part of the Sasaki plan and subsequent discussions to that regarding downtown improvements, the Council had approved an ordinance authorizing staff to move forward with a tax increment financing policy, and the Revised Statutes of Missouri required the Council to establish written procedures relating to bids and proposals for implementation.

Mr. St. Romaine explained this was procedural and noted it was tied to a resolution under New Business, which dealt with the request for proposals resulting from the passage of this policy. Staff would endeavor to solicit two projects involving the Tiger Hotel and a redevelopment project at Tenth and Locust.

Mr. Janku asked if the applicants would get any money back if the City's cost was less than \$10,000. Mr. St. Romaine replied if there were multiple applicants, only the applicant whose proposal was being considered would enter into an agreement with the City for the studies that would be required. In talking to some of the downtown consultants and legal counsels, they believed even a study to confirm the information received as a result of the TIF application would far exceed \$10,000. He did not think there would ever be a time where any unused funds were returned. He noted it was an application fee, and as such, they did not intend to return those funds to the applicant.

Mr. Janku asked why the second applicant would not pay for their costs. If there were two applicants, he assumed both projects would be evaluated and have associated costs. He thought the second applicant would have to pay something as well. Mr. St. Romaine felt that was a good point, but commented that in that case, only one developer would develop the project. The TIF Commission would review multiple proposals and move forward with the one they deemed to be the highest and best use. He noted there would probably only be one developer for each of the projects being discussed tonight.

Mr. Janku thought there could be a situation with multiple applicants and felt it would be appropriate for both to be responsible for the costs. Mr. Watkins stated the process now was to make a decision on the best use of the lot and to encourage that developer to move forward, so there would only be one developer. Mr. Janku asked if they would not evaluate all of the projects to determine if they would work. Mr. Watkins replied he was not sure.

Ms. Hoppe questioned the equity. She understood if there were multiple applicants, the winning applicant paid the \$10,000 and the others did not pay anything. However, if there was only one applicant and they were not chosen, they would still have to pay the \$10,000. She felt there was an inequity between a single applicant and multiple applicants. Mr. Watkins thought they would go through a screening process so they only had one successful applicant who would move forward with the TIF.

Mr. Wade thought the problem was with how this was worded because it was worded such that all applicants paid the \$10,000 and when one applicant was chosen, the other applicants were given their money back. He felt that was different from what Mr. Watkins had explained. Mr. St. Romaine stated that was not unusual and noted they had looked at the language of different municipalities and had spoken with Gilmore and Bell. In order to get serious proposals, they were requiring a hefty application fee along with other pertinent information.

Mr. Janku stated he would support this because they had projects waiting and because those would likely not involve multiple applicants, but thought this should be given further consideration as they moved forward with other projects that might have multiple applicants.

Mr. Wade stated he agreed with Mr. Janku and would support of this, but thought they should consider an amendment. With the way this was worded, if there were multiple applicants, those that did not win would not have any costs. He felt every applicant would create a cost for the City, so there should be some cost paid by the applicant even if they were not successful. He hoped that would ensure all of the applicants were serious. He suggested they consider returning half of the application fee or something similar if the applicant was unsuccessful. He did not think returning the entire application fee if someone was not successful acted as a motivator for seriousness.

Ms. Hoppe thought the return of half of the fee was fair and logical, and asked if they wanted to amend it now or discuss it later. Mayor Hindman believed it would be a good idea for staff to talk with Gilmore and Bell because they had experience with these. He thought they might be able to provide an explanation they had not yet heard.

The vote on PR13-09 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Policy Resolution declared adopted, reading as follows:

B3-09 Vacating excess street right-of-way along the south side of Blue Ridge Road, west of the Garth Avenue and Blue Ridge Road intersection.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to vacate right-of-way no longer needed. The vacated right-of-way would become a part of the adjacent lots. The request had been

reviewed by pertinent City departments and the private utilities, and they had not found any objections. This would put additional ground back onto the tax rolls.

