

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 21, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 21, 2011, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was lead by Boy Scout Troop 706 of St. Andrews Lutheran Church. The roll was taken with the following results: Council Members MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

SPECIAL ITEMS

Presentation of Meritorious Conduct Medals for Officer Graff and Officer Simpson.

Mayor McDavid invited Officers Graff and Simpson to the podium and explained these officers saved a woman from serious injury or death as she was being attacked by a man in her home. Chief Burton presented each officer with a plaque and meritorious medal.

Presentation of Resolution of Appreciation for Bill Markgraf.

Mayor McDavid invited Chief Markgraf to the podium, and presented him with a resolution of appreciation signed by the Council in honor of his retirement.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of February 7, 2011 were approved unanimously by voice vote on a motion by Mr. Kespoehl and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Ms. Hoppe asked for B29-11 to be moved from the consent agenda to old business.

The agenda, with B29-11 being moved from the consent agenda to old business, was approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Ms. Nauser.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

C.A.R.E. ADVISORY BOARD

Baxter, Karen, 117 Fourth Avenue, Ward 1, Term to expire March 1, 2014

DOWNTOWN COLUMBIA LEADERSHIP COUNCIL

Hammen, Janet, 1844 Cliff Drive, Ward 6, Term to expire May 1, 2012

FINANCE ADVISORY AND AUDIT COMMITTEE

Arnold, Victor, 2405 Stratford Chase Parkway, Ward 6, Term to expire December 31, 2013

HUMAN RIGHTS COMMISSION

Calcote, Dalton, 2301 Garden Drive, Ward 2, Term to expire March 1, 2014

Routt, Justin, 40H Broadway Village Drive, Ward 6, Term to expire March 1, 2014

Todd, Marissa, 1604 Hickam Drive, Ward 3, Term to expire March 1, 2014

PUBLIC TRANSPORTATION ADVISORY COMMISSION

McCloud, Michael, 111-A N. Stadium Boulevard, Apt. 261, Ward 2, Term to expire March 1, 2013

Turner, Alyce, 1204 Fieldcrest, Ward 4, Term to expire March 1, 2013

Weinschenk, Kathleen, 1504 Sylvan Lane, Ward 3, Term to expire March 1, 2013

SCHEDULED PUBLIC COMMENT

Gretchen Maune and Dawn Zeterberg: introduce the Mid-Missouri Advocacy Coalition to the City of Columbia, offer services and assistance, and express opinion on the Dinner Train.

Gretchen Maune stated she and Dawn Zeterberg were involved with the Mid-Missouri Advocacy Coalition, and they wanted Council to know they served as a voice for people with disabilities. She explained they worked with local governments, school districts and businesses in trying to meet the requirements of the Americans with Disabilities Act of 1990. She commented that they also wanted Council to know they did not believe it was proper for the City to use public tax dollars to invite an inaccessible business, such as the Dinner Train, to the City as it was disrespectful to those in the community with disabilities, and asked that public funds not be used in the future for inaccessible businesses to come to Columbia.

PUBLIC HEARINGS

None.

OLD BUSINESS

B287-10 Amending Chapter 14 of the City Code to prohibit parking within ten feet of any mailbox.

The bill was read by the Clerk.

Mr. Thornhill suggested this bill to be withdrawn and asked Mr. St. Romaine to discuss changes that would be coming forward in another bill in the future. Mr. St. Romaine described the problem and explained prohibiting parking within 10 feet of a mailbox would prohibit parking along streets in R-2 neighborhoods. As a result, they were proposing standardizing the location of mailboxes instead.

Mr. Thornhill made a motion to withdraw B287-10. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

B30-11 Authorizing an amendment to the agreement with Community Housing Options for the lease of property located on the northwest corner of Vandiver Drive and Oakland Gravel Road.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B30-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B31-11 Amending Chapter 2 and Chapter 22 of the City Code as they relate to public improvements.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe stated she felt these changes would allow for more public input, which was a positive for the community.

Mr. Kespohl commented that he would like for Council to be provided a follow-up report with regard to the projects that went through the administrative process. Mr. Watkins explained staff was required to provide Council the City Manager's recommendation with regard to those types of projects and anticipated they would be provided a report similar to the financial transfers. Mr. Kespohl clarified he would like a report after the process was over explaining what was done in terms of the administrative process.

B31-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B32-11 Amending Chapter 29 of the City Code as it relates to the floodplain overlay district.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B32-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B35-11 Authorizing the acquisition of easements necessary to construct the Upper Hinkson Creek Outfall Sewer Extension Phase I Project.

The bill was given second reading by the Clerk.

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

Ms. Hoppe asked if staff was looking at increasing water absorption along this stretch after the sewer work was complete through additional plantings, wetlands, etc. Mr. Glascock replied no, and explained they did not plant trees as they might need to access the sewer again. Ms. Hoppe clarified she was not referring to trees. She stated she was suggesting water retaining plants that might help resolve erosion problems. She asked how much right-of-way and disturbance would be involved with this project. Mr. Glascock replied he was not certain on the exact width. He also explained they did not plant anything they would have to maintain over the sewer lines because they were concerned about impacts to the sewer line and the need for repairs. He would need to know what Council specifically wanted in order to determine maintenance costs and issues. Ms. Hoppe understood that was something that could be looked into as part of this process.

Ms. Hoppe asked if this sewer had been provided for as part of the 2008 ballot issue. She wondered if the City had money to complete the project. Mr. Glascock replied yes.

