

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MARCH 15, 2010

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 15, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of March 1, 2010 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Wade made a motion to move R56-10 from the consent agenda to the new business portion of the agenda. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

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

SPECIAL ITEMS

B57-10 Selecting an artist for the Fifth and Walnut Parking Garage Percent for Art Project; authorizing a Percent for Art agreement with Stuart Keeler.

The bill was given second reading by the Clerk.

Kip Goodman, 9100 W. Terrapin Hills Road, Chair of the Standing Committee on Public Art, noted this was the City's eleventh Percent for Art initiative and described the artist selection process. He explained that for the first time, an on-line artist application resource was used to publicize the commission opportunity and allow artists to submit applications electronically. He noted 260 applications had been received and interviews with the two finalists were held on January 22. The Standing Committee on Public Art ultimately voted in favor of Stuart Keeler as the artist to receive the commission, and the Commission on Cultural Affairs unanimously accepted the Standing Committee's recommendation on February 8. He explained Mr. Keeler was familiar with the Midwest having received a MFA in Sculptural Practices from the Art Institute of Chicago and recently completing a commission in Kansas City. He showed the Council examples of Mr. Keeler's work and commented that if Council endorsed the recommendation of the Committee and Commission, a contract could be authorized for Mr. Keeler to begin the design process. Once design concepts were received, the Standing Committee would review and forward a recommendation to the Commission on Cultural Affairs and the Council.

Mr. Skala asked if narrowing the pool from 260 applicants was a relatively easy or difficult decision. Ms. Hunter replied a scoring system was used to assist in narrowing the

field to fourteen, to eight and to the two finalists that were interviewed. Mr. Goodman noted there had been quite a bit of deliberation to get to the finalists. Mr. Skala understood it was a tough decision. Ms. Hunter stated she believe it was.

Mr. Sturtz asked about the qualities of Mr. Keeler's work that made him well suited for this project. Mr. Goodman replied he was versatile in the art objects he had created. He explained they wanted someone who could look at the site and build on the strengths of the architectural features to in integrating a great piece of art, and they felt he had that capability. Mr. Sturtz understood this would be the first or second largest Percent for Art project. Ms. Hunter replied it would be the second largest.

B57-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

R63-10 Authorizing the City Manager to submit a response to Google Inc.'s Request for Information for a trial location for an ultra high speed broadband network.

The resolution was read by the Clerk.

Mr. Watkins noted Council had asked staff to prepare a response to Google's request for information and Mr. Brooks had coordinated much of the work.

Mr. Brooks explained an event on February 19 was his first opportunity for dialogue with the community regarding this effort and for people to sign up to participate, and the group had been meeting weekly since then. The role of Regional Economic Development, Inc. (REDI) was to facilitate discussion and assist the City with the formal application.

Keith Politte, 313 West Boulevard South, stated he was the Manager of Reynolds Journalism Institute (RJI) Technology Testing Center and explained the Google initiative had allowed further collaboration with REDI in terms of economic development strategies. These joint efforts had produced a document viewable at www.rjionline.org and www.comofiber.net with ideas that would merchandise Columbia as a place Google should select. He provided some examples and noted RJI was ready to collaborate with the City on this project.

Ian Eyberg, 709 Keene Avenue, stated he had been working to help push this issue forward for over a month because he felt the community had much to gain from this project. He understood there was a lot of community support for this effort and believed this could assist Columbia in becoming the tech capital of the Midwest.

Mr. Brooks noted Mr. Simms would be in charge of the application submittal if Council directed staff to proceed and the application deadline was March 26. He explained citizens groups and others could nominate the community with their own document and support, and they were asking people to do that.

Mr. Skala asked if they could overlay the application for Google on the PedNet backbone in terms of microtrenching. Mr. Politte replied that was in the document.

Ms. Hoppe understood citizens had until March 26 to nominate the community. Mr. Brooks stated that was correct.

Mr. Wade asked if the task group would continue its efforts on taking Columbia to the next generation regardless of whether Columbia was selected by Google. Mr. Brooks replied he thought so.

Ms. Nauser asked if media sources had been utilized in encouraging citizen nominations. Mr. Brooks replied news reporters had been asked to include the web address. In addition, the facebook page was set up to assist in that effort.

Mayor Hindman stated he thought this was a terrific opportunity for Columbia and that Columbia was a great fit for it.

Mr. Sturtz commented that even if Columbia was not selected, this was a great opportunity to brand Columbia as a mecca high technology and telecommunications for the future.

The vote R63-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

SCHEDULED PUBLIC COMMENT

John M. Zielinski – Slavery involving elements of the Federal Government.

John Zielinski commented that when he moved to Missouri, he had come across a July 2004 Kansas City Star article referring to a Congressional hearing involving slavery, and the article indicated more than 15,000 people had been pressed into slavery in the United States. The Secretary of State at that time, Colin Powell, had stated 25,000 or more were being pressed into slavery. He noted articles in the Kansas City Star in December 2009 indicated there was slavery in Missouri and read excerpts from those articles indicating that as many as 100,000 American born girls were subject to sex trafficking each year. He stated books on the issue involving the government existed and asked Council to allow him to assist the Library in picking out publications showing kids were not safe and the reasons they were not safe.

PUBLIC HEARINGS

B56-10 Authorizing the construction of improvements at Indian Hills Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

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

Mayor Hindman opened the public hearing.

