INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 7, 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 KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT and THORNHILL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of October 17, 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

Mayor McDavid made a motion to move B293-11 from the consent agenda to old business, and to approve the agenda with that change. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Ian Thomas (PedNet Coalition) and Darin Preis (Central Missouri Community Action) - Health Impact Assessment.

Ian Thomas stated he was the Director of the PedNet Coalition and explained that in partnership with the Columbia/Boone County Department of Public Health and Human Services and Central Missouri Community Action (CMCA), PedNet was recently awarded a grant worth $200,000 from the Robert Wood Johnson Foundation, whose mission was to improve the health and healthcare of all Americans. He thanked those that had contributed to the grant proposal, which included Council Member Barbara Hoppe, and explained the purpose of the grant was to develop expertise and demonstrate and institutionalize health impact assessments. He provided a handout and explained a health impact assessment was a policy tool through which analysis and research were conducted to estimate the public health impact of certain high level policy funding and infrastructure decisions. He gave examples of expanding public transportation and banning smoking, and listed items that might be measured for those policy decisions. Over the next couple years, he noted they hoped to build public and policymaker support to routinely assess the health impact of major decisions that might come before the Council or the County Commission as that information could help in making decisions.
Darin Preis noted he was the Executive Director of CMCA and explained CMCA had been awarded another $100,000 from the Missouri Foundation for Health in partnership with the PedNet Coalition and the Columbia/Boone County Department of Public Health and Human Services. This award would match the Robert Wood Johnson Foundation grant in an effort to achieve the same outcomes. Since he had been with CMCA, he had not only been interested in addressing the conditions of poverty, but had also been interested in the causes of poverty to stop it on the front end. Two root causes of poverty were health inequities and transportation issues. He explained they constantly looked at the social determinants of health in an effort to impact the overall health of the community and believed social determinants included, not only personal choices, but also environmental factors, such as access to healthcare, cost of healthcare, cost of housing, access to quality and affordable food, access to parks, opportunities for active living, access to early education, access to reliable transportation, etc. He stated he hoped these health impact assessments would be a valuable tool for the Council in its decision making.

PUBLIC HEARINGS

(A) Voluntary annexation of property located on the west side of Scott Boulevard, immediately north of Thornbrook Subdivision.

Item A was read by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe commented that the fiscal impact indicated user fees would offset costs incurred for the provision of City services, which included police, fire, refuse collection and maintenance of public infrastructure to include streets and sewers, but it did not mention snow removal. She noted they had not been provided any facts indicating everything was in place to cover those services when annexing property that would potentially house 181 new families. She pointed out the City was stretched thin in terms of snow removal and annexations would potentially delay snow removal in other areas. Mr. Teddy explained this was the annexation hearing portion of the application. The ordinance, which would zone and actually annex the property, was under the introduction and first reading section of the agenda. In addition, the next agenda would include the preliminary plat for 181 lots in the R-1 district. He asked if she wanted staff to provide additional information with regard to this at the November 21, 2011 Council Meeting. Ms. Hoppe replied yes. Mr. Teddy explained the report for this item was only a generalization indicating that this area would be served with City services.

Ms. Anthony asked if that would include City fire and police coverage. Mr. Teddy replied yes and explained it would become part of the City’s fire service territory and police response area.

Mayor McDavid opened the public hearing.

Archie Landes, 4904 S. Scotts Boulevard, explained he did not have any problem with the subdivision as he thought it would be nice. He understood the City had placed a sewer line through the property, not far from Scott Boulevard, and that he and others would also have access to connect to the sewer since they would be landlocked. He wanted it noted that he had requested access to connect to the sewer and explained he understood that...
meant he would have to annex into the City, which was acceptable to him. He pointed out he was not asking the City to hook up his sewer. He only wanted access without getting onto private property for that access.

John Clark, 403 N. Ninth Street, noted a group he had led with the Smart Growth Coalition had studied the cost of public infrastructure and maintaining a level of service, external to subdivisions, for homes of this size, and had concluded the cost was about $31,000 per a three bedroom house, which should be shared with the schools and library. He explained the study was based on work done in Oregon and Washington, and as a result of the study, he did not agree unidentified user fees would pay for services going forward. He wanted to see the actual minute details of the City’s projection and wanted to know how the City would receive payment as he wanted to ensure the cost was no passed on to everyone through higher rates due to bond issues. He encouraged the Council to conduct a study and identify funding prior to annexations. He pointed out the 2007 survey indicated 67 percent of the population felt those constructing new developments needed to pay for the additional costs.

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

Ms. Anthony commented that she agreed with a lot of what Mr. Clark stated and felt an annexation policy was needed. She hoped it would be discussed and developed through the comprehensive plan process. She agreed the Council needed more information before it could make a decision to annex 157.9 acres that would potentially include 181 single family homes. Although the roads in this area were on the CIP schedule, they were not improved and would likely not be improved prior annexation and development. She felt the City needed to start thinking about infrastructure first and development second. This annexation would also impact the schools when fully developed and Mill Creek Elementary was already severely congested. She did not believe the City should keep annexing without having infrastructure in place. She, like Ms. Hoppe, wanted more information with regard to the cost of infrastructure prior to voting.