Mr. Sturtz asked if Mr. Glascock could explain how this project would help remedy sanitary sewer overflows. Mr. Glascock replied this project would not remedy that situation. He explained there were two other projects that would remedy that problem, and described those projects. Mr. Sturtz understood this project would not take any of the load off of Bear Creek. Mr. Glascock replied it could take load off of Bear Creek, but he wanted to be certain it would before making that connection.

Mr. Sturtz asked how many SSO's the City had to deal with over the entire system. Mr. Glascock replied there were 117 last year. Mr. Sturtz asked how that compared to past years. Mr. Glascock replied this was the highest they had ever had since documenting them. He noted they had changed the way they documented them due to changes to the requirements.

Karl Skala, 5201 Gasconade Drive, provided a handout with questions he thought needed to be addressed prior to moving forward. He wondered if acquisition would be done by negotiation alone or if it could involve condemnation. He asked about the environmental impact of six sewer crossings and why staff would state no new connections to the sewer extension would be allowed until the current overflow problems would be fixed. He wondered how staff planned to pay for the construction cost and why staff did not bid the design contract. He also asked if construction of the sewer line was promised to the voters as part of the 2008 sewer bond issue and whether REDI or Grindstone Investments could make a commitment indicating a data center or other tenant would come to Columbia within a reasonable time, if the sewer line was built.

Ken Midkiff, 1005 Bellview Court, stated he represented the Osage Group of the Sierra Club and commented that he was relieved boring was being considered. The Sierra Club preferred boring because it would lessen or eliminate the impact to Hinkson Creek further downstream. He understood no connections would be made to the Hinkson Creek sewer line until the SSO issue had been addressed and asked that no construction begin until the SSO issue was also addressed to the satisfaction of the EPA.

John Alspaugh, 2809 Skyview Road, explained he owned over a half mile of creek frontage along the east side of the Hinkson Creek, north and south of Mexico Gravel Road, and noted the TMDL document referred to the importance of maintaining tree cover along the creek. He invited the Council to view a creek crossing completed a year ago near a round-about on Vandiver, on the east side of Highway 63. The crossing could be viewed from a vehicle by looking to the east, along with a 200 feet gap on each side of the bank where all trees were removed and rock had been placed in an effort to stabilize the creek bank. He noted this environmental damage would be done with six more crossings, which would equal about a half mile of creek bank without any trees. He believed the City would end up with a TMDL document that would apply to the area north of I-70 as well if this was done, and asked if it was worth the risk.

Mayor McDavid asked staff to address the questions of all of the speakers. Mr. Boeckmann stated condemnation could proceed if land could not be acquired by negotiation as that was addressed in Section 4 of the ordinance. Mr. Glascock explained there would be

some environmental impact as there always was when crossing a creek. He noted there would be less if the boring technique was used instead of the open cutting technique.

Ms. Hoppe asked what could be done to further minimize the environmental impact. She wondered if plantings could be done to cover the area. Mr. Glascock replied he could plant whatever Council wanted, but it would potentially impact the sewer line if roots got into the cracks of the joints of the pipes. Ms. Hoppe thought it might depend on the type of tree and its distance from the sewer. She wondered what other communities had done to try to address this problem. Mr. Watkins pointed out this ordinance only authorized the acquisition of easements. Staff would provide Council plans in the future and would try to address this specific issue then as well.

Mr. Glascock stated they were addressing the SSO's and payment for the project would be funded with 2008 ballot issue money. The design was completed by the company that did the work on the lower portion since they already had pertinent information, and there was no legal issue in using that company. He noted he could not answer the question regarding a commitment of a data center or other tenant coming to Columbia within a reasonable time.

Mayor McDavid asked about the width of tree removal. Mr. Glascock replied it could probably be minimized and explained the boring technique would likely lessen the amount of tree damage. Mr. Sturtz asked if Mr. Alspaugh's estimate of 200 feet on each side was accurate. Mr. Glascock replied he was not sure as he did not have the width of each cut. It would depend on the slope of the creek at the time and the depth of the pipe. Mr. Sturtz asked why it was necessary to clear that much area. Mr. Glascock replied open excavation required a large enough area so it was safe for the person laying the pipe in the trench. In addition, land was needed for equipment and the storing of pipe.

Ms. Hoppe asked if staff worked with the property owner in terms of allowing property owners to keep valuable top soil. Mr. Glascock replied there would not be any excess top soil for this project as they would restore the original ground.

Ms. Hoppe asked if trenching caused water from the creek to divert permanently into the trenched areas, and if there was seepage causing dry beds. She also wondered if ditch blocks were used to keep water from seeping into the trenched areas. Mr. Glascock replied they did not want water in the trenches so they usually pumped water out of them. Once the pipe was installed and the area was restored, the water would no longer seep toward that area. Ms. Hoppe understood they did not have that problem. Mr. Glascock stated that was correct.

B35-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B39-11 Appropriating funds from the credit card revenue account to the City Council contingency account.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B39-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B40-11 Designating a portion of the City of Columbia as a redevelopment area; approving the Regency Hotel financing (TIF) redevelopment plan and project.

The bill was given second reading by the Clerk.