B3-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B7-09 Calling for bids for construction of the North Grindstone Sewer Extension Phase I Project.

The bill was given second reading by the Clerk.

Mr. Watkins noted they had worked very closely with the Boone County Regional Sewer District over the last 5-6 years in eliminating lagoons, pump stations and septic systems the Grindstone drainage basin. This North Grindstone Sewer Extension Phase I project was such a partnership. The estimated cost for the entire project was about \$1.1 million and the resolution estimate for the City's portion was about \$620,000. The balance would come from the Boone County Regional Sewer District. This was determined by the area to be drained or served and would be financed through the sewer ballot issue approved by the voters in 2008. He pointed out Phase I of the sewer would be extended to provide sewer to the new high school site. He noted they would be coming back to Council later in the year with Phase II, which would take it under I-70 and up to the high school. Upon completion of the project and when they had the costs finalized, they would come back to Council with a special tie in fee to help recoup the City's cost. They felt it was inappropriate to do it now because this project had not yet been bid.

Mayor Hindman understood the City had a policy where they would look at sewer projects to determine how they would fit in as far as trails were concerned and asked if that review had been done with respect to this project. Mr. Glascock replied he was not sure, but believed it had. Mayor Hindman asked if he knew of the outcome of the discussion. Mr. Glascock replied he did not. Mayor Hindman asked if this was approved tonight, if it would preclude them from anything. Mr. Glascock replied no. He pointed out it they could come back with an easement to build the trail afterwards. This would allow them to go out for bid and they already had the sewer easements. He noted they would have to hold this project until they had the easements for the trail. Mayor Hindman thought there was a policy. Mr. Glascock thought it might have been looked at before.

Mr. Watkins commented that in securing easements for sewers, they found most people were very accommodating since they were underground. The easements were either donated or were very inexpensive. When trying to obtain an easement for a trail, some people were very much opposed. As a result, they found it to be better to get the sewer easement and go back to get the trail easement. Mayor Hindman understood, but noted he thought the City had a policy indicating they would look into trail easements at the time they acquired sewer easements. Mr. Janku recalled a policy regarding the evaluation for the potential for trails, but did not think they necessarily acquired the easement at the same time. He thought they were provided a report indicating whether a trail was possible. Mr. Hood stated he did not think it was actually mandated, but noted they did try to evaluate the situation. He commented that he was not sure if an evaluation had been done for this area.

Ms. Hoppe suggested they proceed with this and obtain further information from staff regarding the trail because they could make a motion on the trail at a later meeting. Mayor Hindman stated he was inclined to do that, but thought they had a policy that required an evaluation, so they could negotiate the two easements at the same time if that was what they decided. Mr. Glascock stated they would provide a report to Council indicating whether it had been evaluated or not. Mayor Hindman stated that would be great and noted he also wanted to know the result of the evaluation.

B7-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B8-09 Authorizing acquisition of easements for construction of the Mill Creek Phase II storm water management project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this stormwater drainage project was included in the CIP this year. The estimated cost of the project was \$215,000 and would be paid for from stormwater utility funds. He noted this impacted 19 separate property owners.

B8-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B10-09 Amending Chapter 27 of the City Code as it relates to water connection fees.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would amend an ordinance that was brought to the Council as part of the budget with regard to water connection fees. Staff had been under the impression that all of the stakeholders were fine with the idea of the City relinquishing doing some of the work and providing some of the materials for the physical tie-in and meter. After it was approved, quite a bit of feedback was received from the development community and home builders indicating it was inefficient. They were asking the City to return to the way it was. This would allow them to go back to the way it was while increasing the fees. He noted that a chart showing the four components was included in the packet and some of the costs had been increased so they were in line with what it was beginning to cost the City.

