

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JANUARY 4, 2010

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, January 4, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, THORNHILL, SKALA, NAUSER, HOPPE and HINDMAN were present. Council Member WADE was 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 December 21, 2009 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda, including the Consent Agenda, was approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Ms. Nauser.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Dick Parker: Renewable Energy.

Richard Parker, 215 W. Sexton, provided a corrected handout and stated he was pushing for renewable energy in terms of biomass and wind. The cost of wind would be soon determined since the Water and Light Department was seeking bids on more renewable energy. With regard to biomass, he understood the Water and Light Department was looking at converting two generators to biomass, and thought the third generator, which was a natural gas-fired generator, should also be studied. He believed they needed to know of the possibilities of all three before making any decision and asked the Council to recommend doing a study on the three systems by either modifying the existing study or entering into another independent contract.

Mr. Thornhill asked Mr. Parker to define biomass. Mr. Parker replied biomass was plant material that had grown in the last 100 years. It would decay and rot, and the City could turn it into carbon dioxide and get energy from it. The major sources in the area were switchgrass grown on agricultural land that was not largely used except for pasture, chipped wood from areas typically not being used for forest at this time and recovery of smaller limbs being cut for lumber.

Mr. Thornhill asked if he thought these sources could be sustained to support the 51 percent needed. Mr. Parker replied he thought they would be using about 20 percent of the

biomass available in Boone County and the five surrounding counties based on information in a study by the Department of Natural Resources years ago.

Mayor Hindman asked if this would have an impact on the current amount of CO² being emitted. Mr. Parker replied it would eliminate the fossil CO² being produced from burning coal. Mayor Hindman asked if it would eliminate any of the CO² they were now putting in the atmosphere. Mr. Parker explained the CO² they would release from burning wood chips would be released within a matter of years due to the normal decaying process, and this would speed up the release.

Mr. Skala understood the University was highly invested in biomass to generate energy and asked if the cost of biomass would be driven up if the City proceeded as they would essentially be competitors. Mr. Parker replied he did not believe it would because the major sources of biomass were not considered a crop at this time and because they were only looking at 20 percent of locally available material.

Mayor Hindman noted one of the criticisms of ethanol was that it competed with food and had driven up the price of food, and asked if this might be subject to the same criticism. Mr. Parker replied he did not believe the price of switchgrass would be sufficient to make it worthwhile to take real crop out of production.

Mayor Hindman commented that he had also heard criticism regarding deforestation. Mr. Parker stated he would be concerned if this turned into a clear cutting operation and believed it would have to be watched.

Ms. Hoppe understood the Burns and McDonnell recommendation was to look at converting all three boilers to biomass. Mr. Parker stated that was correct.

Ms. Nauser understood Mr. Parker stated the cost of biomass would be less and asked if the City would have to burn more biomass to obtain the energy equivalent to coal. Mr. Parker commented that they would have to get the same amount of energy from biomass as they did coal and since biomass was not as dense, more had to be burned in terms of volume. He was uncertain of the weight conversion and agreed more storage space would be needed.

Mr. Sturtz understood part of the assumption was that there would be a \$30 per ton charge starting in 2015 and asked if that was part of cap and trade. Mr. Parker replied that was the figure Burns and McDonnell used after the Copenhagen program.

PUBLIC HEARINGS

None.

OLD BUSINESS

B373-09 Authorizing the issuance of ARRA Revenue Bonds for Sewer System Improvements.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Fleming explained the rate would be set on Friday and the money would be received the following week. The City had been able to negotiate the rate since the State was using stimulus funds.

Mr. Thornhill asked if the bond rating affected the City's ability to get the lower rate. Ms. Fleming replied it was not as important when working with the State, but if they did not have a good bond rating, the bonds would not be issued at as good of a rate.

B373-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B375-09 Amending Chapter 14 of the City Code to set the speed limit along portions of Broadway (State Route WW).

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor Hindman asked for the speed limit on Broadway between Brickton and Old 63. Mr. Glascock replied 40 mph.

Mayor Hindman thought the 40 mph speed limit should be extended beyond Keene. Mr. Watkins noted Council could ask staff to write a letter to MoDOT requesting the change, and that could be done by motion at the end of the meeting.

