

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
DECEMBER 20, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 20, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ and THORNHILL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular and special meetings of December 6, 2010 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Thornhill.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Kespohl made a motion to correct the description for Report 144-10, so it would read “Parking Prohibition – South Side of Campusview Drive”. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COLUMBIA VISION COMMISSION

Rentchler, Rebecca, 7421 E. Sun Crest Court, County, Term to expire December 15, 2013.

COMMUNITY SERVICES ADVISORY COMMISSION

Camp, Amy, 1308 Willowcreek Lane, Ward 5, Term to expire December 31, 2013.

Thorpe, Cathy, 5007 Chesapeake Lane, Ward 2, Term to expire December 31, 2013.

FINANCE ADVISORY AND AUDIT COMMITTEE

Scavone, Edward, 2806 Moss Oak Court, Ward 5, Term to expire December 31, 2013.

Schatz, Jim, 1407 Longwell Drive, Ward 4, Term to expire December 31, 2013.

FIREFIIGHTERS' RETIREMENT BOARD

Snider, Dearld, 5008 Covington Court, Ward 5, Term to expire December 31, 2012.

POLICE RETIREMENT BOARD

Wright, Nathan, 5107 Whitefish Drive, Ward 4, Term to expire December 31, 2012.

PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE

Hendren, Emily, 3206 Fox Trot Drive, Ward 2, Term to expire December 31, 2012.

Mustard, Cindy, 600 S. Greenwood, Ward 4, Term to expire December 31, 2012.

Waddell, Nathan, 2504 Bellingham Drive, Ward 5, Term to expire December 31, 2012.

SPECIAL BUSINESS DISTRICT BOARD

Danuser, Blake, 6000 Arrowhead Lake, County, Term to expire January 1, 2014.

Mendenhall, Thomas, P.O. Box 69, County, Term to expire January 1, 2014.

Waigandt, Marti, 5004 Innsbruck Way, Ward 5, Term to expire January 1, 2014.

SCHEDULED PUBLIC COMMENT

Georgalu Swoboda, Executive Director of Big Brothers Big Sisters – report on Teen Townhall/Teens Speak Out on Crime.

Georgalu Swoboda stated she was the Executive Director of Big Brothers Big Sisters and explained the money received from a communications grant allowed them to work with youth in very effective and exciting way. They were able to produce commercials focusing on mentoring and various crime issues in the community, make 30 presentations throughout the community to various businesses and groups and hold a town hall meeting on juvenile crime. The town hall meeting involved the City, the Youth Community Coalition, the Minority Men's Network, the Columbia Public Schools, the Juvenile Office, the Missouri Division of Youth Services and the Police Department.

Jasmine Wang stated she was a junior at Hickman High School and noted she was one of 65 teenagers that had attended the Teen Town Hall. She thanked the City for allowing them to use the City Hall building for the event and explained they had discussed various issues, such as bullying, peer pressure and safe schools, and had reported back in the form of a rap, poem or drama. She felt it was a cool night because they had met many people from Columbia and had gotten together to discuss important teen issues, and because they felt they were important to the City.

Dr. Rex Campbell and David Tyson Smith – Citizens Police Review Board.

Rex Campbell commented that he had been Chair of the committee that had been created to determine if a police oversight board was needed and how it should be formed, and noted that committee had recommended the formation of the Citizens Police Review Board (CPRB). The committee had examined every complaint that had been made to the Police in the last three years, and it was clear there was a different reaction to people of color and that there was a chasm of distrust between citizens and the police. The committee felt a police review board might help bridge the chasm of distrust by providing a neutral place for people to come together to discuss the issues before them. The CPRB had recently addressed its first major case, and he believed the reaction of City Manager and City Council would likely set a precedent in terms of whether the public felt it could get a fair hearing. He stated the CPRB was establishing a public image, which he felt was important in bridging the chasm of distrust. He thought the CPRB needed to show it was not a rubber stamp for police or anyone else. He noted there were at least 100 other communities within the United States

with police review boards, so this was not something unique to Columbia. The City Manager and Council through its decisions would determine how the CPRB really worked.

Mr. Sturtz asked if he could provide context in terms of a police chief not accepting the findings of a police review board since he had researched many other communities. Mr. Campbell replied it was a common dynamic in the beginning. Mr. Sturtz asked if he had any suggestions for making the process better if this situation continued. Mr. Campbell suggested the CPRB and City Counselor clearly spell out the processes and procedures of the Board as that had not yet been done.

