

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 1, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 1, 2011, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members DUDLEY, ANTHONY, MCDAVID, SCHMIDT, THORNHILL and KESPOHL were present. Council Member HOPPE 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 July 18, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was approved unanimously by voice vote on a motion by Mr. Dudley and a second by Mr. Thornhill.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individual was appointed to the following Board.

CITIZENS POLICE REVIEW BOARD

Dowis, Roger, 3102 Carmello Rock Drive, Term to expire November 1, 2011

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B194-11 Authorizing construction of improvements at the Thomas E. ‘Country’ Atkins Jr. Memorial Park Baseball Complex; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thornhill asked if these improvements would enable the City to host larger tournaments. Mr. Hood replied he believed it would. He noted a third field was currently under construction and this project included the lighting for that third field. Three fields would allow them to host larger events, and the concession and restroom facilities would make the facility much more attractive. He pointed out they ultimately wanted to construct two

additional fields at this location, and once all five fields were built, the City would be in a good position to bid on nice tournaments.

Mayor McDavid asked if construction of the fourth and fifth fields had been included in the parks tax. Mr. Hood replied no and explained the \$850,000 for this project was included in the parks tax. Mayor McDavid understood they did not have funding for the fourth and fifth fields. Mr. Hood stated they would continue to look for grants similar to what they received for the third field, and if final costs were lower than anticipated for this project, they might be able to start on the fourth field. Mayor McDavid asked for the cost to build a field. Mr. Hood replied it varied, depending on whether City crews were used or if they contracted the work. He noted the lighting would likely cost \$125,000-\$150,000 and the fencing along with other improvements would probably cost \$100,000.

Mayor McDavid opened the public hearing.

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

Mr. Schmidt commented that Columbia needed more ballfields as he understood many people felt there was a shortage.

Mayor McDavid noted there was a big difference between having three fields and five fields in terms of the scope of events that could be brought to the community, and the number of people eating at restaurants and the number of hotels being occupied as a result of those events. He was not sure how the fields could be funded, but believed the City's sports mission would be enhanced when it happened.

B194-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

OLD BUSINESS

None.

CONSENT AGENDA

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

- B189-11** Voluntary annexation of property located on the east side of Creasy Springs Road, north of West Prairie Lane and south of Blue Ridge Road (3624 Creasy Springs Road); establishing permanent R-1 zoning.
- B190-11** Approving the FCS Financial New Lending Facility O-P Development Plan located on the east side of Woodard Drive, approximately 200 feet south of Amron Court.
- B191-11** Approving the Final Plat of GRD Subdivision located at 1710 and 1716 I-70 Drive Southwest and 907 Spencer Avenue; authorizing a performance contract.
- B192-11** Amending Chapter 22 of the City Code to correct an error as it relates to the inflow and infiltration reduction program.
- B193-11** Accepting a conveyance for utility purposes.
- B195-11** Authorizing a cooperative agreement with Boone County Family Resources for additional funding of the Park and Recreation Department's C.A.R.E. Program.

- B196-11 Authorizing a cooperative agreement with Boone County Family Resources for additional funding for the Park and Recreation Department's Adapted Community Recreation Program.
- B197-11 Appropriating federal forfeiture funds for the purchase of computer equipment for the Police Department.
- B198-11 Amending the FY 2011 Annual Budget and the Pay and Classification Plans to establish an accountant position and eliminate an accounting assistant position in the Finance Department, Accounting Division.
- R120-11 Setting a public hearing: consider a new fare structure and proposed expense and service reductions for the public transportation system.
- R121-11 Setting a public hearing: consider the FY 2012 Capital Improvement Project Plan for the City of Columbia, Missouri.
- R122-11 Setting a public hearing: setting property tax rates for 2011.
- R123-11 Setting a public hearing: FY 2012 Budget for the Special Business District.
- R124-11 Setting a public hearing: FY 2012 Budget.
- R125-11 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services.
- R126-11 Authorizing an agreement with The Curators of the University of Missouri on behalf of the Department of Family and Community Medicine for medical director services.
- R127-11 Authorizing Adopt A Spot agreements.
- R128-11 Authorizing a Contract of Obligation with the Missouri Department of Natural Resources for financial assurance for proper closure and post-closure activities at Columbia's landfill.
- R129-11 Authorizing agreements for transportation services with EDR Columbia, LP – d/b/a The Reserve at Columbia and Gateway of Missouri, Inc.
- R130-11 Accepting the donation of classroom training equipment from Associated Electric Cooperative, Inc. to be used by the Fire Department at the Columbia Fire Training Academy.
- R131-11 Reappointing Robert Aulgur to the position of municipal judge.