Mr. St. Romaine provided a staff report.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and described the proposed project. He explained the Tax Increment Financing Commission and the Downtown Columbia Leadership Council had both provided a favorable recommendation for this project. He noted the State and City criteria and guidelines had been met, and commented that although there would only be 13 additional rooms with this redevelopment, there would still be an increase in jobs and payroll per year. The payroll estimate was \$700,000 per year from year one. He also pointed out there would not be a decrease in real property taxes, and there would be an increase in personal property tax and sales taxes.

Mr. Sturtz asked for clarification regarding the personal property tax. He wondered if it would apply to new employees working at the hotel. Mr. Hollis replied he was referring to the taxes that would be paid on personal property at the location.

Mr. Hollis referred to a study done in Lexington, Kentucky over a seven year period and noted property values outside of the TIF district would be benefited during and after this project. He asked Council to approve this and the following bill.

Mr. Sturtz commented that there had been bad situations involving TIF projects where cities were required to make up for short falls in projected revenues, and asked staff to compare this project to some of those bad projects. Mr. St. Romaine replied the City of Columbia was not at risk for this or any other TIF project. Payments to the developer would only be made from a special allocation fund that collected the increment. The cost was being borne by the developer, and the developer would be reimbursed for expenses after the property was reappraised and sales tax was collected from the project. Mr. Sturtz understood Columbia was a lot less exposed than Kansas City was with its TIF project. Mr. Watkins explained Kansas City had to guarantee the bonds for the Power and Light District TIF project. Columbia's policy was to not guarantee bonds.

Mr. Thornhill made a motion to amend B40-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Paul Love, 100 Sondra, understood the developer had done a project at the end of College and wondered how many rooms it involved compared to this project. He understood this was more expensive since it would be constructed upward in the downtown area. Mr. Parmley, the developer, responded to Mr. Love's question from the audience.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Columbia Special Business District and the Downtown Community Improvement District, and that they represented the downtown property owners, businesses and residents. They supported this project for a number of reasons. They needed a hotel in the downtown, 25-35 jobs would be created and it would lead to an increase in the dining and shopping in the downtown area. In

addition, there were several festivals and other events in the downtown area that were trying to grow to a national or international level and would benefit from a better downtown hotel. She also thought it would help with the beautification of the downtown.

Richard Ditter, 2701 Malibu Court, stated he owned and operated D-Sport and his wife owned and operated KeLani, and noted they were both excited about this project as it would help the aesthetics of the area.

Randy Gray, 301 Edgewood, stated he was Chair of the Downtown Columbia Leadership Council (DCLC) and noted they unanimously agreed to support this TIF project as they believed the hotel would prove to be one of the most significant private sector, new construction downtown development projects seen in the next 20 years. In the past five years, the most significant downtown private sector investment had occurred in the historic preservation of existing buildings and the creative activities in the North Village Arts District, and in order to ensure the success of that part of the downtown, he believed they needed to maintain a vehicular and pedestrian connection between Walnut Street and Broadway, preferably with the use of Short Street through a well-designed archway in the proposed new parking garage. He asked the Council to approve this catalytic project.

Mr. Sturtz stated he thought they were fortunate to have Mr. Parmley involved with this project as he had already established himself in Columbia with the Hampton Inn. He believed this project would spur other downtown developments and was a good project. He was happy they had a policy of limiting TIF projects to the downtown as it was a way to maximize investments.

Ms. Hoppe commented that an important component of this project was that no one had stepped forward to develop this area in the past. They now had someone willing to do the project without the City having much risk. She thought the applicant had made a good case in how it would economically benefit the City and the Columbia Public School District in the long term, and she believed it was a win-win situation for the entire community.

Mayor McDavid thanked the TIF Commission for reviewing and providing a recommendation for this project.

Ms. Nauser stated the discussion as to whether a TIF was appropriate had been addressed when they approved legislation allowing them for certain circumstances. She thought they were fortunate that people were willing to invest in the downtown during this economic climate. She hoped the downtown would continue to thrive with catalytic projects of this nature.

B40-11, as amended, was given third reading with the vote recorded as follows:
VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B41-11 Approving a redevelopment agreement in connection with the Regency Hotel TIF Redevelopment & Project.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and noted this was related to the previous legislation discussed.

B41-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B29-11 Approving the Final Plat of The Grove at Columbia, Plat No. 1 located at the northeast corner of Rock Quarry Road and Grindstone Parkway; authorizing a performance contract.

The bill was given second reading by the Clerk.

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

Ms. Hoppe asked why a performance bond was not required. Mr. Teddy replied a performance contract was with the plat as had been common practice. He noted the subdivision ordinance allowed for a performance contract that specified all public improvements would be the responsibility of the subdivider and would be installed within 3 years or for a bond or surety, such as a letter of credit, which had seldom, if ever, been used on plats. Mr. Teddy pointed out occupancy permits could be used as leverage to guarantee performance.

Ms. Hoppe asked when traffic problems and issues would be addressed, if there were any, in terms of access of off Grindstone and left turn lanes into the development off of Rock Quarry. Mr. Teddy replied the initial development of 13 acres of the 35 acre tract would involve two accesses on Rock Quarry Road and an access off of Grindstone Parkway enabled through a private access easement agreement. With further build out of the property, an analysis might be done by MoDOT or the City Public Works staff for the need for turn lanes. At this time, the City would receive some right-of-way through the approval of this plat, which would allow for left turns at the Rock Quarry and Grindstone intersection. Ms. Hoppe asked at what point in the process this would occur. Mr. Teddy replied he was not aware of any plans to install turn lanes with the initial building project.