B375-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B376-09 Amending Chapter 14 of the City Code as it relates to long-term lease of off-street parking spaces.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked if this would only apply to new leases. Mr. Watkins replied yes.

Mr. Skala asked if there was any stipulation with regard to where they might potentially move someone. Mr. Watkins replied he thought they would have to say the move would be to a mutually agreeable spot.

B376-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B377-09 Authorizing construction of Sewer District No. 167 (Shepard Hills); calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B377-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B378-09 Authorizing the acquisition of easements for Sewer District No. 167 (Shepard Hills).

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B378-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B381-09 Amending Chapter 27 of the City Code to allow subordination of certain City deeds of trust received in connection with City energy conservation and efficiency loans.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Nauser asked if more stringent credit requirements would be established as they moved forward. Mr. Watkins replied that as they looked at the entire loan program, he thought they needed to find ways to protect themselves other than the no subordination policy. He thought a credit report and appraisal could be provided by the bank.

Ms. Nauser asked if they would require closing statements, etc. when someone wanted to obtain a second loan. Mr. Watkins replied yes.

Mr. Thornhill asked if they would require an appraisal so they would know the value of the house was enough to cover the loan provided by the City. Mr. Watkins stated that was his intent and thought reviewing the closing statement was the easiest and cheapest way to obtain the assurances.

B381-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B382-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an amendment to the Home Rule Charter of the City of Columbia to allow the city manager to designate an assistant city manager as acting city manager in the event of the city manager's absence or disability.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B382-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B383-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an amendment to the Home Rule Charter of the City of Columbia to eliminate the restriction on transfer of funds within the first six months of a fiscal year.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Skala understood this was really a timing and deadline issue. Mr. Watkins agreed.

B383-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B384-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an amendment to the Home Rule Charter of the City of Columbia to remove the requirement that the director of the Water and Light Department be a registered engineer.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe understood this change would not preclude the director from being an engineer. Mr. Watkins replied that was correct.

B384-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B385-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an amendment to the Home Rule Charter of the City of Columbia pertaining to elections and initiative, referendum and recall.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked about the purpose of eliminating the maximum. Mr. Boeckmann replied there had been questions with petitions that had an incredibly high number of non-registered voters. Without a cap, people could obtain more signatures, and the thought was that the County Clerk's Office could stop verifying signatures once they hit the number needed.

Mr. Skala commented that there could be a competition amongst those submitting petitions regarding who had more signatures without a cap, causing a petition of less quality and creating more work.

Rick Buford, 1209 Cunningham, asked if signatures on one person's petition were potentially invalid on another person's petition. Ms. Amin replied the duplication issue would be removed by this charter change so that would not be an issue.

Mayor Hindman agreed there was a slight danger of people trying to kick-off their campaign by having an enormous number of signatures and suggested they keep some sort of maximum restriction. Mr. Skala and Ms. Hoppe agreed.

Mayor Hindman made a motion to amend B385-09 by keeping the minimum and maximum signature requirements for nominations of candidates identified in Section 122 as they were currently written in the Charter. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B385-09, as amended, was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

B386-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an amendment to the Home Rule Charter of the City of Columbia to allow city funds in any city depository to be secured by the same kinds of securities that secure state funds in state depositories.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Skala asked if the Federal security would be substituted for State security. Mr. Watkins replied no. He explained they were substituting State statute for the City Charter as to what securities could be put up as a depository agreement. Mr. Boeckmann noted the

Charter required Federal bonds and the State was more lenient in that they allowed State bonds, etc. for security.

B386-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B374-09** Approving the Final Plat of ABC Subdivision located on the north side of I-70, west of the I-70 and Route Z interchange; authorizing a performance contract.
- B379-09** Accepting Stormwater Management/BMP Facilities Covenants.
- B380-09** Accepting conveyances for sewer, utility and access to storm water facilities purposes.
- R1-10** Setting a public hearing: considering Addendum No. 2 to the 2004 Wastewater Systems Facilities Planning Report on Wastewater Collection and Treatment.
- R2-10** Authorizing an agreement with the Missouri Department of Health and Senior Services for HIV prevention activities.
- R3-10** Authorizing an Adopt a Spot agreement with Bluff Creek Homeowners Association.