Mr. Janku read that a golf course in the Kansas City area had tied into the public water supply for a number of years, so they had been watering the course at no cost. He asked how they made certain when connections were made the billing also was in place. Mr. Kahler replied an account had to be set up when a meter was set in order to pay for those fees. Mr. Janku asked who made sure the account was set up when the connection was made. Mr. Watkins replied he thought it was part of the occupancy permit process. He noted no one was occupying a golf course, so that might be more difficult. He stated they would need to check on golf courses. Mr. Janku wondered if there was a formal mechanism that could be used to double check. Mr. Kahler stated he was not completely familiar with the Columbia system yet, but would gather some information and get back to the Council.

Ms. Hoppe commented that this made sense if it reimbursed the City for the City's costs and was better for the developers. She thought it was a win-win situation.

B10-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B11-09 Amending Chapter 27 of the City Code as it relates to water rates.

The bill was given second reading by the Clerk.

Mr. Watkins explained when they proposed the water ballot issue, which was approved by over 70 percent of the voters last November, they had indicated they would need a 1.5 percent revenue increase quickly. This legislation put that 1.5 percent increase into effect with bills going out in February. This was the first piece of what they told the voters would be needed if the ballot issue was approved.

Mr. Kahler commented that in order to achieve the revenue increase, they were increasing the commodity charges by two percent so the meter and fire flow charges would not be affected.

Ms. Hoppe understood the water rate for residential users was 1.98 per ccf and was lower for commercial users and asked for an explanation. Mr. Kahler replied in the industry, the residential rates were higher than commercial rates because commercial users typically used more water than a standard residence. He noted he had not looked at the cost of service studies in Columbia, so he did not know for certain why they were set up that way. He explained they were doing an across the board 1.5 percent increase to all customer classes.

Mr. Janku pointed out good water service was one reason the City's ISO classification went down. He hoped the cost of the water might be offset by a drop in the insurance rates.

B11-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B12-09 Authorizing Change Order No. 2 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for an Integrated Resource Plan as it relates to power supply needs and alternatives.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an outgrowth of the study that was conducted by Burns & McDonnell on the IRP. During the study, it was suggested the City look at whether or not they should consider changing the level of participation in the SERC Reliability Corporation (SERC) and the Midwest Independent System Operator (MISO). There were alternatives to making the change, which might include a savings. In addition, there were significant penalties if they did not meet all of the requirements of the federal government. The Water and Light Advisory Board suggested the City ask Burns & McDonnell to provide an analysis from an outside perspective. They were one of the smallest municipal utilities that worked at this level in MISO and might need to use someone else, such as Ameren or an independent contractor.

Mr. Wade asked if the work order would include the analysis of the current method along with suggested alternatives with their pros and cons. Mr. Kahler replied yes. He stated this was very complex and involved many subjects to include whether or not they would be a balancing authority or transmission operator and whether or not they would build additional control centers to meet the federal requirements. This would be an overview of all of those requirements and the most cost-effective solution for the City in meeting its needs to serve its customers.

Mr. Janku asked what a balancing authority and transmission operator were. Mr. Kahler replied the City owned a 69,000 volt transmission and a 161,000 volt transmission, and if they operated it, there were a lot of requirements through the federal government, the North American Reliability Council and SERC. They would have to have the training, security, buildings, computer networks, etc. required meet the federal mandates. The City had a very small utility in comparison to Ameren, Kansas City Power and Light or Empire Electric, and many of those requirements, while not onerous for those large corporations, quickly added up for smaller organizations.

Mr. Janku understood the City was transmitting power from one utility to another through its system. Mr. Kahler stated that was correct. The eastern half of the United States was interconnected and power could flow across any power line at anytime. It took the path of least resistance.

Ms. Hoppe commented that \$60,000 was quite a bit and asked if current staff was capable of doing this. Mr. Watkins replied they wanted an independent, outside analysis, so there would be no bias. He noted staff was questioning whether they should be doing this. He pointed out Mr. Malon, who was the Water and Light Director when they first got into this, felt they needed to take on these responsibilities in order to be at the table. He noted they scheduled power for some of the University functions, the City of Fulton and some other areas. Now that they had done it for 5-6 years and were getting familiar with it, he thought it was time to review the decision. In addition, he was not sure staff was as familiar with it as Burns & McDonnell.