Ms. Hoppe stated this was a steep area and asked what the City was doing to ensure there was not a negative impact to the Hinkson Creek since the Grindstone flowed to the Hinkson, particularly during construction. Mr. Teddy explained the Public Works Department staff would review the site development plan, which would include stormwater management. He understood it would meet the requirements of Chapter 12A of the City Code. She asked how staff would observe, monitor and enforce construction stormwater controls. Mr. Glascock replied they would do what they did for every project and would enforce the ordinances the City had adopted. They could not enforce anything other than that. Someone would monitor the site on a weekly basis and would be on-site more as construction progressed.

Mr. Kesphol asked if it was appropriate to put a performance bond on a plat. Mr. Boeckmann replied it was an option, but he did not recall it ever being done. The normal procedure was for a performance contract, but Council could require a performance bond.

Mr. Thornhill asked for the goal of the performance bond. Ms. Hoppe replied she wanted to ensure all internal improvements be completed as there were some projects that had not been completed throughout the City. Mr. Thornhill asked if the occupancy permit would require improvements of streets, etc. to be completed. Mr. Glascock replied yes. He explained the public portions of the project were normally bonded, not the private portions.

Karl Skala, 5201 Gasconade Drive, commented that The Links project involved the developer being required to install a storm drain under Hominy Creek and the City eventually had to take the project over. He asked if that was a different situation than this one. Mr. Glascock replied they never had to take it over as the developer hired another contractor to finish it.

Ken Midkiff, 1005 Bellview Court, stated he was representing the Osage Group of the Sierra Club and they were concerned about stormwater. He wondered how they would know whether BMP's and other stormwater methods would work since they did not know the original amount of stormwater runoff from the site with trees, grass, etc. If this added to the level of stormwater runoff, the reduction of 39.6 percent would be more difficult to attain. He suggested a provision be added to the plat indicating no more stormwater would leave the site than currently left the site.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing Campus Crest, LLC, which was one of the owners of the property, and noted this ordinance only dealt with the plat. He explained Council needed to determine whether this subdivision plat met the requirement of the underlying zoning and requirements of the subdivision regulations, and he believed it met all of those requirements. The inquiries should not be about stormwater, traffic, the suitability of the development or the developer. He noted the plat should be approved, and once it was approved, the developer would be constrained by all ordinance requirements, to include stormwater ordinances. He explained performance bonds had nothing to do with the project itself. They dealt with public improvements, and in this instance, there was only a sidewalk. In addition, the sidewalk had to be constructed before an occupancy permit was granted. He did not believe the performance bond would accomplish much.

B29-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. 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.

- B33-11** **Authorizing construction of the Bear Creek Bank Stabilization Project; calling for bids through the Purchasing Division.**
- B34-11** **Authorizing the acquisition of easements necessary to construct the Bear Creek Bank Stabilization Project.**
- B36-11** **Accepting conveyances for utility purposes.**
- B37-11** **Authorizing an agreement with the National Association of County and City Health Officials for the Medical Reserve Corps program; appropriating funds.**
- B38-11** **Appropriating funds to recover costs associated with the formation of the Downtown Community Improvement District.**
- R18-11** **Setting a public hearing: construction of the Avenue of the Columns streetscape project along Eighth Street.**

- R19-11 Authorizing an SO2 and NOx ozone annual and season allowance trade agreement with Ameren Energy Marketing Company.
- R20-11 Transferring funds for legal representation in connection with the Total Maximum Daily Load (TMDL) for the Hinkson Creek.

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

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

- B42-11 Rezoning property located on the west side of McKee Street south of Alan Lane (1517 McKee Street) from R-2 to PUD-6.6; approving the McKee Street PUD Development Plan; setting forth a condition for approval.
- B43-11 Rezoning property located on the east side of Garth Avenue and south of Lathrop Road (600 South Garth Avenue) from R-3 to R-1.
- B44-11 Approving the Final Plat of Westmount Extension Subdivision located on the east side of Garth Avenue and south of Lathrop Road (600 South Garth Avenue); granting a variance from the Subdivision Regulations relating to sidewalk construction.
- B45-11 Approving the Final Plat of Heritage Commons located 100 feet south of the intersection of Muirfield Drive and Royal Heritage Drive.
- B46-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 Edition of the International Building Code.
- B47-11 Amending Chapter 6 of the City Code as it relates to the 2006 Edition of the International Code Council Electrical Administrative Provisions.
- B48-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Plumbing Code.
- B49-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Mechanical Code.
- B50-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Residential Code for One- and Two-Family Dwellings.
- B51-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Property Maintenance Code.
- B52-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Fuel Gas Code.
- B53-11 Amending Chapter 9 of the City Code relating to adoption of the 2009 International Fire Code.