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

Mr. Skala stated he had attended one of the public sessions and appreciated staff incorporating some of the suggestions of area residents as they had been concerned with crime along with the suggestions of the disc golf course users.

B56-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

R64-10 Approving the FY 2009 Consolidated Annual Performance Report.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and noted the Consolidated Annual Performance Report (CAPR) included the performance of the City as well as the other HUD funded projects within the community.

Mr. Teddy noted interested persons could provide comments tonight or as late as March 23 in writing, and those comments would be provided to HUD. He described the HUD funding received by the City and other organizations within the City, the leveraging of other funds and the programs involved. He noted the CAPR was available for viewing on the City's website and in printed form in the Planning and Development Department and at the Public Library.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe commented that this was a particularly important due to the current economic times and the increased need.

The vote R64-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B46-10 Authorizing construction of a sidewalk along the north side of West Worley Street from Clinkscales Road to the west property line of the Sanford-Kimpton Health Facility.

The bill was given second reading by the Clerk.

Mr. Watkins noted a public hearing had been held on this project in June of 2009 and the plans were slightly adjusted as a result of comments received. Mr. Glascock explained Council had asked staff to review narrowing the sidewalk. It was reduced to four feet so it would be less of an impact to the neighbors.

Mr. Sturtz asked for clarification regarding when it went to a greater right-of-way. Mr. Glascock replied the sidewalk was to the back of the curb near the east side of Pershing, but to the west, there was a 2 ½ foot wide grass strip since the power poles were against the back of the curb.

Mr. Sturtz understood the right-of-way for the western portion went up to six feet. Mr. Glascock stated it was about 6 ½ - 7 feet on average, but varied due to meandering around things, such as guy cables.

Mr. Sturtz noted one concern had been the trees on the east end and understood they would be going around them. Mr. Glascock stated they would try to get as close to the street as possible to save as many of the mature trees as possible.

Mr. Thornhill understood the topography leveled out west of Pershing and asked if that would help some people concerned about their yards. Mr. Glascock replied it was pretty flat in that area.

Mr. Sturtz thanked staff for being flexible as this project would allow for desired connectivity while keeping the peace in the area.

Mayor Hindman noted the City's standard was for five foot sidewalks and he believed sidewalks of at least five feet were best for the community, but with retrofitting there could be

situations requiring a compromise, and he felt this was an acceptable compromise. He stated he hoped they continued with the five foot standard because it served the neighborhood and the community the best in the long run.

B46-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B47-10 Authorizing the acquisition of easements for construction of a sidewalk along the north side of West Worley Street from Clinkscales Road to the west property line of the Sanford-Kimpton Health Facility.

The bill was given second reading by the Clerk.

Mayor Hindman noted this was a companion to the previous item.

B47-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B48-10 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.

Mr. Sturtz understood the goal was to increase density downtown with multi-use and multi-storied buildings and asked why a long-term lease and commitment was needed for flat parking areas. He wondered why those spaces would not be provided in the garage as well. Mr. Watkins replied those parking lots were currently leased on a monthly or longer basis. This policy would allow those spaces to be shifted from the flat parking lot to the parking garage or another nearby location with some notice.

Mr. Skala understood this was more of an equity issue in terms of the fees. Mr. Watkins stated that was correct, but pointed out that if the desire was to better utilize parking lots, the people with current parking lots and leases would need a place to park and a one year lease would likely not entice them to agree to a better utilization of the lot. This would ensure a space for them while allowing the flexibility to move the space to a closer parking area if needed.

Mr. Sturtz understood one of the lots involved was the same lot they had been willing to sell to a prior TIF project, but since it was now just a residential building, the lot would not be sold. Mr. Watkins stated that was correct. He understood the goal was for a mixed-use building or development.

Mr. Wade pointed out this ordinance would set the policy for the parking leases. It would not specify the years for any particular lease.

Mr. Watkins explained the current ordinance did not provide for longer term commitments and if they were serious about trying to get people to give up their parking spaces, they needed to provide a longer term commitment. He noted each commitment would come to Council for review and approval.

Ms. Hoppe understood up to 30 spaces would be allowed for any lessee and asked if there was a restriction with regard to the total number of spaces leased in any particular

parking lot so parking for the general public was still available. Mr. Watkins replied they were guaranteeing space, but not necessarily spaces adjacent one another or on an entire floor of a parking garage.

Ms. Hoppe understood no discount should be given for five or more spaces and asked if a discount was given for less than five spaces. Mr. Glascock replied the discount was based on a quarterly or annual payment. There was not a discount with regard to the number of spaces.

Mr. Sturtz asked for the daily vacancy rate at the Tenth and Cherry parking garage. Mr. Glascock replied it had about 70 permitted spaces available as well as some meters that were always available. He noted the Eight and Cherry garage was full.

Mayor Hindman understood rate being paid would be adjusted according to what others were being charged to use the garage. Mr. Glascock stated that was correct.

Mr. Glascock clarified there were 67 uncovered spaces at the Tenth and Cherry parking garage. Mr. Sturtz asked how many metered spots there were. Mr. Glascock replied he was unsure, but understood there were 41 covered spaces for a total of 108 spaces available.

B48-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B50-10 Authorizing long-term parking lease agreements with the Trustees of the Missouri United Methodist Church and 10th and Locust, LLC.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and pointed out the lease with the United Methodist Church only became active when Dr. Miller began his project. It was an inducement to the United Methodist Church to give up its spaces that were impacting Dr. Miller's proposed development.