B12-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

B16-09 Authorizing a lease and memorandum of understanding with the Missouri Department of Conservation relating to the lease of property in the Gans Creek Recreation Area and the H.J. Waters and C.B. Moss Memorial Wildlife Area.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a follow up to the December 15, 2008 meeting as Council passed a motion directing staff to bring forth a lease agreement and memorandum of understanding with the Missouri Department of Conservation (MDC). Under the proposed agreement, the MDC would have a long term lease of about 17 acres in the Gans Creek Recreation Area and the City would have the opportunity to have a similar lease for about 106 acres on Old 63 that tied very nicely into the Grindstone Wildlife Area.

Mr. Hood noted the lease called for a City-controlled zone on the Waters-Moss property. That was simply an area where the City would have the right to construct, develop

and maintain public use facilities. He and Ms. Hoppe had met with the East Pointe Neighborhood Association and they had requested the City consider amending the City-controlled zone to create a natural buffer along the east boundary of the property. Staff was in favor of such an amendment, if the Council wished to consider it.

Ms. Hoppe made a motion to amend B16-09 per the amendment sheet as it addressed that request. She noted the MDC had agreed to the adjusted control zone as well.

The motion made by Ms. Hoppe was seconded by Mr. Wade.

Mr. Janku asked if the amendment affected the potential for the trail along the Grindstone. Mr. Hood replied it did not.

Tim Ripperger Assistant Director of MDC, stated he was available to answer any questions the Council might have relative to this proposal.

Ms. Hoppe stated she had received a lot of inquires and concern from the East Pointe Neighborhood Association and thanked Mr. Hood for meeting with them. The amendment would adjust the eastern boarder and allow for a natural buffer for the neighborhood and wildlife moving from the south to the north.

The motion made by Ms. Hoppe and seconded by Mr. Wade to amend B16-09 per the amendment sheet was approved unanimously by voice vote.

B16-09, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE.
ABSENT: STURTZ, SKALA. Bill declared enacted, reading as follows:

Mayor Hindman stated this was truly a great thing for both organizations and thanked the MDC and its Commission.

CONSENT AGENDA

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

- B2-09** **Approving the Final Plat of Fox Lair, Plat No. 1 located at the southern terminus of Dolly Varden Drive; authorizing a performance contract.**
- B4-09** **Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission; appropriating funds.**
- B5-09** **Authorizing an agreement with Boone County, Missouri relating to road improvements on Rolling Hills Road, from State Route WW to New Haven Road.**
- B6-09** **Authorizing a waste water treatment capacity allocation permit with the Boone County Regional Sewer District.**
- B9-09** **Establishing Columbia, Missouri Sanitary Sewer District No. 166 along Thompson Road.**
- B13-09** **Accepting a conveyance for utility purposes.**
- B17-09** **Authorizing an interim territorial agreement with the Boone County Fire Protection District.**
- B18-09** **Calling a municipal election to elect Council Members for Wards 2 and 6.**

- R14-09 Setting a public hearing: voluntary annexation of property located on the south side of I-70 Drive Southeast, generally southwest of the I-70 and St. Charles Road interchange.

- R15-09 Setting a public hearing: voluntary annexation of property located 1,000 feet southeast of Old Mill Creek Road, west of Sinclair Road (4760 Mill Creek Road).

- R17-09 Authorizing a revised agreement with The Curators of the University of Missouri relating to the Adult Day Care program.

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

NEW BUSINESS

- R18-09 Authorizing a settlement agreement with Falcon Telecable (Charter Communications).

The resolution was read by the Clerk.