Ms. Hoppe stated she agreed with Ms. Anthony and commented that she did not believe the majority of citizens wanted to be put on the backburner in terms of snow removal, police and fire services. They needed to know how the annexation would affect the community and where additional resources would come from prior to deciding on annexations.

Mr. Schmidt asked if the property would need to be subdivided before any major construction took place and if these questions would be answered at that point of the development. Mr. Boeckmann replied if the property was annexed and had the proper zoning, the Council had the duty to approve the subdivision if it met all of the ordinance requirements.

Mr. Thornhill commented that he thought they needed to be careful if they were going to attempt to determine how any development would tax the current system or if they would make the developer or whoever was responsible for the additional stress to the system to make improvements it because it would impact infill development as well.
Ms. Hoppe believed there would be different types and amounts of stresses and provided snow removal as an example as snow removal would likely not be affected by infill development.

Ms. Anthony commented that she viewed development in annexed areas differently than infill developments. She noted the Council might agree to this annexation, but she did not feel they had sufficient information to make that decision at this time.

OLD BUSINESS

B292-11  **Amending Chapter 13 of the City Code as it relates to eviction notices for certain tenants of manufactured or mobile home land lease communities.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe noted the bill still referred to 120 days and asked if that was correct. Mr. Boeckmann replied that should be amended.

Ms. Hoppe made a motion to amend B292-11 so any reference to 120 days was changed to 180 days. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Hoppe understood there would be a 180 day notice if there was a change in use of the property and asked if the closing of mobile home park was considered a change in the use of the property or if that need to be added. Mr. Boeckmann replied he thought they should amend the bill because the change came later.

Ms. Hoppe made a motion to amend B292-11 so it read “…due to a change in use of the property or the closing of the community….” The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Hoppe understood the bill indicated written notice would only go to tenants who owned the manufactured or mobile homes, but many tenants were in the process of owning the home without actually owning it.

Ms. Hoppe made a motion to amend B292-11 so written notice was provided to the tenants and owners of the manufactured or mobile homes. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

Ms. Hoppe commented that she had thought she had originally asked for rent abatement for the last three months of the notice period so she wanted to include that in the ordinance.

Ms. Anthony stated she was not sure why the provision allowing for an increase in rent based on an increase in property taxes was needed when they were discussing 180 days and suggested it be removed. Mr. Boeckmann pointed out that provision was also in state law so he did not believe it would have any practical effect even if it was removed from the ordinance.

Mr. Schmidt understood this legislation would be in effect immediately after its passage and asked if that was for eviction notices served after its passage. Mr. Boeckmann replied yes.

Mr. Kespohl asked if 180 days overrode state law. Mr. Boeckmann replied it could be argued either way. Some cases had upheld stricter obligations imposed by communities,
such as those involving liquor licenses, but other cases had indicated communities could not
prohibit what state law permitted. Mr. Kespolh asked why the property tax issue would not
override the state law. Mr. Boeckmann replied the state law specifically stated one could
increase rent based on an increase in taxes. Mr. Kespolh noted state law also stated a 120
day notice was required. Mr. Boeckmann explained a 120 day notice was still required. This
ordinance would require more notice to be given. Mr. Kespolh stated he did not see the
difference and did not understand why one situation overrode state law, while the other did
not. Mr. Boeckmann explained the 180 days was an additional requirement. Ms. Hoppe
noted the City was providing for a more stringent standard for the 180 days, but the removal
of the property tax issue would make the ordinance more liberal. Mr. Boeckmann explained
the state statute specifically indicated rent could be increased based on an increase in
property taxes. It was something the state was allowing, and if the state permitted it, the City
could not prohibit it. With regard to the notice provision, state law indicated 120 days was
required and the City was requiring more notice with the 180 days.

Mr. Schmidt understood that provision would not really have an affect because the
assessor would likely not raise property tax until redevelopment occurred. Mr. Boeckmann
replied that was correct in most cases, but noted the assessor periodically reassessed all
property. He agreed it was likely a remote possibility.

Ms. Anthony asked if the provision regarding property taxes was removed and was
later determined to violate state law, if it would invalidate the entire ordinance or just that part.
Mr. Boeckmann replied it would affect just that part.

John Clark, 403 N. Ninth Street, commented that as much as he applauded these
remedial efforts, he felt Columbia needed to get ahead of the curve and adopt a broad and
encompassing policy on affordable housing in an effort to invigorate, guide and coordinate
the city-wide efforts. He suggested a policy that would encourage and facilitate the creation
of sufficient affordable housing that was defined as housing that was affordable to
households with incomes below 30 percent of the median income of a household within the
City and was distributed evenly throughout and within the City of Columbia. He noted this
was recommended by the report of the Affordable Housing Task Force, but had not been
addressed. He pointed out that having programs and goals did not amount to having a policy
and asked the Council to develop a policy.

Ed Berg, 1215 S. Fairview, urged the Council to request Regency Trailer Park to
provide the 180 day notice. He explained the tenants had recently been given notice that
they needed to be out of the mobile home park by February 29, 2012 and would appreciate
an additional 30 days. He asked the Council to consider that since the tenants were being
forced to move during the winter season.