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

NEW BUSINESS

- R132-11 Authorizing an agreement for engineering services with TREKK Design Group, LLC for completion of the FY 2011 inflow and infiltration study of the sewer collection system.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt commented that his neighborhood had participated in one of these surveys and noted he had been impressed with the work they had done in the Basin D area.

The vote on R132-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. ABSENT: HOPPE. Resolution declared adopted, reading as follows:

R133-11 Authorizing the installation of solar electric photovoltaic systems on property under the control of the City's Public Works Department.

The resolution was read by the Clerk.

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

Mayor McDavid asked when the six megawatts would be up and running. Mr. Johnsen replied the first phase would be up and running within the next three months, but he was not sure about the time frame for these sites. He noted they were hoping to have a significant piece of the system installed by the end of the year.

Mayor McDavid understood this would contribute to the City's renewable energy portfolio and asked if they would use the number of megawatt hours for the overall total. Mr. Johnsen replied the renewable energy ordinance was written in terms of megawatt hours and the number of megawatts was not a factor. The ordinance was based upon the actual energy that was delivered to the system from these renewable resources. He noted they had calculated a 20 percent capacity factor, so if they multiplied the number of hours per year times the capacity times 20 percent, a large amount of energy would be delivered from these types of resources. He pointed out they would learn a lot as they started using these systems in Missouri.

Mr. Schmidt asked if these systems would help with peak load. Mr. Johnsen replied one of the reasons they were interested in developing solar photovoltaic generation was because it matched up better with the loads on the system. Wind generators generally blew more in the spring and the fall when the loads were not as high. The City's loads were higher on the days the sun was out.

Mr. Schmidt understood the City was still holding to the standard of a cost of no more than three percent higher than the market cost for these sources of energy and noted he believed it could be compared to peak load cost. Mr. Johnsen commented that the market price of energy was significantly lower in the spring and fall than summer, and as a result the cost of wind resources compared to market price was different than the cost of the photovoltaic generators compared to market price. He pointed out the renewable resources had different impacts on the rate.

The vote on R133-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. ABSENT: HOPPE. 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.

B199-11 Approving the Final Plat of Bellwood, Plat No. 5 located northwest of the intersection of Reedsport Ridge and West Broadway; authorizing a performance contract.

- B200-11 Vacating sanitary sewer easements within The Colonies Plat 5B and The Colonies Plat 5C, located on the south side of Chapel Hill Road, extended, east of Colony Drive; accepting conveyances for sewer purposes.
- B201-11 Amending Chapter 14 of the City Code relating to parking.
- B202-11 Amending Chapter 14 of the City Code to prohibit parking on a portion of Walnut Street between College Avenue and Melbourne Street.
- B203-11 Authorizing a right of use permit with Boone Hospital Center to allow the installation and maintenance of private trees in a portion of East Broadway right-of-way.
- B204-11 Authorizing a right of use permit with Alley A Association for the construction, improvement, operation and maintenance of a private storm water collection system and non-standard decorative colored concrete in Alley A.
- B205-11 Accepting conveyances for sewer, temporary construction, sidewalk, access, storm water management facility inspection and access to storm water facilities purposes.
- B206-11 Accepting Stormwater Management/BMP Facilities Covenants.
- B207-11 Amending Chapter 24 of the City Code as it relates to street closures and street use permits in the downtown area.
- B208-11 Appropriating funds to close out the Special Road District Tax Fund.
- B209-11 Authorizing an addendum to the tax collection agreement with the County of Boone.
- B210-11 Amending the FY 2011 Annual Budget to delete and add positions in the City Manager's Office, City Clerk's Office and Public Communications Department; amending the Classification and Pay Plans; reclassifying and transferring positions in the City Manager's Office, City Clerk's Office and Public Communications Department.
- B211-11 Amending the FY 2011 Annual Budget and Classification Plan to reclassify a position in the Police Department.
- B212-11 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B213-11 Setting property tax rates for 2011.
- B214-11 Adopting the FY 2012 Budget for the Special Business District.
- B215-11 Adopting the FY 2012 Budget.