Mr. Watkins noted staff had presented a settlement in regard to franchise fees with Mediacom to the Council about a year ago and had indicated another smaller one would follow. Staff was suggesting the \$12,636 be split roughly 50-50 between the City’s general fund and public access television. Approximately \$6,000 would be included in the contract to improve the studio at Stephen’s College.

The vote on R18-09 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. Resolution declared adopted, reading as follows:

- R19-09 Authorizing the issuance of Request for Proposals for redevelopment projects in downtown Columbia.

The resolution was read by the Clerk.

Mr. Watkins explained this would start the process for considering a TIF project. They had received interest in two projects. One involved the Tiger Hotel and the other involved Locust and Tenth Street. The process required the Council to request proposals for the development of both. He noted both were owned by one person or group, so it was unlikely there would be multiple applications.

The vote on R19-09 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: STURTZ, SKALA. 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.

- B19-09 Rezoning property located on the northeast corner of Holly Avenue and Andy Drive from R-1 to C-P; approving less stringent yard, screening and parking requirements; setting forth a condition for approval.

- B20-09** Amending Chapter 29 of the City Code as it relates to zoning procedures.
- B21-09** Authorizing the acquisition of an additional easement for the Vandiver Drive Extension Project, from the U.S. Highway 63 interchange to Mexico Gravel Road.
- B22-09** Appropriating funds to the Fleet Operations FY 2008 operating budget to offset expenditures for items for resale.
- B23-09** Accepting and appropriating donated funds for Parks and Recreation Department programs.
- B24-09** Allowing the 2009 Show Me Green Sales Tax Holiday to apply to Columbia sales taxes.
- B25-09** Authorizing an agreement with the National Association of County and City Health Officials for the Medical Reserve Corps program; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Sidewalk on the West Side of Rangeline Street Between Bear Creek Blvd and the Shoulder South of the Creek.

Mr. Watkins explained the Council had asked staff to look at the feasibility of this sidewalk. Staff was suggesting URS provide some conceptual designs and costs.

Mr. Janku asked if this would be extended all of the way to Bear Creek Boulevard. He noted the sidewalk under construction as part of the Rangeline project ended just to the north of Bear Creek Boulevard. There was also a gap to the south and it did not appear as though the project location description took that portion into account. Mr. Glascock asked if he was talking about the cross-hatched area extended more toward the north. Mr. Janku replied yes. Mr. Glascock stated he thought the hatched area was meant to show where it would come up off of the trail and parallel the roadway. Once they were up to the roadway, there would be a sidewalk relationship. He noted he would make sure it was included.

(C) Providence Road Pedestrian Overpass Status.

Mayor Hindman understood this report was provided for informational purposes.

Mr. Wade asked if this was a change to the current Providence overpass. Mayor Hindman replied this would replace it. Mr. Wade stated the current one was not used much. Mayor Hindman explained the theory was that this would be connected to another series going to the west and into the Providence Road system. The basic plan was to have an approach to it that would be entirely different than what was there now. It would be wide and accessible. There would also be different approaches on the school side. He noted the idea was to look at it and determine whether it could be designed in such a way that it would be used. He agreed the present one was not used and stated everyone proposing this was aware of that. They were also aware of the fact it was an extremely dangerous situation. He stated it could be successful if it was done right.

Mr. Wade agreed it was a dangerous situation and hoped there was some kind of hard data showing the new design would result in a different pattern of use. Mayor Hindman stated he was not sure it was possible to provide hard data guaranteeing it would be used. There were, however, a lot of things that could be done to reduce the risk that it would not be used.

Mr. Wade understood the Council would receive a design proposal that would include the justification of why that design would make a difference in the use. Mayor Hindman thought that would be available to the Council. He noted this was something the neighborhood was interested in as they were concerned about the present situation. Ms. Hoppe understood this was one of the projects that had been approved. Mayor Hindman stated that was correct.

(D) Crematories, Funeral Homes, and Mortuaries within the O-P (Planned Office) Zoning District.