Paul Brown stated he and his mother lived in Regency Trailer Park and were disabled,
and being disabled made it harder to find a decent, affordable place to live since they were
on a fixed income. He noted he thought he was luckier than some of the others that lived at
Regency as some had more severe disabilities. He asked when the notice would be
considered legal as Regency had not provided him a reference. He thought that should give
him more time since any new housing entity would want a reference up front. Mr.
Boeckmann explained there was no requirement in the ordinance or statute for Regency to
provide a reference. Ms. Anthony understood the time started when the eviction notice was received since no reference was required. Mr. Boeckmann stated that was correct.

Paul Modisette, 2200 Powell Drive, explained he had gone through the Walnut Woods Trailer Park eviction and felt adequate notice needed to be defined. He believed a time should be agreed upon to serve a general 180 day notice within 30 days of any Planning and Zoning Commission discussion involving mobile home communities. In addition, he believed evictions should only take place during the months of May, June, July and August, so children would be less affected by a change in the middle of a school year. If they included those months in the 180 day period, it would eliminate the need for an additional clause for inclement weather. The current eviction notice involving Regency was during the holidays and bad weather months, which created difficulties in moving mobile homes. He also asked the Council to consider legislation that would not allow any mobile home community to buy or sell property for the purpose of it being left vacant if it was in compliance with City ordinances.

Ms. Hoppe made a motion to amend B292-11 by adding a provision indicating rent shall be abated for the last three months of the 180 day notice period.

Ms. Hoppe felt those renting or living in mobile homes needed the financial assistance to move their homes or find a new place to live as they were desperate. She wanted the rent abatement to be during the last three months of the notice period because she thought it would help the owner by giving tenants an incentive to stay for three months and not leave immediately.

The motion made by Ms. Hoppe to amend B292-11 by adding a provision indicating rent shall be abated for the last three months of the 180 day notice period was seconded by Ms. Anthony.

Mayor McDavid commented that the issue of incentives and disincentives was interesting as he felt this would disincentivize people from moving. He asked why people would leave in the second month when they would have three months rent free. He noted there were unintended consequences in everything they did. He also pointed out he was a little uncomfortable with interfering with contracts.

Mr. Schmidt explained these people were being asked to leave involuntarily and it was costly for them to pick up and move since they had to relocate a structure. With regard to the Regency issue, he felt the seller was making it difficult for people to move. He commented that the issue was whether the tenant was owed something for being asked to move at the land owner’s convenience.

Mr. Schmidt understood anyone getting evicted for non-payment or destruction of property would also get the 180 day notice. Mr. Boeckmann explained there was a provision indicating a landlord could evict a tenant with less than 180 days notice for a violation of the lease or as otherwise provided by law. Mayor McDavid asked for examples. Mr. Boeckmann replied non-payment or the creation of a nuisance.

The motion made by Ms. Hoppe and seconded by Ms. Anthony to amend B292-11 by adding a provision indicating rent shall be abated for the last three months of the 180 day notice period was approved by voice vote with only Mr. Kespohl and Mr. Dudley voting against it.
B292-11, as amended, was given third reading with the vote recorded as follows:

VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B293-11 Amending Chapters 13 and 22 of the City Code relating to sewage service utility rates.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid understood the basic problem was that the City could not measure sewer flow and had to approximate the cost based on the amount of water used. They could not base the quarter average during the summer because people watered their lawns and that water did not go into the sewer. They also could not use January, February and March because some people left during the winter and would have artificially low sewer charges. This proposal would calculate the winter quarter average on October, November and December as people were not necessarily watering their lawns or leaving for the winter.

Ms. Hoppe noted Mr. Weitkemper had brought up several issues in his letter to Council. One of the issues was the lack of ability to water outside apartments and Mr. Weitkemper suggested they be removed from the winter quarter average system for a more accurate sewer assessment. She asked if that was possible. Mr. Glascock replied only single-metered residences had a winter quarter average. Buildings that were master-metered were on actual usage.

Ms. Hoppe stated Mr. Weitkemper was concerned people were being charged the winter quarter average instead of actual use when the actual use might be less. Mr. Matthes explained the ordinance was the global rule and not perfect. He noted he had not received a copy of the concerns of Mr. Weitkemper and suggested he be provided a copy so he could respond point by point.

Mr. Kespohl asked if there was a concern with irrigation systems since the water did not go into the sewer system. Mr. Glascock replied the concern was the amount people would pay since it was not going into the sewer system. He explained that was the reason for the winter quarter average. The question was whether to charge average water usage or actual water usage for those that did not have an established winter quarter average. In the past, those customers had been charged 7ccf, which was the average across the City. They now charged based on actual usage. Mr. Kespohl asked if irrigation systems should be on a separate meter. Mr. Glascock replied they could and should be, but it was not a requirement.