David Tyson Smith with offices at 1001 E. Walnut stated he had also been a member of the committee created to determine if a review board was needed, and had participated in a subcommittee that helped set the policies and guidelines for the CPRB that were passed on to the City Council. The purpose of the CPRB was to provide an independent and outside review. In addition, the CPRB was an investigative body, so investigations were a part of its scope. They were not established to make a decision solely based on the investigation of the Police Department, as a review board would not be needed if that was the case. He believed the CPRB should do its own independent review outside of the Police Department. He thought it was okay that the Police Chief and the Columbia Police Officers Association were not happy with the decision of the CPRB as that was a natural reaction to change. He noted the CPRB had heard two cases, and in both instances, someone was not happy. He advised the Council to not repeal the CPRB as he believed it would be a mistake.

Ms. Nauser thanked everyone involved in the Teen Town Hall event as it was very successful, and noted she hoped this would become a tradition in the future.

PUBLIC HEARINGS

B301-10 Authorizing construction of the Darwin and Axie Hindman Discovery Garden at Stephens Lake Park; calling for bids through the Purchasing Division; appropriating funds.

The bill was given second reading by the Clerk.

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

Ms. Nauser understood the maintenance cost would be \$15,000 to \$30,000 per year and asked if donations would continue to be solicited to offset that cost and why the cost was so high. Mr. Hood explained it would be a very detailed and labor intensive garden. They intended to recruit volunteers in an effort to reduce costs, but felt the estimate needed to reflect the number of hours it would take.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe commented that she believed this was a great way to thank Darwin and Axie Hindman for their many years of service to Columbia. She thanked the committee involved in raising funds and those that made donations, and noted this project was a part of the master plan for Stephens Lake Park.

Mr. Kespohl asked if the initial proposal had included the Council Ring across that path. Mr. Hood replied it had.

B301-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

PR248-10 Establishing revised Community Development Block Grant funding guidelines.

The policy resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked if there had been unanimous support from the Community Development Commission. Mr. Teddy replied yes.

The vote on PR248-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B292-10 Authorizing an annexation agreement with Larry F. and Barbara A. Welch.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz understood this would be covered by user fees, so there was not a fiscal impact. Mr. Teddy replied the sewer was covered by user fees, and until the property became contiguous, there would not be an extension of other city services.

Ms. Hoppe understood that the sewer extension was at the expense of the property owner. Mr. Watkins stated that was correct.

Larry Welch stated the reason for this request was because the space required for individual on-site waste stabilization was enormous. In addition, he wanted the infrastructure before continuing to build a home on the site.

B292-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B293-10 Approving the Final Plat of Weston Point, Plat No. 1, a minor Replat of Lot 2 of Tom and Jeff's Most Excellent Adventure Plat 1 located on the south side of Weston Drive, between Braden Drive and Whitney Court; authorizing a performance contract.

The bill was given second reading by the Clerk.

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

B293-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B305-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Missouri Community-Based Home Visiting Program; amending the FY 2011 Annual Budget to delete a Family Support Worker position and add a Social Services Specialist position to the Public Health and Human Services Department, Human Services Division; amending the FY 2011 Pay and Classification Plans; appropriating funds.

The bill was given second reading by the Clerk.

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

B305-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B306-10 Amending and reestablishing the Tax Savings Plan for the Employees of the City of Columbia.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B306-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B307-10 Adopting the Choice Plus Plan, the Choice Plus \$1,500 Plan, the Choice Plus \$1,500 High Deductible Health Plan and the Dental Plan for the City of Columbia.

The bill was given second reading by the Clerk.

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

B307-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B310-10 Authorizing a solar photovoltaic renewable energy equipment lease agreement with Free Power Company, Inc.

The bill was given second reading by the Clerk.

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

Mr. Sturtz asked if there had been a vetting process with regard to this company as its history was not well documented on the internet. Mr. Johnsen replied Black and Veatch, an engineering company that was familiar with the company, had good things to say about them, but they were not a customer. They were only the engineering company that worked with them. In addition, the California Public Service Commission had indicated it was aware of Free Power Company (FPC) and did not have anything negative to say regarding them. He noted he did not have a testimonial from any customer.

Mr. Sturtz understood the worse case scenario was the potential for abandoned solar equipment. Mr. Johnsen stated that was correct. He explained the capital investment would come from FPC. The City would have the expense of preparing the site for the panels to be installed, but the FPC would install the panels. The City would also pay for the energy delivered from the site.