- B54-11 Amending Chapter 22 of the City Code to establish an abatement financial assistance program and an inflow and infiltration reduction program as it relates to sewers and sewage disposal.
- B55-11 Amending Chapter 14 of the City Code to prohibit parking on Santana Circle and Santana Lane.
- B56-11 Authorizing a right of use permit with 10th and Elm, LLC to allow construction and maintenance of private balconies to extend within Tenth Street and Locust Street rights-of-way.
- B57-11 Authorizing a general cooperative agreement with the Boone County Regional Sewer District relating to sewers in the Highway HH service area, Westwood Meadows Subdivision, El Ray Heights Subdivision, Cow Branch Watershed, Little Bonne Femme Pump Station and Jerry Morris Subdivision.
- B58-11 Authorizing an Asset Purchase and Sale Agreement and an Assignment and Assumption Agreement with Ameren Energy Generating Company for the purchase of Ameren Energy Generating Company's interest in the Columbia Energy Center, subject to voter approval of the issuance of Water and Electric System Revenue Bonds.
- B59-11 Accepting conveyances for utility purposes.
- B60-11 Amending Chapter 17 of the City Code relating to intoxicating beverages and gambling and adding a provision limiting consumption of alcohol in three downtown City parks.
- B61-11 Accepting an Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.
- B62-11 Appropriating Share the Light Program funds to the Police Department for repair of the McGruff Crime Dog Robot.
- B63-11 Amending the FY 2011 Annual Budget to add positions in the Finance Department and the Public Works Department; amending the FY 2011 Annual Budget to delete positions in the Public Works Department, City Manager's Office and Information Technologies; amending the Classification and Pay Plans; reclassifying and transferring positions in the Public Works Department, City Manager's Office and Information Technologies; transferring funds; appropriating funds.
- B64-11 Authorizing an agreement with Broadway Lodging LLC for the acquisition of property located on the east and west sides of Short Street, adjacent to Walnut Street, to allow for the construction of a parking garage.
- B65-11 Authorizing an amended and restated redevelopment agreement with Columbia Hotel Investments, Inc. relating to the Tiger Hotel TIF project.

REPORTS AND PETITIONS

- REP20-11 Scenic Roadway Overlay District and Rock Quarry Road.

Mr. Watkins provided a staff report.

Ms. Hoppe made a motion directing staff to prepare a proposed ordinance amendment and directing the Planning and Zoning Commission to hold a public hearing prior to forwarding a recommendation to the Council. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

- REP27-11 Intra-Departmental Transfer of Funds Request.

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

REP28-11 Columbia Special Business District Letter regarding Parking in Downtown.

Mr. Watkins provided a staff report.

Mayor McDavid commented that after new administration was in place and after having a sense of how the new garage would be utilized, he believed they needed to review the purpose of downtown parking as well as how much they should be charging. He agreed the Special Business District should be involved in the discussion.

Mayor McDavid made a motion to accept the report. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP29-11 A Civil Group letter regarding Proposal for Design/Build for Alley A Storm Water and Paving Design/Build Improvements.

REP30-11 Columbia Special Business District Letter regarding Alley A.

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

Mr. Thornhill understood the alley was slated to be repaved. Mr. Glascock stated that was correct and noted it would be repaved with asphalt. He pointed out there had been a request for the alley to be constructed with bricks for historic purposes. Ms. Hoppe asked if this was a recommendation of the Historic Preservation Commission. Mr. Glascock replied that was his assumption.

Mayor McDavid asked if any other alleys would request the same, if work was done in this alley. Mr. Glascock replied he anticipated other alleys requesting the same if they were developed as Alley A had been developed. He believed the developer should be responsible for the street as was the case with other developments throughout the City.

Mr. Sturtz stated he believed this was a unique alley in terms of its stormwater problem. It flooded and was dangerous. He did not believe that was the case with any other alley. Mr. Glascock pointed out it already had that issue when the businesses were developed in the alley. Mr. Watkins noted he had been approached by a property owner in another alley.

Mr. Sturtz asked if anyone had studied the volume of water that was pushed through Alley A versus the other alleys. Mr. Glascock stated they were proposing it be taken around Cherry Street, which would cost approximately \$200,000. He noted they wanted to install a plastic pipe, which was not to City standards, and wanted the City to maintain it. He wondered how he would respond to any other developer that did not want to build to standard if this was allowed. Mr. Sturtz believed it was the problem of everyone in the downtown, and not just this developer, due to the amount of stormwater involved.

Mr. Kespohl asked for clarification regarding how the water was traveling to this alley. Mr. Glascock replied the alley was between Ninth and Tenth Streets and the water came from the east side of Tenth under Tenth and down the alley. Mr. Kespohl understood the water came from Tenth and Hitt and ran down Alley A. Mr. Glascock explained the water crossed Tenth Street and ran through an open pipe into Alley A. Mr. Kespohl thought they should be looking above that area to resolve the problem. Mr. Glascock agreed and noted they would try to intercept the water by taking it to Cherry. They did not want to dig in the

alley since they did not know what was there and because it would be expensive. Mr. Kespohl understood staff was suggesting capturing the water on the Tenth Street side from Hitt Street. Mr. Glascock stated it would be at Tenth Street, and not Hitt Street. Mr. Kespohl thought this needed to be addressed further up. Mr. Glascock stated he would need to review the situation as he thought it came out of a pipe there.

Mr. Thornhill asked why they would want to restore the brick. Mr. Glascock replied the Historic Preservation Commission wanted to restore all of the brick in the downtown. Mr. Thornhill asked how it would impact this particular project. Mr. Glascock replied the brick was under an inch of asphalt and they wanted the brick used as the surface of the alley.

Mr. Dudley understood it would cost \$200,000 to go around Tenth Street and asked for the cost to go down Alley A. Mr. Glascock replied he did not know, but noted the developer had indicated the cost would be \$75,000-\$80,000. Mr. Dudley suggested the City work with the developer to go down the alley due to the huge difference in cost. Mr. Glascock pointed out he did not have any money to assist as it was not a CIP project. Ms. Hoppe asked if the project going down Cherry Street was a CIP project. Mr. Glascock replied no.