Mr. Kespohl asked if they would be charged a commercial rate. Mr. Glascock replied only if they were on a commercial building. Irrigation systems on separate meters on residential buildings were charged residential rates. Mr. Kespohl asked if there was an ordinance requiring irrigation systems to be on a separate meter. Mr. Glascock replied no.

Mr. Thornhill asked how the problem would be solved if there was a second meter. Mr. Glascock replied customers would not pay sewer fees for water that did not go into the sewer. Mr. Kespohl understood it would be known that it was an irrigation meter and sewer would not be charged.
Ms. Anthony asked how expensive it was to install a separate water meter. Mr. Glascock replied the respective water company would charge for the meter. Mr. Matthes understood meters were not inexpensive.

Mr. Thornhill asked if the Council could be provided the cost of a separate meter.

Ms. Anthony noted she had received calls from owners of apartment complexes as their rates had increased and asked if Council could be provided the cost to meter each apartment unit separately.

Mayor McDavid made a motion to table B293-11 to the December 5, 2011 Council Meeting. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

CONSENT AGENDA

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

B289-11 Approving the C-P Development Plan of Liberty Plaza located on the northwest corner of East Broadway and Broadway Bluffs Drive; approving less stringent parking requirements.

B290-11 Vacating a sanitary sewer easement across Lots 1 and 2 within Westwood Estates located on the southwest corner of West Stewart Road and Westwood Avenue.

B291-11 Vacating excess street right-of-way on property located at 47 East Broadway.

B294-11 Amending Chapter 14 of the City Code to establish an all-way stop at the intersections of Rolling Hills Road and Grace Lane and Richland Road.

B295-11 Amending Chapter 14 of the City Code to provide reserved parking for police vehicles along a portion of the north side of Parkade Boulevard.

B296-11 Accepting a grant from the U.S. Fish & Wildlife Service for the 3M Urban Ecological Restoration Project located along Hinkson Creek and adjacent to the MKT Trail; appropriating funds.

B297-11 Appropriating funds from the State of Missouri, Department of Social Services for the 2011 Emergency Shelter Grant Program; authorizing agreements with various human service agencies.

B298-11 Accepting a grant from The Missouri Foundation for Health for Health Literacy Programming; authorizing a grant agreement with The Missouri Foundation for Health and Centro Latino de Salúd y Educación; appropriating funds.

B299-11 Authorizing a sub-recipient monitoring agreement with Boone County, Missouri relating to acceptance of the U.S. Department of Justice 2011 Edward Byrne Memorial Justice Assistance Grant to purchase training bulletin and policy manual services for the Police Department; appropriating funds.

R186-11 Setting a public hearing: special assessments against property specially benefited by and abutting the sidewalk improvements constructed along the south side of Broadway, from Eighth Street to Ninth Street.
R187-11 Authorizing Amendment No. 2 to the agreement with the State of Missouri – Department of Social Services for the Homeless Prevention and Rapid Re-Housing Program.

R188-11 Authorizing agreements for FY 2012 Signature Series Funding under the Tourism Development Program; transferring tourism development funds to the Parks and Recreation Department for the Heritage Festival.

R189-11 Authorizing Adopt A Spot agreements.

R190-11 Accepting the FY 2011 Bulletproof Vest Partnership Grant from the U.S. Bureau of Justice Assistance.

R191-11 Transferring funds to finalize and close out the benches and shelters project.

R192-11 Transferring funds to finalize and close out the five (5) transit buses replacement project.

R193-11 Transferring funds to finalize and close out the main terminal roof project at the Columbia Regional Airport.

R194-11 Authorizing the Finance Director to write off certain uncollectible receivables.

R195-11 Authorizing an agreement with Terracon Consultants, Inc. for professional engineering and geotechnical services for capital improvement projects.

R196-11 Authorizing an agreement with Engineering Surveys & Services for professional engineering and construction material testing services for capital improvement projects.

R197-11 Authorizing an agreement between the Columbia Special Business District and the Downtown Community Improvement District.

R198-11 Expressing support for the first phase of the Gentry Estates housing development for senior citizens.

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

NEW BUSINESS

R199-11 Authorizing Amendment No. 1 to the agreement with Black & Veatch Corporation for engineering services relating to construction of the Columbia Regional Wastewater Treatment Facility.

The resolution was read by the Clerk.

Mayor McDavid asked if the City hired KCI or if they were hired by Black & Veatch. Mr. Glascock replied KCI was the low bid. Mayor McDavid understood Black & Veatch did not have anything to do with the selection of KCI. Mr. Glascock stated that was correct.

Mayor McDavid understood Black & Veatch was given a contract for $3.84 million and they wanted an additional $500,000 because the paperwork associated with the stimulus funding was onerous and costing them a lot of money and because they were having issues with KCI. He did not believe enough information was provided for Council to approve an additional $500,000.
Derek Cambridge of Black & Veatch explained design costs were fairly easy to project, but the cost to administer a project during the construction phase was more difficult. As a result, they had developed a budget based on averages. Good contractors made it easier to administer while more difficult contractors made it harder, and they had a more difficult contractor for this project. To date, they had received 271 requests for information and 84 change proposals, where many of the proposals were priced higher than Black & Veatch felt were needed causing those documents to be reviewed twice. He believed most issues had been resolved, but there were still some outstanding issues. When comparing costs to what was budgeted, the areas impacted were associated with the administration of the ARRA grant and the change issue resolutions involving KCI.