Mr. Watkins noted the Council had requested the Planning and Development Department review the possibility of allowing mortuaries within an O-P zoning district. This was the result of a request to convert an existing church, which was no longer in use, to a mortuary at Garth Street and Texas.

Mr. Janku understood a second one was coming forward as well. Mr. Watkins agreed and noted it involved the Jehovah's Witnesses. The Planning and Development Department had looked at communities in several states in order to come up with a series of recommendations. Staff was suggesting the Council refer this item to the Planning and Zoning Commission if they agreed with these recommendations.

Mr. Janku stated he had initiated this and suggested they refer it to the Planning and Zoning Commission for their review and recommendation. He noted the second one had been more contentious than the first one. He thought it would make it easier for applicants and business owners to find locations if the zoning was broader. In addition, it might ease neighborhood concerns.

Mr. Wade commented that he did not understand why C-P with the use restricted to a mortuary was not an appropriate zoning. Mr. Janku stated that from a neighborhood perspective, they were concerned with commercial zoning in a residential area. In addition, from a business owner's perspective, it made it harder to find an appropriate location. He thought it was interesting that these services were often times done in churches, which were in R-1 zoning districts. They just could not provide the service on an on-going basis. He noted the services being discussed were not that noisy or obnoxious, but they had to have commercial zoning in order to be allowed to do it, which was a concern when in the center of a residential neighborhood. He suggested they at least have the Planning and Zoning Commission review it and provide recommendations.

Mr. Wade noted they were a commercial enterprise. Mr. Janku commented that if they felt it was a business, office zoning would be more appropriate since it was a lower category and something the neighborhood might be more comfortable with. He understood the staff recommendation was to look at R-1 or some residential zoning since churches were within that classification. He stated he would be agreeable to the second recommendation because

that would solve the problem at the Texas location. He was not sure about the location on Holly. He noted they did not have to accept the recommendation of the Planning and Zoning Commission because they could tighten it up. He only thought something lower than commercial was appropriate.

Mr. Wade stated he was much more comfortable with the second recommendation. Mayor Hindman asked if that was to allow it in O-1 and O-P. Mr. Wade replied he did not think it should be allowed in O-1. He thought it should be allowed in O-P and restricted to that use. He explained he was not excited about O-1 as the zoning for it in a residential area because once they had O-1, they would lose all control.

Mr. Janku stated that was his original suggestion. Mr. Wade suggested they let the Planning and Zoning Commission provide a recommendation after working through the details based on the sense of the Council.

Ms. Nauser suggested they have the Planning and Zoning Commission look at all of the possibilities. She noted churches were in residential neighborhoods and residential areas were typically where they wanted to offer those types of services. She thought it would be best to have more than one option and suggested they let the Planning and Zoning Commission narrow it down.

Mr. Janku made a motion directing the Planning and Zoning Commission to review the issue and provide a recommendation. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(E) 2008 Calendar Year Fire Statistics.

Mr. Watkins noted this was an informational report.

Ms. Hoppe stated she had met with the East Campus Neighborhood representatives and understood there were some difficulties with emergency response in the area because the Fire and Police Departments had different maps with regard to how to get to a particular spot. They suggested some discussion with the Fire Department. They were also concerned Joint Communications, the Police Department and Fire Department did not know what streets went through and could not get to places quickly. She asked if there was a uniform map or an opportunity for neighborhoods to meet with emergency responders to let them know about streets that were not through streets. Mr. Watkins stated he thought it could be set up. He noted this was the first he had heard there might be a problem. He understood Joint Communications provided cross streets when dispatching emergency services. Ms. Hoppe noted she would provide him more details on the issue.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COMMUNITY DEVELOPMENT COMMISSION

Forbes, Pamela, 707 Donnelly Avenue, Ward 1, Term to expire November 1, 2011

Glindemann, Keith, 4106 Cotton Wood Drive, Ward 3, Term to expire November 1, 2010

SUBSTANCE ABUSE ADVISORY COMMISSION

Williams, Hal, 208 W. Sexton Road, Ward 1, Term to expire October 31, 2011

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Wade understood there was movement on building code revisions at the last meeting. He wanted the Building Construction Codes Commissions along with others to include a review of high energy efficiency codes when considering the City's own building code standards. He understood those were not passed as part of the International Building Codes.