Ms. Nauser noted she had reviewed the 2007 public hearings on this issue and an issue discussed then was the approval of the use of the alley without any policies. These same issues of maintenance, etc. that were discussed then were being discussed now. If they were going to continue the redevelopment of alleys, which she supported, she believed they needed to address these issues through a policy so they had set criteria and requirements. She asked if others awaiting stormwater projects would have to wait longer if this project were approved. Mr. Glascock replied yes as funding needed to be determined.

Mr. Sturtz commented that millions of dollars had been invested in Alley A, and it was not like any other alley in the downtown. Mr. Glascock stated if this were approved, he was not sure what he would tell others that had similar problems throughout the community.

Ms. Hoppe noted a lot of time had been spent in terms of economic development and a more vital community. These businesses had invested in the downtown to create a better situation and she thought the City needed to support the effort. She believed the City could partner with the businesses and property owners as she understood they would absorb any costs above \$100,000, and were contributing in other ways, such as with downspouts as well. Mr. Glascock commented that construction was not the only issue as they also needed to determine who would maintain it. He was concerned with maintenance and liability costs if it flooded the businesses. If the property owners would maintain it and money for construction was provided, he was okay with moving forward.

Mayor McDavid suggested they ask staff to draft legislation for them to vote on while obtaining public input as this would involve determining funding sources and a change in standards if they wanted to pursue the issue. He thought they needed to determine how much the property owners were willing to do in terms of a partnership and whether the partnership agreement was binding. He noted they all wanted to resolve the stormwater problem in Alley A, but wondered if they could afford it. They also needed to determine what it meant for other parts of town that were flooding, whether a home or another alley.

Mayor McDavid made a motion directing staff to draft legislation to address the stormwater problem in Alley A. The motion was seconded by Ms. Hoppe.

Ms. Nauser asked if the legislation should just deal with this situation or if staff should draft a policy. She commented that once this was approved, others would request the same treatment. Mr. Thornhill thought there were two issues. They had to deal with this particular issue and create a policy for any future development. He felt this was a 50-50 situation as those that developed the alley already knew there was a stormwater issue and the Council allowed the development. Mayor McDavid noted the lack of a policy might be reason to vote down any legislation that came forward.

Mr. Sturtz felt cost sharing should move a project to the front and thought that had been done with other public works projects.

The motion made by Mayor McDavid and seconded by Ms. Hoppe directing staff to draft legislation to address the stormwater problem in Alley A was approved unanimously by voice vote.

REP31-11 Bus Service to Council Meetings.

Mr. Watkins provided a staff report.

Mr. Sturtz asked if staff had a sense of how many people were requesting this service. Mr. Glascock replied no, and noted they did not receive many calls on this issue. Mr. Sturtz thought it might be more cost effective to pay for taxi service for those requesting it. Mr. Glascock stated that was why they were suggesting an on-demand type situation.

Mayor McDavid understood staff was estimating \$250 per meeting for a trial project, which would cost \$3,000 over six months. Mr. Glascock commented that they could shorten the trial period if there were not many requests. They could also provide an intermediate report.

Ms. Hoppe suggested they proceed with the on-call service and not do the pilot project. Mayor McDavid asked for clarification regarding what was meant by on-call. He wondered if she meant a taxi service. Ms. Hoppe replied yes. Mayor McDavid thought that would be cheaper than \$250 per meeting. Mr. Thornhill wondered if there was any liability in terms of the City paying for a taxi ride. Mr. Glascock thought a lot of people would ask for a taxi ride if the cost of gas increased significantly.

Ms. Nauser wondered if they wanted to allow this for Council Meetings as it could cause people to ask for it for other meetings, such as Planning and Zoning Commission meetings. Ms. Hoppe noted the Council was the final the decision maker. Mayor McDavid pointed out they would have to address disability issues as well. Ms. Hoppe thought para-transit could address those situations. Ms. Nauser believed there were many ways to participate and communicate with the elected officials and was concerned they would be asked to provide this service for other meetings. Ms. Hoppe reiterated she thought they could limit it to Council Meetings since they made the ultimate decisions. In addition, she believed an opinion sent by e-mail was different than a person talking to the Council at a Council Meeting.

Ms. Hoppe made a motion directing staff to draft legislation for providing taxi service for those requesting it with a not to exceed cost of \$250 per Council Meeting for three months. She noted this would only apply to regular Council Meetings and not work sessions or other meetings. Mr. Sturtz suggested funding be provided with Council contingency funds.

The motion was seconded by Mr. Sturtz and approved by voice vote with Mr. Thornhill and Ms. Nauser voting against it.

REP32-11 Replacement of Street Signs.

Mr. Watkins provided a staff report.

Ms. Nauser asked if there was a time requirement for compliance. Mr. Glascock replied yes, and explained they could meet the time frame of 17 or 18 years. Ms. Nauser understood staff was requesting an additional \$25,000 per year. Mr. Glascock stated that was correct.

Ms. Nauser made a motion directing staff to budget an additional \$25,000 per year in the street budget for street name signs to be made compliant with the Manual of Uniform Traffic Control Devices. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP33-11 GetAbout Promotion/Education Program.

Mr. Watkins provided a staff report and explained it was an informational report.

REP34-11 Signage at Old 63 Roundabout.

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

Ms. Hoppe noted she had asked for this report and understood some vegetative issues had been resolved. She also understood there was no longer a problem with people yielding.