Ms. Hoppe understood this was being provided at a great rate due to federal tax credits the FPC planned to receive, and assumed FPC would have to deliver in order to obtain the tax credits. Mr. Johnsen explained the schedule FPC wanted to keep for the tax credits was to deliver 6,000 megawatt hours to the system next year and 12,000 megawatt hours the following year. He pointed out the City was responsible for selecting and approving

the sites, so the schedule was in the City's control. The City would try to help FPC meet their goals as long as they were comfortable.

Mr. Kespohl understood it was not yet known whether FPC was eligible for the 1603 federal tax credits. Mr. Johnsen stated FPC thought they were eligible, but wanted the condition left in the contract in case they were not.

Mr. Sturtz asked if there was a ceiling on the number of megawatt hours that could be provided in the future if the 6,000 and 12,000 thresholds were met. Mr. Johnsen replied he thought there would be a ceiling and thought it would be 30,000 to 50,000 megawatts. Mr. Sturtz asked what percentage that was of the entire load. Mr. Johnsen replied he thought it was about 5-7 percent.

Mr. Kespohl understood the renewable energy would not count toward the City's percentage if it was sold as green tags. Mr. Johnsen stated that was correct. The selling of green tags would transfer the right to consider it as renewable energy to the other party. Mr. Kespohl asked for the possibility of selling the tags. Mr. Johnsen replied Council would make that financial decision, but it would only be brought to the Council if the City had more than enough renewable energy credits.

Mr. Thornhill understood only 30 percent of the profit would be retained by the City, if sold. Mr. Johnsen stated that was correct, and explained any energy sold as an off-site sale would be split 70/30. They would get 70 percent and the City would retain 30 percent.

Mayor McDavid asked if he was referring to selling the energy or the green tags. Mr. Johnsen replied both could be done. Mayor McDavid understood the City would receive money if it sold green tags. Mr. Johnsen stated that was correct.

Mayor McDavid asked if there was any reason why the City would not sell green tags once its five percent goal was met. Mr. Johnsen replied there would only be environmental reasons for retaining the energy on the City's system. Mayor McDavid asked if the City would not be using the energy once it sold the green tag. Mr. Johnsen replied the energy was on the City's system even if the green tag was sold. Mayor McDavid understood the solar energy could be attributed to the City's renewable energy mandate and still be sold through green tags. Mr. Johnsen stated that was not correct, and explained the green tags allowed the energy to be used under the renewable energy mandate. Mayor McDavid commented that he did not read that in the ordinance and thought they could still attribute the energy to the City's own mandate.

Ms. Nauser asked if there was an estimate on the City's investment in terms of site preparation. Mr. Johnsen replied they would initially focus on cost-effective sites.

Mayor McDavid asked how many acres would be involved for six megawatt hours. Mr. Dudley replied he thought it would be about 40 acres. Mayor McDavid understood the City could provide FPC one acre to install panels to ensure this was feasible. Mr. Johnsen stated the City had the right to control the rate and the risks, and noted staff had estimated it would take eight acres to develop a megawatt of solar generation, so it would take about 40 acres to develop the 6,000 megawatt hours per year.

Mr. Dudley asked if those 40 acres needed to be contiguous. Mr. Johnsen replied probably not, but noted he thought there would be minimum size requirements. Mr. Dudley understood this project would require about 100 acres and wondered if the tops of flat roofs

could be used. Mr. Johnsen stated roofs would be considered, but they would start elsewhere since smaller locations would not be as cost-effective.

Karl Skala, 5201 Gasconade Drive, stated he was in support of the project due to the low cost, but noted he was uncomfortable with the level of confidentiality that was necessary from the company's perspective, and suggested personal discussions as they would not require anything to be in writing or be subject to an open records request. He thought this was a good opportunity as long as the City had control.

Mr. Sturtz asked Mr. Boeckmann to respond to confidentiality issue. Mr. Boeckmann replied the attitude of FPC seemed to be rather extreme as most companies were forthcoming with regard to their customers. He was not sure if this was unique to this particular industry. He agreed with Mr. Skala in that if this was done verbally, there would be no record for a sunshine law request. Mr. Sturtz asked if a staff person could do some additional vetting. Mr. Boeckmann replied staff could make a few more contacts, if FPC provided names before the documents were signed.