Dave Babel, 1909 N. Country Club Drive, stated he was the Chair of Trustees of the Missouri United Methodist Church and explained the Church was active every day from the morning to the evening, so parking was very important to them. He noted they had been approached over three years ago with regard to giving up their 13 parking spots behind the Miller Dental Building for development purposes, and they had agreed to do so in an effort to be a good neighbor.

Lynn Miller, 820 Happy Hollow, stated he had a business at 904 Elm and was a property owner at Tenth and Locust, and that without this lease agreement, the Church would not allow the lot to be included in the development causing the property at the corner of Tenth and Elm to remain a parking lot.

Mr. Wade understood there was a concern involving the 10th and Locust lease and asked if a five year lease might be more reasonable. Mr. Sturtz stated that concern was raised by the property owner on the east, and he understood the City would be amenable to their request if they ever constructed a multi-story, multi-use building. Mr. Wade thought there was a difference between a five year renewable lease and a 25 year lease.

Mayor Hindman asked how the 25 year time frame had been established. Mr. Watkins replied he thought it matched the financing terms.

Mr. Skala understood this was a balancing of incentives, and if flexibility was built into the 25 year lease, he did not believe it would be meaningful to adjust the time frame.

Ms. Hoppe understood they would have the flexibility of allocating half of those spots to the property on the east if it were developed and finding a suitable place for those spots that were moved. Mr. Watkins stated that was a possibility as well as selling the lot outright for development.

Mayor Hindman understood the contract indicated the City reserved the right to substitute parking at a different location than the Locust Street lot if the needs of the City dictated such relocation was required, and asked if that allowed enough flexibility. He wondered if parking could be moved if a nearby lot developed with a need for parking on this lot. Mr. Boeckmann replied it could be debated as to whether it was a need of the City or the need of an adjacent property owner. Mayor Hindman stated he wanted to ensure that all developers could be treated the same.

Craig Van Matre, an attorney with offices at 1103 East Broadway, stated he was the author of that phrase and explained it would have to be the needs of the City that dictated the change. It could not be done for the behest of or due to the demand of a private person. It would have to be something the Council determined was in the best interest of the City. Since it was an expansive concept, he did not believe it could stop the Council if there was a particular project there. He stated the intent was that if the City determined it was necessary for a project, such as a TIF project, that would be all of the justification needed to invoke that particular clause. He asked that the 25 years not be changed due to the inter-lapping agreements involving four parties and because it was a major inducement for his client. If something further from him was needed to the effect that the needs of the City meant an expansive concept, he would provide it. He understood the City would have to determine whatever was being built was to the benefit of the City as opposed to a private inurnment for the benefit of an individual.

Mr. Sturtz asked if the phrase should be reworded. Mr. Boeckmann replied he felt the language was ambiguous enough that a court would allow extraneous material to explain what the parties meant and that the record made tonight would be sufficient.

B50-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B51-10 Amending the FY 2010 Annual Budget to add positions in the Public Works Department and Water and Light Department; amending the Classification and Pay Plans; reclassifying a position in the Public Works Department; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Skala understood the superintendent position would be funded from the sewer utility fund and asked how the other positions would accommodated in the budget. Mr. Watkins replied the water and light positions would be funded from either the water or electric

fund and the assistant director position would be funded by a mixture of both. He noted the impact would be relatively minor this year as it would take time to fill the positions.

Mayor Hindman stated he believed this was a good idea as these areas needed a lot of attention and had the potential to be very valuable.

Ms. Hoppe asked if this had gone through the Water and Light Advisory Board. Mr. Schmitz replied it was presented at their last meeting, and after some discussion, they voted unanimously to support it. He noted the minutes from that meeting had been included in the packet.

Mr. Skala understood this was contingent to some extent upon the proposed Charter change and had a potential for some savings, although they did not know how much. Mr. Watkins pointed out he believed they needed to add the assistant director position regardless of the Charter change in terms of work force development.

B51-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B53-10 Amending Chapter 27 of the City Code as it relates to energy efficiency and solar rebate programs.

The bill was given second reading by the Clerk.

Mr. Watkins described the significant changes involved with this amendment.

Ms. Hoppe understood loans would not be provided for heating systems alone and asked for an explanation. Mr. Schmitz replied they were clarifying the wording so people understood exactly what programs would qualify. The ones listed fit best with the program. He noted resistance heating was not eligible. Mayor Hindman asked if resistance heating meant electric heating. Mr. Schmitz replied yes and noted they were less energy efficient.

Ms. Hoppe asked for clarification on what was considered credit worthy. Mr. Schmitz replied a committee was being established to review the applications to ensure there was reason to believe the loan would be repaid. They hoped this would become a revolving loan, which was the reason for staggering the interest rates. Ms. Hoppe asked if the credit rating number or other items would be reviewed. Mr. Schmitz replied the committee would create criteria to check all applicants against and it did not include just the credit number.

Mayor Hindman understood the loans came from a fund, and when the fund was depleted, no more loans could be issued. Mr. Schmitz stated that was correct and noted they had recently asked for an increase in the loan fund cap. He explained that as part of the budget process, they intended to establish the loan cap in the beginning. Once that cap was reached, applicants would have to wait until the next fiscal year.

Mayor Hindman understood there was no private lender involved. Mr. Schmitz stated that was correct.