Mayor McDavid understood there was low bid and best bid, and when the City did a best bid, the reputation of the contractor was considered. He asked if this was the first time this had happened with this contractor or if any references indicated KCI was hard to work with. Mr. Cambridge replied they had looked through the qualifications and recommendations of other clients. He noted this project involved a bank stabilization project and many of the early issues were driven by claims of changes in soil conditions. He commented that there was certainly an opportunity for a general contractor in an aggressive bidding environment to underestimate, but he was not sure they were dealing with that type of situation.

Mayor McDavid asked if the contract with Black & Veatch was bid. Mr. Glascock replied professional services were not bid.

Mr. Thornhill asked if the 271 requests and 84 change proposals were not typical for a project of this type. Mr. Cambridge replied it was on the higher side. He explained the numbers were less than half of this for a similar $35 million project that had started at about the same time.

Ms. Hoppe asked if Black & Veatch had provided detailed documentation of the excess time allocated to this project. She wondered how the $500,000 was determined. Mr. Cambridge replied they had not provided a detailed document in terms of a level of detail that indicated change proposal #84 came in twice and they spent 24 hours of additional time reviewing it. They tracked projects by phases and $150,000 was for the project administration phase and the remaining $350,000 was for general construction phase.

Mayor McDavid understood $350,000 was for the construction phase and $150,000 was for compliance with ARRA. Mr. Cambridge replied that was not necessarily correct. He explained ARRA efforts were in both phases. Mayor McDavid stated he would like for it to broken up in more detail and noted they were asking for 15 percent more than the original contract.

Mr. Cambridge commented that they had compared budgeted rates to the actual rates and projected those costs out, and if they stayed at the current response levels, the increase would be more than $500,000. He was hopeful they could get it under control and the $500,000 was an approximation.

Mayor McDavid suggested this issue be tabled until more documentation was provided to staff and for staff to provide a recommendation to Council. Mr. Glascock commented that the Black & Veatch contract had been negotiated prior to receiving the ARRA funding and
that they had asked for the $500,000 up front, but staff had asked them to estimate the hours based on a good contractor. He noted he was comfortable with the $500,000, but would be happy to provide more information as well.

Mr. Schmidt stated he would like to be provided with more documentation and a history of how often this sort of thing happened.

Mr. Schmidt asked how much the $500,000 was compared to the total cost of the project. Mayor McDavid replied he understood it was one percent, but noted that was still a lot of money.

Mayor McDavid commented that KCI might not want to use the City as a reference in the future. Mr. Glascock noted every contractor had an A Team and a B Team, and he believed they had the B Team on this project.

Mr. Thornhill asked if this would be the last time they ran into something unexpected. Mr. Cambridge replied he could not say it would be the last time. They were at the mercy of the contractor in terms of the construction phase services. They had to respond to their requests for information.

Larry Chappel of Black & Veatch noted they had gone through many of the submittal reviews and he stayed on budget. In addition, much of the major equipment had been received and the shop drawing had been approved for many of the major construction items. Unless there was an unforeseen issue, they planned to stay within the amount projected.

Mayor McDavid stated he was interested in how much of this they were ascribing to compliance with the ARRA and asked for that information to be provided as well.

Mr. Dudley asked for clarification regarding a typical request for information. He wondered why the information KCI was wanting had not already been presented in a drawing or preliminary work. Mr. Cambridge replied it could involve something that was not crystal clear in the documents or a product that was not available. He noted a lot of the ARRA items were not manufactured in the United States. In addition, there might be conflicts in the field, such as encountering a pipe they were not expecting.

Mr. Dudley stated he did not want the City to be penalized for something it did not do wrong, such as KCI not being given the proper information.

Mr. Schmidt explained he was interested in obtaining more information as to whether this $500,000 is necessary for good, quality work for the public. He noted this was an opportunity for them to make a better case with the additional information they were providing.

Mayor McDavid made a motion to table R199-11 to the December 5, 2011 Council Meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

R200-11 Authorizing an agreement with Limerick Lakes Homeowners Association, Inc. for repair of the spillway pipe in the Limerick Lake Dam and modification of the outlet structure to increase water quality function.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe noted the staff report indicated funds had been taken from two other stormwater projects that had been placed on hold and asked for more information about
those projects. Mr. Glascock replied he thought the money was coming from Middlebush and Royal Lytham.

Mr. Schmidt stated he assumed the projects were on hold for technical reasons. Mr. Glascock explained this project needed to be completed before the other two projects. Mr. Schmidt asked if this was an emergency situation. Mr. Glascock replied it was not an emergency yet, but they risked losing the street over the dam if this project was not completed.

Ms. Hoppe commented that she did not have any specific information indicating Middlebush or Royal Lytham had a greater need.

Mr. Schmidt asked for future reports to indicate whether it was an emergency situation or not as it would be helpful for prioritizing since there were serious stormwater situations in the older parts of the City.