Mr. Dudley asked what would happen if Council voted against this. Mr. Johnsen replied it would just be an opportunity not taken. Ms. Hoppe understood it would not come back because they had a deadline. Mr. Johnsen stated that was his understanding as well.

Mr. Kespohl asked if the lessor was carrying all of the insurance on the equipment. Mr. Johnsen replied yes.

Kathleen Weinschenk, 1504 Sylvan Lane, suggested the agreement not be signed until the City was provided the information it wanted.

Mr. Sturtz stated he wished they had more time, but understood the downside to this agreement was not that bad. He thought this was a decent risk and suggested the project be monitored closely as it moved forward.

Ms. Hoppe commented that if it proved to be as good as it appeared, it would be a great benefit to the City. In addition, she was confident in staff's support of the project.

Mr. Kespohl understood the site development would be done at the pace of the City, and if the City did not want to continue, no further sites would be developed.

Mayor McDavid stated the secrecy surrounding the company was unsettling, but it appeared the City would not be out anything if they did not come do the work. Mr. Kespohl understood the City might be out the development of one site. The market rate for solar energy was 30-40 cents per kilowatt hour and they were willing to sell it to the City at 5.5 cents per kilowatt hour. He stated he would vote in favor of this and asked staff to watch this very closely.

Ms. Nauser commented that she did not like the fact they would not provide any information and did not feel comfortable signing a contract with so many unanswered questions. She was also uncomfortable with the amount of land that would be needed for the project.

Mr. Thornhill asked when communications began with the company. Mr. Johnsen replied he understood it began in September/October 2010. He noted it was not his intention to bring it forward at the last minute. Mr. Thornhill asked if staff was aware of the signing deadline. Mr. Johnsen replied the time frame constraint came fairly late in the process.

Mayor McDavid commented that it was helpful to know Black and Veatch knew the company existed.

Mr. Dudley hoped staff could talk to some customers of FPC if this passed. Mr. Johnsen stated they would try.

Mr. Sturtz asked what would happen if staff had concerns after talking to some customers since Council would have already approved this bill. Mr. Boeckmann replied the bill authorized the City Manager to execute the agreement so the City Manager would simply not sign the agreement if there were concerns.

B310-10 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NAUSER. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B294-10 Approving Begley Subdivision located on the southeast corner of Vandiver Drive and Vanwood Way, east of Range Line Street (1100 Vandiver Drive).
- B295-10 Accepting a grant of easement for water and electric purposes.
- B296-10 Vacating a drainage easement located on Lot 80 within Rockbridge Subdivision Block II (3600 Valencia Drive).
- B297-10 Authorizing Supplemental Municipal Agreement #1 with the Missouri Highways and Transportation Commission for maintenance of Route 763 from Big Bear Boulevard to Prathersville Road.
- B298-10 Authorizing the City Manager to apply to the United States Department of Transportation Federal Aviation Administration for airport capital assistance grants.
- B299-10 Authorizing a gas pipeline easement and a gas regulator station easement to Union Electric Company, d/b/a AmerenUE.
- B300-10 Accepting conveyances for utility purposes.
- B302-10 Appropriating CDBG funds for improvement projects at Again Street Park and Brown Station Park.
- B303-10 Accepting and appropriating donated funds from Perlow-Stevens Gallery for the Parks and Recreation Department CARE Gallery Program.
- B304-10 Authorizing an agreement for Right of First Refusal with Union Electric Company, d/b/a Ameren Missouri, relating to the purchase of property located at 210 Orr Street.
- B308-10 Reimposing a sales tax of one-eighth of one percent for the purpose of providing funding for local parks.
- B309-10 Accepting grants from the Missouri Office of Homeland Security for the Columbia Bomb Squad Robot Upgrade Project; authorizing a grant agreement; appropriating funds.
- R249-10 Setting a public hearing: construction of sanitary sewer improvements, more specifically described as the Bear Creek Bank Stabilization Project.

- R250-10 Setting a public hearing: construction of the Ridgeway Cottages Sewer Project.
- R251-10 Authorizing agreements with various social service agencies; and prescribing the form and content of the agreements.
- R252-10 Authorizing an agreement with the Jefferson City Barracudas for sports development funding under the Tourism Development Program.
- R253-10 Adding John Blattel, Interim Finance Director, as an authorized representative pertaining to opening and maintaining accounts at UBS Financial Services, Inc.
- R254-10 Authorizing an agreement with the Central Missouri Humane Society for animal control services.
- R255-10 Authorizing an agreement with the Central Missouri Humane Society for municipal shelter funding.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R256-10 Authorizing a settlement agreement with the Missouri Department of Natural Resources pertaining to the appeal of the Municipal Separate Storm Sewer System permit conditions.