Ms. Hoppe understood there was a \$15,000 cap for individuals and \$30,000 cap for commercial properties, and asked why more funds could not be provided for bigger complexes serving multiple units. Mr. Schmitz replied the caps were historically based. Very few commercial properties had made application for the loan. Most applicants were individuals and the average residential loan was in the \$12,000 to \$13,000 range. Mr.

Thornhill commented that if the limits were raised, a significant amount of funds could be exhausted quickly.

B53-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B45-10** **Authorizing construction of the Westwood Addition PCCE #9 Sewer Improvement Project along Rollins Road and South West Boulevard.**
- B49-10** **Authorizing an amendment to contracts with E L M Building Partnership LLP for the sale of real estate.**
- B52-10** **Accepting conveyances for drainage, temporary construction and sewer purposes.**
- B54-10** **Authorizing the acquisition of land on Peach Court relating to construction of a 161 kV transmission substation and roadway.**
- B55-10** **Accepting a conveyance for utility purposes.**
- R51-10** **Setting a public hearing: construction of sanitary sewer improvements, more specifically described as the North Grindstone Sewer Extension Phase III Project.**
- R52-10** **Setting a public hearing: authorizing the construction of sidewalks along the north side of Texas Avenue from Garth Avenue to Providence Road.**
- R53-10** **Setting a public hearing: authorizing construction of the Providence Pedestrian Crossing Project north of Park Street, across from Douglass High School.**
- R54-10** **Setting a public hearing: construction of improvements at Lange Park and Lange Middle School.**
- R57-10** **Authorizing Amendment No. 1 to the agreement with Engineering Surveys and Services for engineering services relating to the design and construction of the Gans Creek Pump Station and Force Main Project.**
- R58-10** **Authorizing an agreement with TREKK Design Group, Inc. for engineering services relating to sanitary sewer manhole inspections and rehabilitation recommendations.**
- R59-10** **Authorizing an agreement with Commerce Bank, N.A. for the subordination of a CDBG loan executed by Phoenix Programs, Inc. for property located at 100 Leslie Lane.**

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

NEW BUSINESS

R55-10 Authorizing an agreement with the Central Missouri Humane Society for animal control services.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and noted the \$20,000 would be used to spay and neuter dogs and cats, to provide an incentive to license pets, and to vaccinate animals.

Ms. Hoppe understood the Central Missouri Humane Society would report the number of vouchers issued and asked if it would include who was provided the voucher. Ms. Browning explained there were two separate contracts with the Humane Society. One was the regular animal control contract, which involved 150 vouchers for distribution, and this would be the other contract, which would increase the number of vouchers. She noted that last year the Animal Control Division kept a log of the vouchers they gave out and followed up to increase the rate of people using them. This year, the Central Missouri Humane Society began using new software that Animal Control would use as well, and it would allow seamless transfers and the ability for better tracking.

Ms. Hoppe asked if they had discussed the reduction of a certain fee if the voucher was used to spay or neuter an animal. Ms. Browning replied they were going to try to get these vouchers to lower income households that could not afford the reduced price or the cost to take an animal to the veterinarian.

Mr. Wade commented that advances made by the Humane Society were positive steps in the right direction and he was pleased to be able to support providing these additional funds.

Mr. Skala stated spaying and neutering was tied to the solution of assisting with some of the overload at the Humane Society shelter.

Ms. Nauser thanked staff and the Humane Society for their conjoined efforts.

Ms. Hoppe stated she appreciated the diligent follow up with those receiving vouchers.

The vote R55-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R56-10 Authorizing agreements with The Curators of the University of Missouri – University Club, Inside Columbia Magazine and Columbia Art League for tourism development funds.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Wade made a motion to amend R56-10 by deleting Section 2 and renumbering Section 3 to Section 2 and to draft a separate resolution with the language of the current Section 2 for public discussion at the April 5, 2010 Council meeting. The motion was seconded by Mr. Skala.

Mr. Wade explained several constituents had expressed concern to him regarding the appropriateness of using taxpayer dollars to subsidize the event as it did not appear to provide enough value to the entire community. As a result, he thought they should allow for public comment on the item.

Ms. Steiner explained the decision to allow both profit and not-for-profit events was made at the inception of the tourism development fund as there was a potential for commercial entities to put on very good events serving the mission of the tourism development fund, which was to bring quality events to the City that had the potential to bring tourists from outside the area and people in hotel rooms as that drove the fund. They had funded many for-profit entity events, to include Roots N Blues and Rocktoberfest. The Wine and Food Festival met the criteria of the tourism development fund and the Convention and Visitors Advisory Board unanimously approved it as they felt there was a potential for growth and believed it met the brand requirements of arts, dining, music and festivals.

Mayor Hindman understood this did not result in room occupancy. Ms. Steiner noted the event was growing and provided Roots N Blues and the True/False Film Festival as an example of the evolution of a festival in that the room numbers had increased significantly since the first year of the event. This was another event the Board felt had the potential to bring a lot of people from outside the market and State.

Mr. Thornhill asked if this had the potential of opening the flood gates or if the requirements were stringent enough for a quality event. Ms. Steiner replied if it were to open the floodgates, they would have already been opened.

Mr. Skala asked if Ms. Steiner thought this event was a part of the local food initiative. Ms. Steiner replied this event, the Farm to Table event, and the Farmers Market in general were all a part of the “foodie” market brand, which brought people to Columbia for food.

Ms. Nauser asked if the Council received a synopsis of City sponsored festivals to include the number of rooms filled, etc. Ms. Steiner replied they did not, but noted it could be provided as the University of Missouri surveyed the festivals for them. Ms. Nauser thought that would be helpful.