The vote on R200-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

B300-11 Voluntary annexation of property located on the southeast side of Old Plank Road, approximately 800 feet east of the intersection of Old Plank Road and State Route K; establishing permanent R-1 zoning.

B301-11 Voluntary annexation of property located on the west side of Scott Boulevard, immediately north of Thornbrook Subdivision; establishing permanent R-1 zoning.

B302-11 Approving the C-P Development Plan of III Forks Prime Steakhouse located on the northeast corner of Providence Road and Green Meadows Road.

B303-11 Approving the Final Plat of Old Hawthorne, Plat No. 6 located on Old Hawthorne Drive East, south of the intersection of Bridle Bend Drive and Saddle Bag Court; authorizing a performance contract.

B304-11 Vacating a utility easement located at the northwest corner of East Broadway and Broadway Bluffs Drive.

B305-11 Vacating an easement for access to storm water facilities and a storm water management/BMP facilities covenant located on the east side of Seventh Street and south of Business Loop 70 (1100 North Seventh Street).

B306-11 Authorizing an annexation agreement with T-Vine Enterprises, Inc. for property located on the east and west sides of State Route B, between State Route HH and Ketterer Road.

B307-11 Authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc. for construction of the Chapel Hill Road Project from Scott Boulevard to Gillespie Bridge Road; accepting the work on the Chapel Hill Road Project; approving the report of the Director of Public Works; levying and assessing special assessments; appropriating funds.
B308-11 Authorizing construction of the Katy Place Trail MKT Connector Project; calling for bids through the Purchasing Division.

B309-11 Authorizing the acquisition of easements for reconstruction of Clark Lane – Phase 2, from the intersection of St. Charles Road and Lakewood Drive westward approximately 700 feet.

B310-11 Authorizing a right of use permit with the University of Missouri for the placement and maintenance of telecommunication conduits in portions of Eighth Street right-of-way and the alley running between Seventh Street and Ninth Street.

B311-11 Authorizing a right of use permit with Father Tolton Catholic High School for the placement and maintenance of a directional sign in a portion of the Discovery Parkway right-of-way.

B312-11 Authorizing a contract for sale of real estate with Frech Leasing Company, LLC for construction of the Hominy Creek Trail Phase II and the future Ballenger Lane extension.

B313-11 Accepting conveyances for sewer and temporary construction purposes.

B314-11 Amending Chapter 16 of the City Code to add a new section on notice of intent to excavate.

B315-11 Accepting conveyances for utility purposes.

B316-11 Amending Chapter 14 of the City Code as it relates to use of coasters, roller skates and similar devices.

B317-11 Amending Chapter 19 of the City Code as it relates to city employee professional dues and licensing fees.

B318-11 Amending Chapter 21 of the City Code as it relates to the Citizens Police Review Board, including provisions pertaining to the definition of “misconduct,” closed meetings and the availability of police policies.

B319-11 Authorizing an agreement with Evidence Control Systems, Inc. for review of the property and evidence unit within the Columbia Police Department; appropriating funds.

B320-11 Authorizing a work ordinance pertaining to the operation of the Columbia Fire Department and conditions of employment of the Columbia Fire Department personnel.

B321-11 Amending the FY 2012 Annual Budget and Classification Plan to add a Cashier position in the Finance Department, Treasury Management Division; transferring funds; appropriating funds.

REPORTS AND PETITIONS

REP181-11 Street Closure Request – University of Missouri Air Force ROTC.

Mr. Kespohl made a motion to approve the street closure as requested. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP182-11 Rollins Road and Maplewood Drive Intersection Improvements.

Mr. Matthes provided a staff report.

Ms. Anthony asked where this would go in the CIP in terms of priority. Mr. Matthes replied it was up to the Council.
Mr. Schmidt commented that the City had a lot of priorities and wondered if this needed to be included in the CIP as it would cost a lot of money. He noted they could probably purchase this gentleman’s house for $460,000. He remembered a previous wreck and understood the resident’s concern, but wondered if there was a cheaper solution.

Mr. Dudley explained three of the houses in the area had been hit by vehicles due to the blind corner there and understood the neighbors were not happy about the installation of a round-a-bout of this size. He asked staff to continue looking for other less expensive ways to calm traffic in the area. He felt one option was to install a stop sign, which would cause people to come to a full and complete stop.

Mr. Glascock noted there was a second drawing with a simpler option where the City already owned some of the right-of-way, but the CIP usually included the most costly option as it was a placeholder. Mr. Schmidt stated he was surprised the round-a-bout was so expensive. Mr. Glascock explained it was due to its impact on private property. Mr. Schmidt assumed the impacted property owner would donate the easement.

Mr. Dudley suggested they not include this in the CIP at this time. He wanted to speak with the property owner.

**REP183-11 Boone County Family Resource Center Request for Free Bus Passes.**

Mayor McDavid provided the staff report.

Mayor McDavid commented that Boone County Family Resources was an organization with a $9.5 million budget and that they received $2.5 million in property taxes. In addition, the City’s transit system had lost $1.5 million last year. As a result, he was disinclined to support this request for $156.