The resolution was read by the Clerk.

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

Mr. Sturtz asked how much Lathrop and Gage had been paid to lobby the Department of Natural Resources. Mr. Hunt replied the total paid was less than \$20,000.

Ms. Hoppe referred the section titled “ordinances” on page 3 of the fact sheet and asked if the City had five years to put additional ordinances in place or if this was from the past permit. Mr. Hunt replied the fact sheet was not part of the permit. It was just background information. Mr. Glascock explained the items listed were already in place as it was associated with the City’s first permit.

The vote on R256-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R257-10 Adopting an implementation plan for the expenditure of local parks sales tax revenue.

The resolution was read by the Clerk.

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

Mr. Sturtz commented that he understood the rationale for completing the construction projects before acquiring property, but asked if there was a mechanism in place to acquire land if there was a great deal. Mr. Hood replied there were a number of options. If a crucial piece of land became available, they could negotiate a contract with multiple year payments,

they could provide an initial payment to hold the land until funds became available or Council could amend this implementation plan.

Mr. Sturtz asked how long would it take for the members to be trained to understand the best opportunities for land acquisition, if a committee was put in place early next year. Mr. Hood replied he did not believe it would take long to train them on the concepts, but felt it would take them longer to study, review and identify tracts of land for consideration as it was essentially a planning process. Mr. Sturtz understood a thorough analysis of the natural resources inventory (NRI) would take several months.

Mr. Kespohl asked if there was money leftover from 2005. Mr. Hood replied yes and explained the 2011 budget included just over \$1 million for park capital improvement projects. Those were the last funds to be generated by the 2005 park sales tax, which would end on March 31, 2011. The new sales tax would go into effect on April 1, 2011. Mr. Kespohl understood the remaining 2005 money was already budgeted toward different projects. Mr. Hood stated that was correct.

Ms. Hoppe understood some of the 2005 park sales tax money that had been allocated in FY 2011 budget was available for small acquisition projects. Mr. Hood stated that was correct and noted \$150,000 had been appropriated in the 2011 budget for land acquisition.

The vote on R257-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R258-10 Adopting a list of high priority improvement projects; and requesting federal assistance in funding these projects.

The resolution was read by the Clerk.

Mr. Watkins and Ms. Hertwig-Hopkins provided a staff report.

The vote on R258-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R259-10 Authorizing an agreement with Midwest Environmental Consultants Co for engineering services for the Lime Sludge Remediation Project at the McBaine Water Treatment Plant.

The resolution was read by the Clerk.

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

Mr. Dudley asked if this could be sold as fertilizer. Mr. Johnsen replied the permit, at this time, only allowed it to be applied to the land. In addition, he was not aware of any commercial value for it. Mr. Watkins pointed out it would be costly to transport, if sold. Mr. Dudley understood the sludge from the water treatment plant was being applied to fields and asked for the volume that was generated. Mr. Johnsen replied it was a different kind of sludge and he was uncertain as to the volume that was generated.

The vote on R259-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R260-10 Authorizing a Memorandum of Understanding with Regional Economic Development, Inc. for the lease of space in the Fifth Street and Walnut Street Parking Garage.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Kespohl asked if the space wanted was just the frontage on Walnut or the suite behind it as well. Mr. Watkins replied there was some area behind the frontage that would be used by the parking utility for office space due to the potential expansion of the Municipal Court in the Howard Building. Mr. Kespohl understood the first space at Sixth and Walnut was a double space followed by two single spaces that would be provided to REDI. Mr. Watkins stated that was correct. He explained remaining space would be held for a year for a potential incubator.

Mr. Sturtz asked if the City had researched using any of this space for retail earlier in the process. Mr. Watkins replied yes. He explained that while it was marketable, the private sector landowners felt it was unfair competition. The goal was for it to be used for City-oriented or more public types of uses.

Mr. Sturtz asked if the City would be in the same situation in terms of retail if the Short Street Parking Garage was built. Mr. Watkins replied H3 had suggested it house artist lofts and studios, and that discussion would take place if Council decided to move forward with the garage.