Ms. Hoppe made a motion directing staff to install a truck apron on the southwest corner of the round-a-bout. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP35-11 Bike Parking Corrals.

Mr. Watkins provided a staff report.

Mr. Dudley made a motion directing staff to upgrade the current bike parking corral and to install a new bike parking corral as proposed in the report. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP36-11 Boil Advisories and Boil Orders.

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

Mayor McDavid asked if the educational campaign was a one-time event. Mr. Johnsen replied no. He explained it would be one-time in terms of focusing on the start of this program, but there would be on-going educational activities as well due to new customers, etc. Mayor McDavid asked if it would cost \$25,000 every year. Mr. Johnsen replied no, and explained that was the cost for the first time. He was not sure of the cost for the on-going education, but noted it would be less than \$25,000.

Mr. Thornhill made a motion directing staff to move forward with adopting the boil advisory and boil order notifications as outlined in the report and to proceed with the

educational campaign. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP37-11 Utility Disclosure for Rental Property.

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

Mayor McDavid understood staff would provide recommendations at a later date. Ms. Britt explained they wanted Council feedback on the idea and to move forward with some voluntary activities. They would provide a report in December regarding what had been accomplished and would recommend ordinance changes, if any, at that time.

Mr. Thornhill commented that he thought it would be hard to make use of the data received because utility usage would differ even if everyone were in the same size and type of house. Ms. Buffaloe agreed the comparison issues could be a problem, which was why they were suggesting a pilot study. It would help them determine the data needed to be collected. They would also educate renters on how energy was used, how money could be saved and what renters themselves could do to address issues. They did not know what was involved or if it would make an impact. They wanted to determine what could be done to improve the rental energy efficiency for tenants.

Mayor McDavid asked how large the pilot study would be. Ms. Buffaloe replied 10-20 percent of rental property users. Mayor McDavid understood that would involve thousands of properties. Ms. Buffaloe stated that was correct. She noted she was meeting with the University of Missouri regarding student participation as well.

Ms. Nauser stated she was opposed to any regulation requiring the disclosure of utilities for landlords. She believed consumers needed to take some responsibility in the rental decisions made, such as the age of the home, the type of appliances in the home, etc. In addition, she was not sure how the data could be used to accomplish anything since there were so many factors in determining utility usage. She understood the goal was to reduce energy consumption, but believed they should promote an educational campaign of what to be aware of instead of gathering data and requiring disclosure in the future.

Ms. Hoppe asked if other communities had used this process or a variation and for their success rates. Ms. Buffaloe replied two different areas in Massachusetts had made utility disclosures and energy audits/upgrades a requirement. A similar project to what staff was suggesting was being done in Minnesota, where the Minnesota Housing Authority was involved in creating benchmarks as that was where they were seeing the most problems. This project was in the discussion stage as well. Ms. Buffaloe stated she believed the pilot project would help determine what might make an impact.

Mayor McDavid asked how this would be funded. Ms. Britt replied they did not have a separate funding stream at this time. She thought they would apply for a public communications grant if the focus was on outreach and education. They would also use existing avenues, such as the City television channel and the City Source newsletter.

Mr. Watkins noted the City of Austin had a municipal utility that had been grappling with this problem for a number of years, and they had developed a voluntary rating system and provided promotion for units with a rating of five stars as opposed to one star. In the past

year or two, they had begun requiring energy audits as part of the rental permit. The goal was to bring units up to a minimum standard.

Mr. Sturtz thought it would be a great marketing tool for landlords. Ms. Buffaloe commented that a couple of landlords had volunteered to be a part of this pilot program, and part of the reason was due to the fact they had been making improvements.

Mayor McDavid stated he liked the idea of a standardization of utility efficiency. He just felt the collection of utility cost was fraught with too many variables. He wanted to see this at a more mature level.

Ms. Nauser believed this issue should be market driven. Landlords making improvements could market energy efficiencies themselves. She did not believe the government should be involved in putting standards of five or three stars on units.

Mayor McDavid suggested staff explore the Austin model and provide that as a report as another way to accomplish this initiative. He believed students should be provided with some disclosure to gain a sense of what they might pay. He liked the idea of this being voluntary and market driven as well. Ms. Buffaloe asked if Council was interested in creating a rating system. Mayor McDavid stated he would like to see how it would potentially work.

Ms. Hoppe commented that there would always be unusual exceptions, but over a couple year period, a truer reading would be available. She noted they were always talking about affordable housing and huge cost of housing involved utilities. As a result, she thought they should do what they could to reduce rental utilities through incentives, education and information since it would create affordable housing.

Mr. Watkins understood Council wanted a follow-up report before implementing anything.

REP38-11 Trucks & RV's in Residential Areas.

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

Mr. Thornhill made a motion directing staff to prepare an ordinance prohibiting the parking of large trucks, such as 18-wheelers, in residential areas. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP39-11 Prioritization Policy for Rental Certificates of Compliance.

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

Mr. Sturtz asked if there was the ability for a seller of the property to start the process when they knew they would sell the property. Ms. Britt replied the inspection of a gas furnace could be done in advance as they were good for 90 days. She did not believe anything else could be done in advance of the sale as the new owner would need to come in and make application for the rental certificate after the sale.

Mr. Thornhill asked when the new owner could apply. He did not believe the City's ordinance allowed for a new applicant to apply for an inspection while under the seller's ownership. Ms. Britt stated that was correct.