Mr. Thornhill asked if there would be a negative effect in delaying this to the April 5, 2010 meeting. Ms. Steiner replied she understood the funds would be used to bring in some of the chefs and sommeliers.

Ms. Hoppe asked if the diversity of activity for different income levels was considered. Ms. Steiner explained that although it was a wonderful benefit to those in Columbia, the purpose of this fund was to assist festivals and events that had the potential to bring people in from outside the area.

Mayor Hindman noted the ultimate goal of the fund was to increase hotel usage. They wanted to bring people to Columbia to use hotel rooms, eat in restaurants, etc. while still promoting and making the City attractive. In order to ensure a reasonable basis, criteria had been developed and approved by Council and the Convention and Visitors Advisory Board applied the criteria when reviewing applications. He commented that since this event met the criteria and appeared to be a successful event, they should accept the recommendation of the Board.

Mr. Skala stated that based on the comments made, he planned to support the Board's recommendation as he felt the event was part of the local food initiative, which he supported in terms of economic development.

Ms. Hoppe commented that she felt the strength of the program involved providing a diverse level of activity that would appeal to a variety of people.

The motion made by Mr. Wade and seconded by Mr. Skala was defeated by voice vote with only Mr. Wade voting in favor of it.

The vote R56-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R60-10 Authorizing Huebert Builders, Inc. to temporarily close the western half of Alley A between Ninth Street and Tenth Street to allow for roof replacement work on a building located at 906 East Broadway.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and noted this involved closing Alley A from March 22 through March 26 to allow the replacement of the roof. He understood Council wanted to review these as the result of the Commerce Bank sidewalk closing.

Ms. Hoppe understood staff interpreted the ordinance to mean any street or sidewalk closing connected with a building permit was not required to come to the Council, and only event closings had to Council for approval. She noted some property owners expressed concern due to areas being closed for a long period of time and negatively impacting their businesses without the opportunity for input. As a result, staff reviewed the ordinance again and understood it could be interpreted for all street and sidewalk closings would have to come before Council, even if it involved a building permit. She did not believe all situations needed to be forwarded to Council for approval, especially those that involved a short time frame and stated her intent was to make a motion at the end of the meeting referring the matter to the Special Business District for suggestions on how to handle these situations so the ordinance and practice were the same.

The vote R60-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R61-10 Authorizing photovoltaic energy purchase agreements with Quaker Manufacturing LLC and Bright City Lights LLC.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and noted this was an attempt to get a larger percentage of power supply from solar usage.

Mayor Hindman asked for an explanation as to how the SO2 credits were involved. Mr. Schmitz replied the SO2 and NOX credits only applied to the power plant. In this situation, the incentive was that the private industry could apply for federal grants and refunds the City could not apply for as a municipality. This was a public-private venture where they got that advantage and the City received the green credits, which were also called green tags, as part of the negotiated contract. He explained that after this was done, they would have 25KW of solar available, and would sell it in 100 KWH blocks to roughly 230 customers. They would balance solar generation with the number of people wanting to buy it.

Mayor Hindman asked if the green tags were of value to the City. Mr. Schmitz replied they were not because the City had a renewable portfolio standard needing to be met. If the City was an enterprising entity, the tags could be sold to a company such as Ameren UE that

had to make a portfolio. The City kept the tags to help meet the one percent solar requirement. If the City generated solar that was not used, it could be sold to someone else.

Mr. Skala understood it was not fair to compare renewable numbers to coal generation numbers because there was a federal subsidy for coal and environmental costs. Mr. Schmitz thought Mr. Skala was correct regarding the environmental costs, but noted he was not aware of a federal subsidy with coal. Mr. Skala stated coal was highly subsidized as an energy source. Mr. Schmitz agreed that might be the case, but noted the City contracted for coal in eastern Kentucky, and if there was a subsidy, he did not see it.

Ms. Hoppe understood the goal was for one percent of the power supply to be provided by photovoltaic sources by 2020 and asked if there was any reason to believe they could not exceed that goal if more people were interested in buying the blocks. Mr. Schmitz replied he understood the one percent goal was established by the vote of the people. He thought they would continue with solar as long as commercial and industrial sites participated and customers were willing to buy it.

Mayor Hindman understood solar could be blended with the other methods at some point. Mr. Schmitz agreed. He explained they wanted to ensure solar was a self-sustained program when it was brought forward in 2008, and thus far it had been successful.

Dick Parker, 215 West Sexton, stated he was in favor of solar and believed that in the long run, it should be blended into the regular rates. He commented that the City was doubling the amount of solar power with this, and at this rate, they would be at three percent by 2020.

Ms. Hoppe pointed out the new rate would be spread across the old and new users, so existing users would see a decrease in their yearly rates.

The vote R61-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R62-10 Promoting the City of Columbia as a youth and family friendly community.

The resolution was read by the Clerk.

Ms. Nauser commented that that approximately two years ago, she had submitted an action plan to address some of the youth issues in the community, and included was for the City to begin to promote itself as a youth and family friendly community. She noted that every dollar invested in prevention and early intervention programs could yield up to \$13 in savings in criminal justice costs, and commented that they were doing a lot now, but just wanted to formally acknowledge this was something the Council took seriously.

Mr. Skala recalled discussion regarding taking advantage of the Mayors Action Challenge for Children and Families and asked the status of the City's participation in that program. Mayor Hindman replied he had not made a formal application with respect to it, but believed this was an incentive to do so.