The vote on R260-10 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B311-10 Amending Chapter 29 of the City Code as it relates to continuing care retirement communities and apartment complexes.**
- B312-10 Rezoning property located on the north side of Lynn Street and west of Garth Avenue from C-P to PUD-4.3; approving the Lynn Street Subdivision PUD-4.3 Development Plan; approving less stringent yard requirements.**
- B313-10 Approving the Final Plat of Lynn Street Subdivision Plat 1, a Replat of Part of Lot 12 and Lot 11 of John A. Stewarts Subdivision, located on the southwest corner of Lynn Street and Garth Avenue; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding the dedication of street right-of-way.**
- B314-10 Approving the Final Plat of Lynn Street Subdivision Plat 2, a Replat of the East Half of Lot 7 and Lot 8 of John A. Stewart’s Subdivision, located on the north side of Lynn Street and west of Garth Avenue; authorizing a performance contract.**
- B315-10 Vacating utility easements located on the east side of Paris Road, south of the Paris Road and U.S. Highway 63 interchange.**

- B316-10 Authorizing construction of the Hinkson Creek Siphon Elimination Project; calling for bids through the Purchasing Division.
- B317-10 Authorizing a waterline design contract with Public Water Supply District No. 9 of Boone County, Missouri for the design and preparation of plans and specifications for relocating and replacing waterlines as part of the Rolling Hills Road project.
- B318-10 Accepting conveyances for utility purposes.
- B319-10 Amending Chapter 22 of the City Code as it relates to over-occupancy in rental units.
- B320-10 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Response Services; appropriating funds.
- B321-10 Appropriating asset forfeiture funds to be used by the Police Department to purchase a replacement CVSA instrument system.
- B322-10 Appropriating asset forfeiture funds to be used by the Police Department for the proactive auto theft Bait Car Program (E-BAIT).
- B323-10 Appropriating funds to provide for City of Columbia employee bonus awards.
- B324-10 Calling a special election to be held on April 5, 2011 on a proposed amendment to Section 7 of the Home Rule Charter for the City of Columbia, Missouri, pertaining to stipends for city council members.
- B325-10 Amending Chapter 2 of the City Code to provide for recitation of the Pledge of Allegiance at the beginning of every council meeting and council work session.

REPORTS AND PETITIONS

REP139-10 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins noted this report was provided for informational purposes.

REP140-10 Street Light Request Report.

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

Ms. Nauser understood the staff recommendation for Forum was for eleven continuous lights. Mr. Johnsen stated that was correct.

Ms. Nauser made a motion directing staff to proceed with the projects as recommended. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP141-10 Process for Establishing Conservation Loan Programs.

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

Mayor McDavid asked what interest rate was offered. Mr. Watkins replied he thought they offered one half of one percent. Mayor McDavid asked if there were any mechanisms in place to prevent someone from borrowing money to purchase something else. Mr. Watkins replied yes and explained the company doing the work was paid.

Ms. Hoppe asked what the City could do in terms of loaning money for conservation and having it repaid through property taxes. She wondered if it was being looked into and

whether a recommendation would be provided to Council in the future. Mr. Johnsen stated staff was looking at involving some financial institutions in the loan process, but they had not investigated how they would implement a property tax assessed loan.

Mr. Sturtz noted the report talked about the new law regarding property assessed clean energy and understood the City might be able to implement a program of this nature for the first time. Mr. Johnsen stated he believed there was a push from the state level to develop more programs, but it appeared to be a slow process.

REP142-10 Change to Landfill Hours.

Mr. Watkins provided a staff report and noted it was informational.

REP143-10 Limestone Avenue and Marble Cedars Drive.

Mr. Watkins provided a staff report.

Mr. Thornhill explained he was still receiving e-mails from people saying construction traffic was frequently using the area as a cut-through. Mr. Glascock stated a 4-way stop could be installed. Mr. Dudley stated he had received an e-mail as well. Mayor McDavid noted the stop signs could be removed after the construction ended.

Mr. Thornhill made a motion directing staff to prepare legislation to install a temporary 4-way stop at Limestone Avenue and Marble Cedars Drive and to provide a report in July 2011 to determine if the additional temporary stop signs were still needed at that location due to work at the Wastewater Treatment Plant. The motion was seconded by Mr. Dudley and was approved unanimously by voice vote.

REP144-10 Parking Prohibition – South Side of Campusview Drive.

Mr. Watkins provided a staff report.