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

NEW BUSINESS

- R4-10** Approving a project for Phoenix Programs, Inc. and the issuance of bonds by the Industrial Development Authority of Boone County, Missouri.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Tom Schneider, a lawyer with offices at 11 N. Seventh Street, stated he represented the Industrial Development Authority of Boone County and explained the Boone County IDA issued development bonds where the interest was tax-exempt under federal and state law. A requirement was that the project be approved by the governing body of the municipality in which it was located. The project involved a 28,000 square foot facility at the intersection of Providence and Vandiver, on Leslie Lane, and Phoenix Programs, Inc. was a center for substance abuse residential treatment and counseling.

Mr. Sturtz commented that offices were not mentioned in his readings of the IDA Charter and asked if an office building had ever been approved for these bonds. Mr. Schneider replied he was not sure and explained the bond counsel felt the project would qualify.

Mr. Watkins pointed out this was an existing facility so approval did not impact whether the facility was built. This was for permanent mortgage financing. In addition, the bonds were not backed by the faith or credit of either the City or the County.

The vote on R4-10 was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE.

Resolution declared adopted, reading as follows:

R5-10 Adopting guidelines for Signature Series Events under the Tourism Development Program.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Skala understood this was a way to eliminate review time on events typically funded every year. Ms. Steiner explained the original purpose of the tourism development fund was to generate overnight rooms and get money back to the City, so they decided they needed to protect their oldest and largest events in terms of quality and bring in events that had the potential to grow and create room nights.

At his request, Mayor Hindman made the motion that Mr. Sturtz be allowed to abstain from voting on R5-10. The motion was seconded by Mr. Skala and approved unanimously by voice vote. Mr. Sturtz noted on the Disclosure of Interest form that there was an appearance of a conflict of interest.

The vote on R5-10 was recorded as follows: VOTING YES: THORNHILL, SKALA, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: WADE. ABSTAINING: STURTZ. 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.

- PR6-10 Establishing revised Community Development Block Grant funding guidelines; establishing a revised review process for annual CDBG funding requests.**
- B1-10 Vacating a sanitary sewer easement located on Lots 600 and 601 within West Lawn Subdivision, Plat 6; accepting a conveyance for utility purposes.**
- B2-10 Authorizing a railroad right-of-way use agreement with the City of Centralia, Missouri; appropriating funds.**
- B3-10 Accepting conveyances for utility purposes.**
- B4-10 Calling a municipal election to elect Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.**
- B5-10 Authorizing a cooperative agreement with Boone County Regional Sewer District relating to sewer construction in the Grindstone Creek Watershed, Upper North Fork, Hominy Branch Watershed and Little Cedar Creek Watershed.**
- B6-10 Authorizing an agreement with Columbia College for Rangeline streetscape improvements from Rogers Street to Wilkes Boulevard.**

- B7-10** **Calling a special election to consider an amendment to the Home Rule Charter of the City of Columbia to provide that the city manager shall appoint and remove department heads only with the advice and consent of the city council.**

REPORTS AND PETITIONS

- (A) Intra-Departmental Transfer of Funds Requests.**

Mayor Hindman noted this report was provided for informational purposes.

- (B) Turn Light at Stadium/Audubon.**

Ms. Hoppe asked if traffic was studied during the start and end times of school. Mr. Glascock replied he thought they looked at morning and evening peak hours and the noon hour. Ms. Hoppe asked if they could ask MoDOT to look at the school pick up and drop off time periods. Mr. Glascock replied they could ask.

Ms. Hoppe made a motion directing staff to contact MoDOT with regard to reviewing traffic figures for the school pick up and drop off times for the Stadium and Audubon intersection.

- (C) Bike Racks – Public Facilities.**

Mr. Sturtz asked if a bike rack could be put in front of City Hall. Presently bicyclists were being asked to park in the parking garage at Seventh and Walnut. Mr. Glascock asked if it could be put in after the entire project was finished. He stated staff would provide a report recommending a location for it.

Mayor Hindman stated he thought a bike rack should be installed at the Farmers Market. Mr. Watkins stated they would look at installing a bike rack there before their spring opening.

Ms. Hoppe made a motion directing the Bicycle/Pedestrian Commission and PedNet to make recommendations regarding locations where there might be a need for bike racks so the business owners could then be approached. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

- (D) Home Depot Foundation and Home Depot Sustainable Cities Institute.**

Mayor Hindman noted this report was provided for informational purposes.