Mr. Wade made a motion directing the Building Construction Codes Commission and others involved to review the high energy efficiency codes when considering the City's own building code standards. The motion was seconded by Mayor Hindman.

Mayor Hindman noted he brought back some materials from the U.S. Conference of Mayors. He understood different cities had different ratios on how they could save on greenhouse gases, etc. Since Columbia had many rental houses, he felt a large portion came from buildings and thought it would offer a tremendous benefit to the City. He noted he would provide those materials to staff.

Mr. Wade asked if they could get a copy of the codes that were not recommended. Mayor Hindman replied he would provide what he had. Mr. Wade understood the ones they were considering would increase the energy efficiency in houses by at least 30 percent and felt they needed to at least consider that in their deliberations.

The motion made by Mr. Wade and seconded by Mayor Hindman was approved unanimously by voice vote.

Ms. Hoppe noted they had received a letter from Gregory Cecil regarding the Airport, Lockheed Martin and the reduction in hours. She understood he was asking that they be proactive and asked if the City was acting on it. Mr. Watkins replied yes and explained he had a conference call scheduled within the next day or two.

Ms. Hoppe commented that Cliff Park, which was off of Cliff Road, was not ADA accessible and steep. She asked if that was on the CIP Plan. Mr. Hood replied staff had plans designed for an accessible walkway, but did not have funding in place. He thought the cost was \$10,000 - \$20,000. He agreed it was steep, but thought they had a possible solution. He noted they would be looking for funding and it might be through the annual park improvement account. He stated they would revisit it when reviewing the CIP for the upcoming year.

Ms. Hoppe noted East Campus was an older historic neighborhood and there were several streets where the curbs were totally deteriorating. She asked if there was a policy for replacing old curbs. She stated she had three streets in particular and wondered if staff could look at those. Mr. Watkins explained the curbs had disappeared on some of the streets due to the number of layers of asphalt placed on them. Ms. Hoppe stated the curbs that had deteriorated were on Wilson, Rosemary and Williams. She understood there was a possibility of a bike boulevard on Williams and wondered if the curbs would be replaced at that time. In addition, the curb areas on Blair Street, off of University were completely gone.

She did not think they were buried. Mr. Watkins stated he would ask staff to review it and would get back to her.

Mr. Wade stated they received an e-mail message asking if they would attend an event regarding a historic designation for a piece of City property and wondered if they could be provided more information. Mayor Hindman replied it was the old laboratory and second sewage plant. It was a brick building with stone trim that the Audubon Society was using as a Nature Center. Mr. Wade asked where the event would take place. Ms. Amin replied the Tiger Hotel. Mr. Wade asked if the Council was to show up as part of the ceremony. Mayor Hindman replied they were just being asked to show up in support of the City.

Mr. Janku stated he wanted a report with regard to sewers due to the issues that were discussed with Sewer District 159. He noted they had a finite amount of money available for these projects and was unsure if they were opening up the possibility of large amounts going toward these types of situations and areas as opposed to more traditional areas. He thought they might need some sort of point system to help prioritize like they did with sewer extensions. He noted there might not be a problem with regard to funding, but he wanted some assurance. Mr. Wade thought they should review whether the policy was appropriate given the changes that had taken place since it was first established.

Mr. Janku made a motion directing staff to provide a report evaluating the policy and funding available for sewer districts. The motion was seconded by Ms. Hoppe.

Mr. Janku noted if there was a funding shortfall, he wanted to know what kind of priority system should be set up.

The motion made by Mr. Janku and seconded by Ms. Hoppe was approved unanimously by voice vote.