Ms. Hoppe commented that she had not noticed many cars parking there to take the bus and asked for the number of cars that were parking there. Mr. Glascock replied the traffic engineer had indicated cars had been parking down the hill and around the corner in some cases. Ms. Hoppe asked if these were people coming from elsewhere to use the bus stop. Mr. Glascock replied he was not sure, but thought they were coming from Seven Oaks.

Ms. Hoppe made a motion directing staff to prepare an ordinance to restrict parking on the south side of Campusview Drive from the outer road, thence east 300 feet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP145-10 Consumption of Alcoholic Beverages in City Owned Parks (Police Proposal).

REP146-10 Police Proposal on Alcohol in Downtown Parks – Park and Recreation Commission Review.

Upon her request, Mr. Thornhill made a motion to allow Ms. Nauser to abstain from voting on any motion related to Reports 145-10 and 146-10 due to a conflict of interest. Ms. Nauser noted on the Disclosure of Interest form that her husband sold alcoholic beverages. The motion was seconded by Mr. Dudley and approved by voice vote.

Mr. Watkins and Chief Burton provided a staff report.

Mr. Sturtz asked if he could respond to concerns that this restriction would simply move people to another area in the downtown. Chief Burton replied that was a real possibility, which would be monitored, but if they moved to a different park, they would lose the ability to panhandle since people would not be around. Mr. Sturtz asked if any progress was being made with regard to offering treatment and transporting these offenders to places where they might get help. Chief Burton replied he did not believe there were any facilities of that nature, so they were just taken to a holding facility being attended to by a police officer until they were sober.

Mayor McDavid asked if this would prevent the serving of beer at a private event, such as a family reunion. Chief Burton replied it would not. Mr. Hood explained they would suggest limiting the use of alcohol in these three parks to permitted use only and the permits would be issued through the Parks Special Use process, which was already in place.

Mr. Thornhill made a motion directing staff to prepare an ordinance limiting the use of alcohol in Paquin Park, Flat Branch Park and North Village Park. The motion was seconded by Mr. Kespohl and approved by voice vote with Ms. Nauser abstaining.

REP147-10 Heibel-March Building Proposal Review – Historic Preservation Commission.

REP148-10 NCCNA input regarding Heibel-March building in Field Park.

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

Mr. Sturtz stated he was in favor of drafting an agreement with Legacy since there appeared to be a consensus and understood there was concern for the building to be renovated in a historic fashion, so he hoped that would be included in the agreement. He noted the price for the sale of the building and long-term lease of the land had not been discussed and asked if staff had discussed that with Legacy. Mr. Hood replied it had not been discussed. He explained the Council had made the building available at a minimal cost of less than \$100 in the past. He thought it had been about \$10. Mr. Boeckmann agreed they had not asked for much, but noted this was a different situation as that price had been determined for not-for-profit groups and this would be for a for-profit organization with the only public purpose being historic preservation. Mr. Sturtz understood the Neighborhood Association was asking for a reasonable deal to be made because it would stabilize that part of the neighborhood, but since it involved a for-profit organization, he did not believe they should provide it for very low amount and suggested something close to market value. Mr. Boeckmann pointed out the market value would be substantially decreased due to the parking limitation.

Mayor McDavid suggested they issue an RFP and take the best bid, which might not be the lowest or highest bid. Mr. Sturtz commented that he believed there was sufficient confidence in this particular organization due to its construction background, and therefore, it might be worth missing out on a few thousand dollars in order to get this done right and within a certain time frame.

Mr. Sturtz made a motion directing staff to draft an agreement with Legacy that included a reasonable price. The motion was seconded by Ms. Hoppe.

Mr. Boeckmann noted this would be conditioned upon the approval of HUD.

Mr. Kespohl stated he was concerned about parking as they would not be able to park on Wilkes or Rangeline. Mr. Hood noted parking was currently available on Rangeline. Mr. Sturtz commented that the letter from Legacy had indicated this use would not generate the need for a lot of parking.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe directing staff to draft an agreement with Legacy that included a reasonable price was approved unanimously by voice vote.

REP149-10 Approach to Establishing Youth Commissions and/or Youth and Family Commissions.

Mr. Watkins, Ms. Browning and Mr. Hood provided a staff report.

Ms. Nauser explained she had been working on this issue for years now and had found it difficult to locate services provided by the City and the community at-large for its youth. She stated she liked the idea of engaging the Youth Community Coalition (YC2) in advising the Council in terms of programming and suggested they utilize YC2 to look at what the community offered and to report to Council annually or biannually.