Ms. Nauser suggested they change the ordinance to allow a seller to request inspection if they provided a copy of the sales contract and to require the new owner to put their name to the certificate within a set number of days.

Mr. Thornhill stated that if they were considering changes to the ordinance, he would also like to allow for a minimum period for the transfer of a valid certificate.

Mr. Kespohl made a motion directing staff to prepare legislation to allow the transfer of valid certificate if it was less than 90 days from the time of the inspection. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

REP40-11 Street Division Information.

Mr. Glascock provided a staff report.

Ms. Hoppe commented that she had requested this as she wanted to know how many miles of additional streets they had and if it needed to be addressed in terms of snow removal in a future budget. When the Council allowed for subdivisions and annexations, she thought there needed to be a way of financing the necessary services for the existing areas as well as the new areas. She did not believe services to existing residents should be lessened in an effort to provide services to new residents.

Mr. Sturtz understood a task force was looking at this very issue and asked when they could expect a report on the issue. Mr. Watkins replied he did not believe they had started developing a report yet.

Ms. Nauser understood the cost of salt had grown significantly and asked if they knew what salt might cost in the future. In addition, she noted salt was more corrosive and asked how much more it would cost in terms of the road maintenance budget. Mr. Glascock replied the cost of salt was similar to oil and gas. Salt producers tended to limit supply causing the demand and cost to increase. He anticipated the cost would increase in the future. Ms. Nauser understood no one liked cinders, but noted there were negatives associated with salt as well.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Ott, 212 Bingham Road, asked for clarification regarding the decision made for Alley A and whether it would be taken up by Council at its next meeting. Mr. Watkins replied he was not sure they would have anything ready by the next meeting as an agreement would need to be negotiated. Mr. Ott understood the process would be for the Alley A property owners to visit with staff, and noted they had already provided a proposal. Mayor McDavid pointed out staff now had a mandate from Council to bring forward an agreement. Ms. Nauser noted responsibility for maintenance in the future needed to be resolved as well.

Elinor Arendt, 6601 Hill Creek Road, stated she was concerned about the utility disclosure for rental properties. She understood Council wanted to explore ways of increasing energy efficiency, which implied there was a problem. She wondered if a study had been done to determine there was a problem. Assuming there was a problem, she wondered if this was the way to solve it. She explained she had been in the rental industry for many years and the number one concern to tenants was the cost of rent. Other concerns were the neighborhood, the cleanliness of the unit and the cost of utilities. As a result, she was in favor of low utilities. She suggested they first determine whether they had a problem

and noted she did not understand how the disclosure of utilities would provide a possible solution.

Michael Brown, 307 Bourn, stated he was representing the Columbia Board of Realtors and believed increased advertising costs would raise the cost of rental properties and make them less affordable. In addition, each person used a different amount of electricity, and that needed to be taken into account when establishing any policy on this subject. If the objective was to reduce the need for an increase in electrical generation capacity, he suggested it be approached as an incentive because he believed landlords would then more likely install insulation, windows, etc.

Karl Skala, 5201 Gasconade Drive, commented that he served on the Environment and Energy Commission and agreed the comparison of utility bills was a complex issue, but felt there was a way to normalize some of the data by assessing a baseline level and following that level as usage improved or did not improve over a period of time. He thought it would be useful to conduct a pilot to determine the type of data that could be collected.

Mayor McDavid made a motion for the City Council to hold a closed meeting on Tuesday, March 8, 2011 at 6:00 p.m. in Conference Room 1B of City Hall, 701 E. Broadway, Columbia, Missouri, to discuss a personnel matter as authorized by Sections 610.021 (3) of the Revised Statutes of Missouri (RSMo). The motion was seconded by Mr. Dudley with the vote recorded as follows: VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE. VOTING NO: NO ONE.

Mr. Dudley asked for a report on the number of street officers Columbia had today in comparison to 2010 and 2005. Mr. Watkins asked for clarification. Mr. Dudley replied he wanted to know how many officers they had on the street for patrol as opposed to in the office. Mr. Watkins stated staff would develop a spreadsheet of the categories of officers. Mr. Dudley stated he wanted the report to include the population of the City in those years and the number of officers per the population. Mr. Watkins asked if University officers should be included as well. Mr. Dudley replied yes.

Ms. Hoppe noted the property at Grindstone and Rock Quarry, which was associated with The Grove final plat, had already started clearing the property and burned trees and vegetation for at least five days. She asked for a report regarding when burning was allowed, how often it was done, how long it lasted, and whether the City could require or request it be taken to the landfill or turned into mulch. If it was not required, she suggested staff look at what other communities required.

Ms. Nauser asked the Bicycle/Pedestrian Commission to determine if it would be feasible to add a bike lane on Greenbriar, from the new trail in the process of being built as part of GetAbout Columbia south to Green Meadows.

Mr. Kesphohl stated he had received seven letters from tenants and business owners on Eighth Street, between Broadway and Walnut, and Walnut, between Eighth Street and

Tenth Street, with regard to buses with trailers parking on those streets. Although they had parking meter hoods, they blocked the businesses for long periods of time and sometimes all day. He thought the buses belonged to performers at the Blue Note. The suggestion was for them to unload the buses and move them to a parking lot so they were off of the street. He understood some ran all day with fumes going into the nearby businesses through mail slots, etc. He asked staff to look into the issue.

The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Sheela Amin
City Clerk