Mr. Janku stated he was recently in a community that had good signage for tourists making it easy for them to get around comfortably. He noted they had worked with the downtown people a few years ago in putting up signage and a private individual had led an effort a couple of years ago. He wondered if this issue of signage needed to be reviewed or expanded and thought the group that might be best suited to evaluate the issue was the Convention and Visitors Advisory Board as they had an interest in making sure people were able to find their destination. In addition, they had tax revenue dedicated to helping tourism.

Mr. Janku made a motion directing the Convention and Visitors Advisory Board to review the issue of signage for tourism and provide a recommendation. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku understood the Convention and Visitors Advisory Board had an award regarding beautification and wondered if they should be involved in the issue of beautifying the entryways. He thought they might be able to recruit volunteers or people to fund the beautification of entryways.

Mr. Janku made a motion directing the Convention and Visitors Advisory Board to determine if being involved in the beautification of entryways was something they might be

interested in adding to their duties. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman noted the beautification of entryways might be added to the list of projects under the recovery bill. He understood it would put people to work immediately and there were no right-of-way issues. He thought they should consider adding all of the beautification projects for the various intersections as it would create jobs and benefit local nurseries. He noted they had been planned to a certain degree.

Mayor Hindman made a motion directing staff to add the intersections previously discussed for entryway beautification projects to the recovery bill list.

Mr. Wade recalled one of the difficulties being the continuing maintenance costs over the years. He did not think the issue was the cost of landscaping. He asked if they needed to be careful due to the long term budget implications. Mayor Hindman replied he expected that would be a consideration. He thought they might be able to create a fund to handle some of the maintenance if they were able to use the federal money to put the project in place. Ms. Hoppe recalled discussion involving the use of native plants so there would be less maintenance.

The motion made by Mayor Hindman was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman stated he received a call about bus service on Forum and recalled having service there at one point, but it was not used. He asked if they could be provided a reminder so he could get back to the person requesting the information. Mr. Watkins asked what part of Forum he was interested in. Mayor Hindman replied he thought it involved an area where there was a place for disabled veterans. He thought it was toward Stadium.

Mayor Hindman made a motion directing staff to provide a report regarding the outcome of the review involving the trail in connection with the sewer for the North Grindstone, and if it had not been reviewed, he was directing staff to review it. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman stated they had received comments regarding Hunt Avenue at the beginning of the meeting and the Council had previously taken this issue up two or three times. The plans had been revised after receiving neighborhood input. He understood the original plans included a very forward stormwater design, which did not satisfy the neighborhood, so it was redesigned causing a delay to the project. It came before the Council again and after public input, the Council voted to move forward with the project. He also asked if all of the easements had been acquired.

Mr. Janku pointed out they kept the sidewalk, but the street had been narrowed as part of the process to minimize the impact. Ms. Hoppe noted some of the trees had been preserved by doing that. Mayor Hindman agreed there was tree preservation to the extent reasonably possible.

Mr. Glascock noted they had acquired easements through negotiations and were now in the condemnation phase. He understood they had filed all of the condemnations and

would move forward with construction of the project once those were finalized. He thought it was a 24 foot street with a sidewalk on one side against the curb and gutter.

Mayor Hindman assumed if trees were removed, there would be tree replacement although they would not be the same size. Mr. Glascock stated that was correct. Mayor Hindman was not sure what more they could do.

Mayor Hindman made a motion for the public hearing on considering the acquisition of land in downtown Columbia for a historical museum and research facility to not be held on Monday, February 2, 2009 even though a notice had been published in the paper indicating there would be a hearing. He pointed out this did not mean there would never be a hearing on this issue. It just meant the hearing would not be held on February 2, 2009 as previously advertised. The motion was seconded by Mr. Janku.

Mr. Janku understood discussions were still going on so it was premature to hold the public hearing on February 2, 2009.

The motion made by Mayor Hindman and seconded by Mr. Janku was approved unanimously by voice vote.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Sheela Amin
City Clerk