Mayor McDavid stated he agreed with Ms. Nauser as YC2 was a mature group that was well directed.

Ms. Nauser asked staff to look at ways to incorporate input from YC2 in terms of City services. Ms. Browning stated staff could meet with YC2 to further discuss this issue and provide a report to Council. She noted a youth and family issue analysis would be done in terms of the City's social services funding in the future, and YC2 would be an important group to include. Ms. Nauser agreed and asked staff to determine what agencies within the City could be brought together and whether something formal was needed in order to move forward.

REP150-10 Time Based Parking Prohibition – South Side or Rogers Street from Circus Avenue to Eighth Street.

Mr. Watkins provided a staff report.

Ms. Hoppe understood the property owners had been contacted and it appeared most of them approved of this change. Mr. Glascock stated that was correct.

Mr. Thornhill made a motion directing staff to prepare an ordinance as recommended. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Greg Ahrens, 1504 Sylvan Lane, stated he was the President of the First Night Columbia Board and thanked the Council for its continued support for an alcohol free New Years Eve celebration.

Ms. Hoppe asked how many tickets were sold last year, and if the number of tickets sold had continuously increased. Mr. Ahrens replied he did not have those numbers, but believed ticket sales had decreased last year due to the day of the week and the weather. Ms. Hoppe asked if Mr. Ahrens could provide ticket sale information to the City Clerk for her to pass on to the Council. Mr. Ahrens replied he would provide that information to the Council at a future date.

Mr. Thornhill asked staff to provide a report regarding the commitments made when the Wal-Mart on Broadway was approved. He noted he was specifically interested in what was expected of the developer for street and intersection improvements along Fairview.

Mr. Thornhill explained there were a number of large trucks that used the northernmost entrance and exit near the tire and oil center on the east side of the lot. He noted there was a median on Fairview, but it was not built in a manner that would eliminate wrong-way traffic. Semi-trucks were turning out of there and traveling north bound for a short distance in the south bound lane to avoid taking Broadway to Stadium. He asked for a staff report to address this issue.

Mr. Kespohl asked for a report on the status of downtown cameras. Mr. Watkins replied he understood they were out for bid, but would have staff provide a status report.

Mr. Kespohl commented that he had been researching the bonds of the City and provided a list of bonds for which he wanted additional information. He understood some of the bonds did not have any principal payment for a number of years, so he wanted a report on the amount of interest paid over the life of the bonds when delaying the principal payment as well as the amount of interest paid over the life of the bonds if payment had been made toward the principal from the beginning. Mr. Watkins asked if he wanted it calculated based on level principal payments. Mr. Kespohl understood some were level payments and some were not. He noted he was particularly concerned with the Water and Light bond issued in 2006 for \$38 million with no principal payment for the first 15 years.

Ms. Hoppe noted the Council had received an e-mail from Harry Stelzer regarding solid waste trucks that were using Limestone Avenue as a thoroughfare, and asked if he had been contacted and whether the routes of solid waste trucks were monitored by staff so they were not inappropriately going through residential streets. Mr. Watkins stated he understood staff had tried to reach him, but he did not know the status of the conversation.

Mr. Sturtz commented that over the course of the past year, he had increasingly become uncomfortable with the way the Council had been treated by City staff and the Mayor's Office. He felt the Council was seen as an impediment to a smoothly running bureaucracy in the setting of major policy that affected the citizens that elected them. He understood staff wrote a letter that was signed by the Mayor to the EPA, which indicated the City objected to the EPA's enforcement of the Clean Water Act with regard to the Hinkson Creek. This had never been brought to Council for discussion and he felt it was inappropriate for the letter to take a stance on the issue. He pointed out the City of Columbia needed to reflect the desires of Council as they were elected to represent the will of the people. He commented that a week earlier, he had read about a major stormwater variance given by City staff to IBM in the Columbia Business Times. Finding out through the media instead of through a staff report subject to Council input was a sign of disrespect and embarrassing to him as he had worked hard to stay on top of duties. He pointed out these two instances were not unique and provided other examples. He felt City staff in conjunction with the Mayor had

gotten much too comfortable with skirting the oversight and input of the Council in setting policy. He believed this was wrong and needed to stop. He wanted any new city manger to take heed of the City Charter as he or she came to work for the City as the citizens and Council Members deserved it.

Ms. Nauser wished everyone happy holidays and noted she looked forward to working with everyone for the remainder of her term.

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Sheela Amin
City Clerk