REPORTS AND PETITIONS

REP127-11 Downtown Taxi Stands – Progress Report.

Mr. Matthes provided a staff report.

Mr. Thornhill understood the number of citations for parking in these spaces illegally and the number of cars being towed had decreased dramatically. As a result, he assumed people now knew where these spaces were located and that they could not park there. Lieutenant Kelley replied that was correct, and explained they had worked with the City Traffic Engineer to post signs in better locations.

Mr. Schmidt understood a criticism was that the signs were too low and people could not see them. Lieutenant agreed a criticism was that the signs were too low on the meter, and Public Works had since erected signs that were almost 6-7 feet tall that exhibited the restricted time parameters to resolve that problem.

Mayor McDavid made a motion directing staff to meet with taxi company owners and to incorporate their suggestions into any tweaks that needed to occur as the City continued the pilot project through December. The motion was seconded by Mr. Thornhill.

Mr. Schmidt explained he initially felt this was a solution waiting for a problem, but noted he had since had the opportunity to spend an hour with several police officers while watching traffic come and go during the time bars in the downtown closed, and had changed his mind with regard to the need for downtown taxi stands.

Mayor McDavid asked Mr. Schmidt if he thought it was working. Mr. Schmidt replied his original thought was that Columbia was too small of a town to have something this complicated. He understood bar owners had some concerns regarding responsibility and the liability of getting clientele to taxis, but in his discussion with police officers, he could see the benefits. He hoped business owners would also be included in the discussions as they tweaked the process.

Ms. Anthony asked if the taxi stands were wheelchair accessible. Lieutenant Kelley replied there were ramps in close proximity to all corners and noted police officers would make sure a cab could get to a handicapped individual.

The motion made by Mayor McDavid and seconded by Mr. Thornhill directing staff to meet with taxi company owners and to incorporate their suggestions into any tweaks that needed to occur as the City continued the pilot project through December was approved unanimously by voice vote.

REP128-11 Intra-Departmental Transfer of Funds Request.

Mr. Matthes noted this report had been provided for informational purposes.

Mr. Thornhill asked for clarification regarding the Transload Division's trucking business. He understood it was generating more revenue than expenses and a miscalculation in the amount of expenses had caused the need to transfer money. Mr. Matthes explained this operation was doing better than expected, and as a result, they needed to have more cash on hand. Mr. Thornhill understood the need to transfer this money was due to an underestimation of how well the trucking business would do and that it had generated more revenue than expenses. Mr. Johnsen stated that was correct. He explained the ground transportation contracts were set up to generate more revenue than expended. They needed to transfer money in order to pay bills for that service. Mr. Matthes noted this would come from a contingency fund for that purpose, and was an allowable expense.

REP129-11 June 2011 Stormwater Variance Summary.

Mr. Matthes noted this report had been provided for informational purposes.

REP130-11 Mill Creek Option Route Study Report.

Mr. Matthes provided a staff report.

Ms. Anthony commented that she wanted more information regarding the 69kV line as it was troublesome to her.

Mr. Johnsen commented that the two goals of this project were to increase the transformer capacity to serve loads in both the south and southwestern parts of the system as they were running out of space in the existing substations to serve these area and to add transmission level connection to the west side of the system for redundancy purposes as the Perche Creek substation had only one connection line to the Ameren system. If this transmission connection was lost during a peak load situation, the City would have to electrically reconfigure the system to avoid line overloading, and the reconfiguration would leave some substations on a radio or as a single line feed, which would put customers on the substations at a higher risk of sustained outages. In addition, a reconfiguration of the system would create the possibility of overloading some of the transmission elements on neighboring systems, and that was a compliance issue for the City. He explained staff had been asked to evaluate an alternative transmission line route at the November 22, 2010 work session, and noted the routes that had been originally identified were referred to as Option A alignments. The intent of the Option A alignment study had been to connect the 161kV substation to Grindstone, Perche Creek and McBaine, and this configuration used three 161kV lines. The intent of the alternatives identified in the Option B alignment study was to connect the new substation at 69kV, using part of the existing 69kV substations, to Grindstone and Hinkson Creek. In addition, it would connect the McBaine substation to the Perche Creek substation at 161kV.