Ms. Hoppe noted she understood Boone County Family Resources contracted with people to teach others how to use the bus, but did not pay for the bus pass for the contractor and she had been contacted by a contractor. She agreed an option was for Boone County Family Resources to provide the $156 to the contractors. She had brought this up because she felt it was a good way to get more money for the bus system since someone trained to use the bus system would likely use it. Although she believed the City would benefit by more than the $156, she also felt Boone County Family Resources had the resources to pay for this expense.

Mayor McDavid commented that there were a lot of great organizations in Columbia and this could create an issue in terms of policy as others could request a break on one of the many services the City provided, such as utility assistance or trash service. He stated he was not inclined to support the request based on policy as well.

Mr. Schmidt explained he had spoken with the Director of the Boone County Family Resources regarding the public relations issue that had developed in the North Central Columbia Neighborhood and noted he had been very unhappy with that phone conversation. In addition, he had been contacted by some of the people involved in teaching people to use the buses and did not realize they were not being reimbursed by the organization as it had a huge budget. He felt this was ridiculous request as it had taken staff time to prepare this report, the public had to listen to this issue and his time had been impacted because he had to speak about it.
REP184-11  Missouri Statute RSMo 304.725 – Authorizing Free Parking for Veterans Displaying a Special License Plate.

Mayor McDavid defined how veterans could receive a Silver Stars, Purple Hearts, Prisoner of War recognitions, Congressional Medals of Honor or Bronze Stars and noted he did not have a problem supporting this request.

Mayor McDavid made a motion directing staff to prepare an ordinance implementing this new Missouri Statute for all City owned and operated hourly spaces on-street, within off-street surface lots and with garages in the City of Columbia. The motion was seconded by Mr. Thornhill.

Ms. Hoppe understood the University of Missouri did not provide free parking for these types of individuals and thought it would be difficult for people to know whether they were utilizing City or University parking. She suggested they allow free parking in the Fifth and Walnut garage only as it was clear as to where it would be provided and the orbital bus service would assist them in getting to other locations.

Mr. Thornhill asked if the orbital bus service was equipped for disabled people. Mr. Glascock replied it was.

Mr. Matthes noted staff could communicate with the University to see if they were willing to provide free parking as well.

Mr. Schmidt understood these people had performed a wonderful service for the United States and noted his one objection to this was that it was complex. It would require those monitoring parking to look for the different types of license plates, stickers, etc.

Mayor McDavid pointed out amendments could be made when the ordinance was brought forward.

Ms. Anthony stated she thought the license plates on these cars were pretty clear and did not think it would be difficult for anyone to recognize them.

Mayor McDavid stated he did not think there would not be many. Mr. Thornhill agreed.

Mr. Schmidt wondered what other types of people received parking preferences with license plates.

Ms. Hoppe stated she would appreciate it if staff would follow up with the University to see if they were willing to provide this type of free service as well.

The motion made by Mayor McDavid and seconded by Mr. Thornhill directing staff to prepare an ordinance implementing this new Missouri Statute for all City owned and operated hourly spaces on-street, within off-street surface lots and with garages in the City of Columbia was approved unanimously by voice vote.

REP185-11  Marketing Existing Paratransit Service to Council Meetings.

Mr. Schmidt understood this would provide service for people who wanted and qualified to have transportation to and from the meeting. Mr. Glascock stated that was correct and noted they had provided this service since 2001.

Mayor McDavid understood the service existed and this was simply asking whether Council wanted the sign displayed.
Ms. Hoppe asked if people would see the notice on the monitor because other things were usually shown on the monitor during meetings. Mr. Glascock replied staff could scroll it in the lobby. Mr. Schmidt suggested the Disabilities Commission put the word out so people were aware of the service. Mr. Glascock noted staff he could also display a static sign on a tripod as well.

Mr. Schmidt said the sign was a great idea, but it presupposed someone would be at City Hall to see the sign. Ms. Hoppe suggested it be put in a visible location on the City’s website or by the agendas. Mr. Glascock pointed out the City sent out fliers annually to all of the paratransit customers notifying them that this service was available. Ms. Hoppe suggested this be put on the website so someone that used paratransit knew it was available. Mr. Schmidt suggested they ask the Disabilities Commission to come up with other ways to market this service.

**REP186-11 OSCO Site.**

Mayor McDavid understood an entity was being paid to violate City ordinance and that the materials were for a boiler for burning wood chips, which was a great project. His issue was that this was a blighted site. He did not know if the owners were in hard financial times and could not afford to upgrade the site, but felt they were thumbing their noses at the City and suggested they be fined if they were in violation of the ordinance.

Mr. Thornhill asked for the amount of the fine. Mr. Boeckmann replied it was a zoning ordinance violation and the maximum fine was $250 per day. Mayor McDavid suggested they start fining the entity.

Mr. Schmidt asked if this was a fine on the property owner or the contractor. Mr. Boeckmann replied both the property owner and tenant were subject to the fine.

Mr. Schmidt agreed this was a convenient place to put the equipment, but it was also an eyesore. He understood the owners had received requests to use the property for things such as the Farmer’s Market, which had been turned down. He agreed they needed to start fining them for the violation.