Ms. Nauser stated she had modeled this resolution after an initiative at the federal level entitled the Youth Promise Act, which was based on the Promise Alliance initiated by Colin Powell. Although that initiative had not made its way through the federal bureaucracy, she thought there might be potential for grant funding in the future.

Eugene Elkin, 3406 Range Line, commented that all economic aspects of families affected should be looked into as they tried to make Columbia youth and family friendly. Anything Council put into place could affect the family friendliness of Columbia and provided improvements to Indian Hills Park as a positive action and recycling containers that might attract mosquitoes and red light cameras that might impact a poorer family as negative actions.

Robert Ross, 4602 Bolton Court, stated he was representing the Columbia Black Round Table and one of their priorities was to empower the youth in the community, and they believed this was a good start. He commended Ms. Nauser on her efforts with this issue.

Mr. Wade stated he believed this was a good start to a powerful dynamic, but noted that passing this resolution only set the vision. They needed to integrate this into the community through collaboration between public, private and not-for-profit entities and building positive opportunities for youth.

Mr. Skala noted the web site for the Mayors Action Challenge for Children and Families was www.mayorsforkids.org.

Ms. Hoppe thought it was good the Council formally committed itself to this, but pointed out they had already taken many steps in this direction. She provided the C.A.R.E. program and safe places, such as trails, for activity as examples.

The vote R62-10 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. 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.

- B58-10** **Rezoning property located on the south side of the Grindstone Parkway and Grindstone Plaza Drive intersection from A-1 to C-P.**
- B59-10** **Renaming the Providence Village South O-P/C-P Development Plan to Providence South Plaza O-P/C-P Planned Development; renaming the Final Plat of Providence Village South Plat 1 to Providence South Plaza Plat 1.**
- B60-10** **Approving the Final Plat of Jaynes Subdivision Plat 2, a Replat of Jaynes Subdivision, located on the northeast corner of Russell Boulevard and Rollins Road; authorizing a performance contract.**
- B61-10** **Authorizing a contract for sale of real estate with Route B Development Company, L.L.C. for the purchase of property located on Waco Road to be used as a buffer to the landfill; appropriating funds.**
- B62-10** **Authorizing a contract for sale of real estate with Geoffrey V. Henrikson and Robinson Farms LLC for the purchase of property located on Waco Road to facilitate industrial development; appropriating funds.**
- B63-10** **Authorizing a contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the replacement of a water line at the Columbia Regional Waste Water Treatment Plant.**
- B64-10** **Naming Lange Park; authorizing the construction of improvements at Lange Park and Lange Middle School; calling for bids through the**

Purchasing Division; authorizing an agreement with the Columbia School District.

B65-10 **Amending Chapter 2 of the City Code as it relates to membership of the Downtown Columbia Leadership Council.**

B66-10 **Amending Chapter 2 of the City Code as it relates to membership qualifications of the Commission on Cultural Affairs.**

B67-10 **Amending Chapter 19 of the City Code to provide for reimbursement of police mounted patrol horse maintenance cost.**

B68-10 **Amending Chapter 19 of the City Code as it relates to mutual aid emergency pay and minimum call-in compensation.**

B69-10 **Appropriating grant funds from the Missouri Arts Council to the Office of Cultural Affairs.**

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Street Closure Request.

Mayor Hindman made a motion to approve the street closure as requested. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(C) Graffiti enforcement.

Mr. Watkins noted the aim in the past had been for voluntary compliance with regard to the removal of graffiti, but the property maintenance code ordinances allowed the City to handle graffiti issues criminally through the court system if someone did not voluntarily comply. Staff wanted to know if Council wanted them to pursue graffiti removal through the court system as it would be a major policy change.

Mayor Hindman asked if the recommendation was to enforce this criminally or to get an injunction allowing the City to be able to clean it up on private property. Ms. Britt replied the code currently allowed a notice of violation to be provided to the property owner allowing them up to 60 days to correct the problem. If the problem was not corrected, the City could file charges with a punishment of fines of \$25-\$500 per day or up to three months in jail. Each day of the violation would be separate fine.

Mayor Hindman understood it would be a separate violation for each day past the 60 days they had to correct the problem. Mr. Boeckmann commented that he had not read the ordinance, but he believed that was correct. Mayor Hindman understood there would not be a separate notice each time. Mr. Boeckmann stated that was correct. Mayor Hindman noted \$25 was not much of an incentive. Mr. Boeckmann pointed out that was the minimum fine.

Mr. Sturtz understood there had only been one instance of non-voluntary compliance and asked for the need for a change in policy. Ms. Britt replied the reason for the report was because general practice had been to ask for voluntary compliance, but in reviewing the ordinances, they had determined a way to deal with non-compliance was already in existence, but not actively enforced. She agreed there was not a rampant problem, but the

one property that had not complied was in a prominent location along I-70. The question was whether to enforce the Code that had been adopted by Council or to take another route.

Mr. Wade commented that he thought they should continue with voluntary compliance, but if the problem was not resolved after a certain length of time, they should use these tools to pursue the issue.

Mr. Boeckmann explained he thought this had been brought up because the Council had considered a graffiti ordinance that was quite different from this, which had been tabled for discussion at a work session. The question was whether there was any objection to staff enforcing the Code instead.