Mr. Williams provided a further explanation regarding Option B routes. He explained the 161kV portion was needed to add a second transmission level connection to the Perche Creek substation. It eliminated the possibility of overload and would satisfy the NERC compliance issues. He noted there were two main route possibilities with two options and described those routes using a graphic on the overhead. The 69kV portion would connect the new substation by inserting it into the existing 69kV line from Hinkson Creek to Grindstone. It was a short distance of less than a mile, which made it challenging to provide a variety of alternatives. He described the possible routes identified using a graphic on the overhead. He noted several of these lines had been suggested as double circuit lines. The positive was that it allowed two lines on the same structure, but the negative was that there were two lines on the same structure, which if impacted, could potentially cause the entire substation to be dropped.

Ms. Anthony did not feel these were viable options if the purpose was to ensure redundancy and if the double circuiting would eliminate that redundancy. Mr. Williams commented that there were several single circuit possibilities, and describe those using the graphic on the overhead.

Ms. Anthony stated she did not believe any option that did not provide for redundancy should be included in discussions. She did not think they wanted to go through this process without accomplishing both goals, and therefore, did not feel they were ready to hold public hearings.

Mayor McDavid commented that he thought Council had asked for alternatives due to community resistance to the large 161kV high voltage lines, and that the alternative options would replace the 161kV lines with 69kv lines when near residences. He asked if the 69kV lines would look like the 161kV lines. Mr. Williams replied the 161kV line they would use would not include the big metal lattice towers. Both lines would follow along single poles that would hang over the street right-of-way. The only difference between the two would be the height of the poles. The 161kV poles would be slightly higher than the 69 kV poles due to the clearance requirements of the voltage differentials.

Ms. Anthony understood the reconstruction of the existing 69kV line was necessary because larger conductors were required and asked to be shown its location on the map and if it involved a significant expense. Mr. Williams described the routing using the map on the overhead, and noted it would provide the amp carrying capability required at the 69kV voltage level. He noted higher voltages needed fewer amps to support the same amount of load. The new substation being powered at 69 kV would require the conductors in between the new substation and the other two substations to be larger conductors.

Ms. Anthony asked when placing lines underground would be discussed. Mr. Johnsen replied the intent was to provide cost estimates once certain routes had been identified. He noted they had already provided the general price differential, to include the transition itself. They could not provide more accurate estimates until they knew where specifically Council wanted the lines to be underground. He explained there was a large cost variance depending on where it would be buried.

Mr. Johnsen commented that this was a preview of the information that would be presented at the next interested party meetings, which would be held toward the end of August and the beginning of September. After holding these interested party meetings, they would provide a report to Council with the results of those meetings. They would then go through the final selection stage of this process and could provide more detailed scenarios and costs during that stage of the process.

REP131-11 Analysis Report – Police Chief, CPOA, and Citizens Police Review Board.

Mr. Matthes noted this report had been provided for informational purposes.

Mayor McDavid commented that he believed these reports had provided a thorough look at the different perspectives of the Citizens Police Review Board (CPRB) by City Administration, the Columbia Police Officers Association (CPOA) and the CPRB. The intent was to ensure the CPRB had the confidence of the community as its goal was to ensure the Police Department had the confidence of the community. In reviewing the three reports, he had found seven differences of opinion. Those were the definition of misconduct, who had standing to file a complaint or appeal, whether closed personnel files or criminal reports could be opened, the interview and investigative authority of the CPRB, to include whether some interviews could be closed to the general public, whether the training standards of CPRB members needed to be more defined, whether policies of the Police Department should be posted on-line, and whether the Police Department should be required to provide monthly and annual reports with information on complaints. He noted the CPRB was responsible to the City Council by ordinance, and the Police Department was responsible to the City Council

through the City Manager. He wanted to see this worked out and suggested these three organizations work toward resolving these differences within the next two months. If any differences of opinions still remained, he believed the Council should resolve those differences through ordinance changes. He felt it was time to add clarity to the process.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Karl Skala, 5201 Gasconade Drive, commented that when he was on Council, they had provided for some of the infrastructure necessary to support a photovoltaic system on the roof of City Hall, and wondered if that could be used toward the efforts the City was making with regard to photovoltaic systems. If a system was installed, it would fulfill the intent when the building was approved.