- (E) Purchase of Intermodal Facility Building.**

Mr. Watkins provided a staff report.

Mayor Hindman understood the City was obligated with regard to the rent even after the six months. Mr. Watkins replied that was correct. Mayor Hindman asked who was being paid the rent. Mr. Watkins replied the developer, Prost Builders.

Mr. Sturtz asked for clarification regarding what the City received in return. Mr. Watkins replied it was a specialized warehouse that allowed one to bring in a railroad car and unload it into a truck or store it. It was an important part of the services the City had to provide for the railroad to continue to be an important part of the community as it allowed

people not on the rail to use the COLT service by transloading it onto a truck and taking it to the plant.

Ms. Hoppe understood they expected it to be profitable in the future as it had been in the past. Mr. Watkins stated that was correct.

Mayor Hindman understood the purchase price would pay off the mortgage. Mr. Watkins replied that was essentially what was being done.

(F) Local Homeless Numbers.

Mr. Skala asked if there was a breakdown in terms of homeless Vietnam Veterans. Mr. Hollis replied veterans were included in the bi-annual homeless counts and noted he could provide that information.

Ms. Hoppe stated she would be interested in recommendations from staff regarding what they could do in terms of partnerships with churches, non-profits and businesses to address any problems currently not addressed.

Mr. Hollis commented that a project he was working on in the intermediate term was a 24-hour safehaven to at least get people out of the elements. A challenge was finding shelter for people with criminal histories and those that might not fit into the Harbor House. A long term goal he would recommend was a homeless shelter for men so the Harbor House could be freed up for women and children.

Mr. Skala asked if the V.A. was considered a stakeholder. Mr. Hollis replied yes.

(G) Downtown Leadership Council Letter.

Mayor Hindman understood this report was provided for informational purposes.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Paul Love, 100 Sondra, commented that as a mayoral candidate, he had written the University of Missouri Curators, their attorneys and the University Police asking to be allowed to address the student organizations and student bodies and was told he would not be able to do so. He asked the Council to draft a letter to the Curators of the University of Missouri in support of open elections as he did not believe they should be allowed to interfere in the election process. If they did, it might be cause for a recount or re-election, which would provide an additional expense to the City.

Mayor Hindman stated he received a call regarding snow plowing on University, east of William and asked staff to review the situation regarding whether the hill should be included in the priority list.

Mayor Hindman commented that he participated in First Night and thought it was a success. He thanked Tracy Lane and Jane Accurso for organizing the event.

Ms. Hoppe asked for a report regarding First Night with the attendance numbers.

Mr. Sturtz made a motion directing the Water and Light Advisory Board to provide a report in response to Mr. Parker's 80 percent carbon-free proposal. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Thornhill asked how the urban chicken/hen ordinance started or where the support was coming from. Mayor Hindman replied he understood there was significant citizen support and they called it to the Council's attention. The Council sent the issue to the Board of Health and the Board of Health could not provide a recommendation as the vote was tied. He understood the Council then asked staff to develop a proposal. He was not sure there was a formally organized group, but believed there was a citizen movement behind it.

Mr. Skala commented that he met with Mr. Bossaller, who was concerned about a dangerous curve on North Creasy Springs Road, and he suggested signage and rumble strips. Mr. Skala asked staff to provide a report regarding the potential for signs and rumble strips to potentially increase the safety in the area.

Mr. Skala understood a company called Zumbox had provided some communities with the opportunity to save millions of dollars with paperless billing and asked staff to see if it might be work for Columbia.

Ms. Hoppe commented that she had been approached by people wanting another unleashed dog area in the east side of Columbia and understood a portion of Stephens Lake Park was a possibility.

Ms. Hoppe made a motion directing staff to look at the possibility of having an unleashed dog area on the east side of Columbia, and in Stephens Lake Park, to include potential costs. The motion was seconded by Mayor Hindman.

Mayor Hindman pointed out there was a large unleashed dog area on the east side of town at Grindstone. Ms. Hoppe understood that area was not fenced and thought there was a need for a fenced area.

The motion made by Ms. Hoppe and seconded by Mayor Hindman was approved unanimously by voice vote.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Sheela Amin
City Clerk