Mr. Wade felt if there was an objection, the Council would need to change the Code. He thought the current actions were working, and if they did not have voluntary compliance, they had the tools to continue to try to resolve the problem. Mr. Skala agreed.

Mayor Hindman asked if staff was asking Council to give permission to enforce the existing ordinance. Ms. Britt replied yes. Mayor Hindman asked what would happen if Council did not take any formal action this evening. Mr. Boeckmann replied that staff would continue with its effort for voluntary compliance, but if they found someone who would not voluntarily comply, they would use the ordinance as an enforcement tool.

Ms. Nauser stated she had initially brought up the graffiti issues and was pleased to already have this ordinance in place to assist in the removal of graffiti.

Ms. Hoppe asked if other communities had tools for situations without voluntary compliance where the graffiti could be removed and charged to the property owner. This would keep it away from the court system, which was already overloaded. Ms. Britt understood an abatement procedure had been a part of the proposed ordinance change provided to Council a year ago.

(D) A. Perry Philips Park and Gans Creek Recreation Area Master Plan.

Mr. Hood explained this was the report from the Parks and Recreation Commission. Council had referred this issue to both the Parks and Recreation Commission and Planning and Zoning Commission for review. He understood the Planning and Zoning Commission was scheduled to review it in early April. Staff was asking Council if they wanted to schedule a work session or if a public hearing should be scheduled.

Mr. Skala asked how the Planning and Zoning Commission report would affect the two options. Mr. Hood replied he was not sure. Mr. Skala thought it might be beneficial to get both reports before deciding whether a work session was needed.

Mr. Sturtz suggested the work session be held at the Park so a tour could be provided. Mr. Hood stated that could be done, but pointed out nothing had been developed on the site.

Mr. Wade noted there had already been many public hearings and discussions on this item and stated he did not feel a work session was necessary. He suggested individual Council Members visit the site on their own if they felt it was needed. He recommended they go ahead and schedule the public hearing.

Ms. Hoppe agreed there had been enough discussion on this issue.

Mr. Skala asked if the Planning and Zoning Commission report would affect how the ordinance was constructed. Mr. Wade replied he assumed it would not have an impact, but thought the ordinance could be amended if needed.

Mr. Wade made a motion directing staff to prepare an ordinance and schedule a public hearing in regard to the A. Perry Philips Park and Gans Creek Recreation Area Master Plan. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(E) East Columbia Area Plan (aka Eastern Area Plan).

Mr. Watkins noted this was an update on the progress the Planning and Zoning Commission had made toward the completion of this Plan.

(F) Vision Impact Note and Implementation Task Tracker.

Mr. Watkins noted this had been discussed at the pre-Council meeting and staff needed direction from Council in order to move forward.

Mr. Skala made a motion directing staff to adopt the implementation of the vision impact note and implementation task tracker. The motion was seconded by Ms. Nausser.

Ms. Hoppe wondered if this should go to the Vision Commission for comment.

Ms. Hertwig-Hopkins noted she had provided this to Council since they had been looking for it for some time. It would be provided to the Vision Commission at their next meeting, so the Vision Commission would see it.

Mayor Hindman asked if Ms. Hoppe wanted the Vision Commission to review it first. Ms. Hoppe thought they could go forward, but wanted to know of any suggestions for changes they might have.

The motion made by Mr. Skala and seconded by Ms. Nausser was approved unanimously by voice vote.

(G) Neighborhood Associations and Development Projects.

Mr. Watkins noted the Council had requested a status report on this item in February.

Mr. Wade commented that one of the most contentious and difficult questions involving development projects involved the relationship of the neighborhood. He thought they had made progress in codifying that relationship and identifying responsibilities when receiving this report about two years ago, but then it had disappeared with no progress since that time. He understood it would be a while before the Planning and Zoning Commission could discuss it again.

Mr. Skala asked if he was suggesting an ad-hoc committee be formed since the Planning and Zoning Commission was too busy to address it at this time. Mr. Wade replied he was not sure, but felt it was a critical issue. He stated they needed reasonable guidelines that created a reasonable process for a developer while allowing the relationship with the neighborhood to go beyond choosing sides and battling as it did not result in a good outcome. He thought they should consider an alternative process to move it forward.

Mr. Watkins suggested the Council meet with the Planning and Zoning Commission to discuss priorities and work load. Mr. Wade understood the Council would be making

decisions with regard to meeting with boards and commissions in early April and this should be a topic discussed with the Planning and Zoning Commission.

(H) Freedom of Speech Policies.

Mr. Watkins noted this had been requested by Council and was informational.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Sturtz made a motion directing staff to re-advertise and to continue to solicit applications for the Storm Water Advisory Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

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

COMMUNITY DEVELOPMENT COMMISSION

Dudley, Jonathan, 301 Brewer, Ward 4, Term to expire November 1, 2012.

CULTURAL AFFAIRS COMMISSION

Summers, Juana, 3910 Buttonwood Apt. 1207, Ward 6, Term to expire October 31, 2011.

ENVIRONMENT AND ENERGY COMMISSION

Renaud, Brandon, 1425 Hickory Street, Ward 3, Term to expire June 1, 2010.

HEALTH INSURANCE APPEALS BOARD

Smith, David, 4600 Raccoon Ridge, Ward 6, Term to expire February 16, 2013.

HUMAN RIGHTS COMMISSION

Jackson, Negar, 3501 Ridgeview Drive, Ward 5, Term to expire March 1, 2012.