Alyce Turner, 1204 Fieldcrest, stated she would not be able to attend the August 13 meeting the Council would hold regarding the FY 2012 budget, and wanted to relay concerns she had involving bus transportation. She noted the Department of Natural Resources website indicated public transit saved the most energy if people did not use their own motorized vehicles. She understood there was a proposal to cut the transit budget by 26 percent. Cuts to service on Wednesday, Thursday and Friday nights and on Saturday might be warranted and not create a huge impact, but she felt the City might want to refocus its goals. She noted they had service in the morning and during the day, but pointed out they did not have commuter service from 6:00 – 7:00 p.m., and a recent survey showed a strong interest for that type of service. She hoped the City would re-examine the ability to provide that type of service, which she understood would have cost an additional \$110,000 when she had inquired last fall.

Mayor McDavid pointed out the Council would hold a work session on August 13, 2011. It was a public session, but was not a public hearing. There would be three public hearings or opportunities for public comment, and those meetings would be held on August 15, September 6 and September 19. Mr. Matthes noted the Council would hold a work session on August 22, 2011 as well, and it would be devoted to the subject of transit. He also explained the core problem was that the City spent more than it received in terms of transit. He noted the proposed cut was smaller than the 26 percent indicated as that number included capital, and last year the City had purchased some buses, which would not be purchased this year.

Ashley Cuttle stated she was the Executive Director of the Columbia Police Officers Association (CPOA) and that she was available to answer questions with regard to the report discussed earlier in the evening.

Mr. Schmidt stated he had been impressed with the Citizens Police Review Board (CPRB) applicants, and hoped they would reapply and provide input on issues surrounding the CPRB as the opportunity arose.

Mr. Schmidt commented that during the current community debate regarding the reapportionment of wards, he had not heard any discussion on the original reason for the

existence of Ward 1, which was to maximize the likelihood of minority representation. The current debate seemed to focus on the character of downtown, the character of the neighborhoods and how the neighborhoods fit together instead of the original purpose of Ward 1. He understood one of the criteria given to staff was to keep sitting Council Members in the ward they were currently serving, and thought it might be time to shape wards like pizza slices since no one seemed to want to be in Ward 1.

Mr. Dudley asked for a report for all private common collector locations and the timeline of when they would be addressed.

Mr. Kespohl noted the Council would soon be asked to consider forgiving the \$20,000 cost for police at the Roots N' Blues N' BBQ Festival. Prior to or in conjunction with that request, he stated he wanted a report to be provided to Council that included an estimate of the sales tax received from the event, the total cost for police service for the event, the total amount of money provided for the event by the Convention and Visitors Bureau and the estimated amount of money the City received from the hotel tax as a result of the event. He wanted a view of how much the City was spending compared to how much it was receiving.

Mayor McDavid noted there was other spending within the City by event goers as well, but understood that was difficult to determine.

Mr. Kespohl noted he had received a request from a downtown merchant who wanted a proclamation recognizing his business had been in existence in the downtown for 23 years. He thought it might be good for the Downtown Community Improvement District (CID) to have a program recognizing downtown businesses for keeping businesses in the downtown area. He suggested the Downtown CID come up with guidelines to recognize businesses for the amount of time they stayed in the downtown area.

Ms. Anthony noted the Downtown Columbia Leadership Council had asked the City Council to adopt the Charrette Report completed by H3 Studio, and asked staff to provide a report regarding its potential adoption.

Ms. Anthony stated she had received three calls regarding the sanitary sewer rate ordinance that had been amended on March 21, 2011 and had resulted in increased sewer charges. She noted that based on these calls, it might not be as equitable as they had thought. She asked staff to provide a report indicating whether they had accomplished all of the goals they had set forth in passing that ordinance. She understood staff was already reviewing it to determine how many people had been unfairly affected. She also understood the winter quarter average was the issue as the sewer rate was calculated based on water usage. She noted a developer that had spec houses was being charged a sewer charge for water not going into the sewer as he was using water to water his lawns. She hoped that could be addressed in the report as well.

The meeting adjourned at 8:02 p.m.

Respectfully submitted,

Sheela Amin
City Clerk