SUBSTANCE ABUSE ADVISORY COMMISSION

Coleman, Tony, 5042 Clark Lane #203, Ward 3, Term to expire October 31, 2010.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman noted he had received a call with regard to community gardens that raised some interesting ideas. The gentleman wanted permission from landowners to place community gardens in the platted streets of platted subdivisions that were not being developed. In addition, there were rights-of-way and parkland owned by the City where they could potentially allow community gardens with the understanding the City could exercise its rights to the rights-of-way. He suggested some thought be put into this for space for community gardens.

Mayor Hindman commented that he received a letter from Mr. Jeffries regarding parking on Sunday on Waugh Street as those parking by the yellow lines were getting ticketed. Mr. Watkins stated he had received the letter as well and had asked staff to look into it.

Mayor Hindman noted he had received an e-mail from Blake Johnson who was asking for BMX biking to be legal at the skate park and asked staff to look into the issue.

Mayor Hindman suggested staff to look into the weatherization programs of Portland and Berkeley as they were able to leverage loans through private banks, so there was not a limited pool of funds. He understood the bank made the loan in Portland and the repayment of the loan was made from the savings of the weatherization. The bank was able to charge high interest because the loans were unsecured, but they were paid back as an addition to the utility bill.

Mayor Hindman made a motion directing staff to review the weatherization programs of Portland and Berkeley and to provide a report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman noted many people were not obtaining dog licenses, and while it was an issue of limited means for some, he also understood many veterinarians did not bother with it. He suggested they try to figure out some way to ensure dogs were licensed. He thought it would be helpful if the veterinarians routinely issued the licenses.

Mr. Wade asked if there was access in and out of the Council Chamber for those with mobility issues. He understood there was access at the front door to the building, but there was not access with a button into the Chamber. Mr. Watkins replied he would look into the situation.

Ms. Nauser commented that one of her goals was to establish a youth and family commission as well as youth commission.

Ms. Nauser made a motion directing staff to look at other communities with youth and family and youth commissions to see how they were established. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Nauser asked if there was a policy with regard to Council initiated press releases. Mr. Watkins replied any Council Member interested in pursuing a press release should contact the Director of Public Communications.

Ms. Hoppe made a motion directing the Special Business District to review the present ordinance involving street, alley and sidewalk closings in relation to building permits, and to provide a recommendation as to what should go to Council for approval and a process for neighbor input. The motion was seconded by Mr. Skala.

In the interim, Ms. Hoppe suggested any closing of two weeks or less in duration involving a building permit should follow the prior practice of not coming to Council. Anything longer would come before Council for approval. She hoped they would have recommendations from the Special Business District within two months. Mayor Hindman thought they would all be in agreement with that suggestion.

Ms. Hoppe amended her motion to direct the Special Business District to review the present ordinance involving street, alley and sidewalk closings in relation to building permits and to provide a recommendation as to what should go to Council for approval and a process

for neighbor input, and to direct staff to only forward closings of more than two weeks to Council for review. The revised motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe understood the street sign for “Stags Way” had been stolen and the property owner had wanted the road to be named “Stags Hollow” instead. She asked staff to review the situation to determine if it should be “Stags Hollow” instead. She also wondered if some street names should be added to the list they had, which included the names that should not be used.

Ms. Hoppe thanked staff for cleaning Rock Quarry Road in preparation of the scenic road signs and encouraged people not to throw items from their vehicles.

Ms. Hoppe understood it was suggested that Council encourage people to ride the bus during the weekend of Earth Hour by allowing a two-for-one bus fee, and asked if this could be done and whether it had been done in the past for other events. Mr. Watkins replied he thought it had been done in the past for when they had celebrated the two millionth passenger. Mr. Glascock noted the bike was the pass for a day during Bike, Walk and Wheel Week.

Ms. Hoppe asked if something could be done for Earth Hour weekend. Mr. Glascock suggested it be discussed for next year during the budget cycle.

Ms. Hoppe made a motion directing staff to suggest potential abatement procedures to the ordinance with regard to graffiti so it could be removed by the City and charged to the property owner if they would not voluntarily comply. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Sturtz asked for a status report on the Wabash and Columbia College trail connection.

Mr. Sturtz urged the Columbia Daily Tribune to not allow anonymous postings on its website as those comments were usually ugly accusations not based upon facts. He thought they should follow the Columbia Missourian’s policy of requiring posters to use their own names.

Mr. Skala commented that it was difficult to see each other on the dais if everyone was leaning toward the counter. He suggested those in the middle lean back a little.

Mr. Skala noted the camera focused on the presenters showed them from a downward angle and gave a different feeling than they had, which was looking at someone talking to them, and asked if that could be adjusted.

Mr. Skala encouraged citizens to vote at the upcoming election on April 6.

Mayor Hindman asked why the public hearing involving the Providence Road crosswalk was scheduled for the April 19 meeting instead of the April 5 meeting. Mr.

Glascock replied Public Works' policy was for a 21 day notice since that was the standard for federal projects.

Mayor Hindman made a motion for the Council to hold a closed meeting on Monday, April 5, 2010 at 6:00 pm in Conference Room 1A/1B of City Hall, and that the meeting be closed in accordance with the authority of Section 610.021 RSMo (1), (2), (3) and (13) for a personnel evaluation and the discussion of litigation and real estate matters. The motion was seconded by Mr. Sturtz with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE.

The meeting adjourned at 10:39 p.m.

Respectfully submitted,

Sheela Amin
City Clerk