Ms. Anthony stated she concurred with her fellow council members. She appreciated the fact the City Manager had tried to find a solution to this problem, but she did not feel it was the City’s job to negotiate on behalf of the University, the construction company and the owner of the property. If the new storage location was not on-site at the University and City roads were used for travel, she also thought they needed to document the condition of the roads in case it caused any significant deterioration.

Mayor McDavid asked if there was any will on the Council to amend the zoning ordinance to allow temporary permits as he understood Council could create conditions under which something like this would be allowed. Ms. Anthony stated she liked the fact it would provide Council flexibility and would be supportive, but noted she would not be supportive of it for this particular site. Ms. Hoppe agreed this was not an appropriate site.

Mr. Dudley made a motion directing staff to prepare an ordinance amending the zoning ordinance to allow temporary permits.

Ms. Hoppe stated she was agreeable in general, but not for this site. Mayor McDavid understood and noted it did not mean Council had to approve a request for this site.
Mr. Schmidt noted he would be sad to see the property owner pushing this off on the contractor as it was a good project and good for the City.

The motion made by Mr. Dudley directing staff to prepare an ordinance amending the zoning ordinance to allow temporary permits was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP187-11 City Channel - Meeting Broadcasts.

Mr. Matthes provided a staff report.

Ms. Anthony commented that the Council had some substantive conversations at work sessions and thought those work sessions should be televised. In addition, it assisted with the goal of transparency in governance. She suggested they do this if it was not a substantial additional cost.

Ms. Hoppe agreed as this would go a long way in terms of transparency, education and input.

Ms. Anthony asked if the Citizens Police Review Board meetings were televised. Mr. Matthes replied no. Ms. Anthony thought those meetings should be televised.

Ms. Hoppe made a motion to proceed with broadcasting Council work sessions and the Citizens Police Review Board meetings. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.


Mayor McDavid understood the Building Construction Codes Commission (BCCC) wanted the Council to revisit the International Energy Conservation Code because they were concerned with the testing requirements and sealing of the ductwork and with costs increasing by $1,400 - $2,900 with seemingly no benefit, but the Environment and Energy Commission (EEC) disagreed with the cost estimates and noted there were savings that could be attributed to doing this work. He believed the case made by the EEC was a stronger case.

Mr. Thornhill stated he had talked to some contractors and believed the EEC estimated costs were fairly accurate. He felt the $2,900 was a doomsday figure and the cost of $350 was more realistic for testing. He thought it would be less than $1,000 to provide this service for a bigger home.

REP190-11 Report from Firefighters' Retirement Board regarding the Fire Pension Fund.

Mr. Matthes provided a staff report.

Mr. Schmidt understood the LAGERS option was presupposing a solution before a solution had been chosen. He assumed the firefighters that fell into this window could be brought into another system if another solution was chosen instead. Mr. Matthes stated that was correct. He explained a counter-idea was to create a second tier pension plan the City would continue to manage and this option was being reviewed by the actuary to determine if
it would save as much or more or would cost more. The idea was for new hires to continue to help pay off the current plan. While the City could start LAGERS today since the waiting period had passed, they did not have anyone to include in that system at this time.

Mayor McDavid noted this was a huge problem for the City as the money put in by employees and the City was about one-third to one-half of what needed to be in the pension account. The actuaries would determine how much money needed to be in the account for future payout, and based on that amount, the City needed to figure out how it could be accomplished.

Mr. Schmidt commented that a big part of the problem was the rapid escalation of benefits. The effects were no money for raises for a number of years since they were making promises they could not keep with regard to the pension schedules. Mayor McDavid pointed out the City was also solving the problem by not hiring as many police officers and firefighters as the population increased.


Mayor McDavid noted this report looked at some of cost issues in terms of development, infrastructure, etc. and thought it would be a great reference for the future.

Ms. Anthony thanked staff for the report as she felt it was very thorough and included information that was important for them to have when evaluating the issues.

REP192-11 Extending Transit Evening Service Hours – Monday through Wednesday.

Mayor McDavid understood there was currently no funding source to cover this additional expense and noted they had gone through that exercise as part of budget. Ms. Hoppe pointed out this report had been asked for before they had gone through the budget process. Mr. Matthes agreed and noted the request had asked staff to pursue specific grant opportunities, and at this time, those opportunities were not available.

REP194-11 Neighborhood Organization Policy.

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

Ms. Anthony commented that she appreciated this report, but noted she did not believe it was working as homeowner associations had to create new by-laws in order to comply with the neighborhood organization policy and be officially recognized. She wanted staff to suggest changes to the policy whereby homeowners associations did not need to have two sets of bylaws as it did not make sense to her.

Ms. Hoppe believed the problem with automatically transferring homeowner associations to neighborhood associations was that they only had owners as members, but 60 percent of Columbia's population was renters. Neighborhood associations included both owners and renters. Ms. Anthony noted most homeowner associations in the Fifth Ward did not allow the rental of properties.

Mr. Schmidt stated he thought the Office of Neighborhood Services dealt with homeowner associations as if they were neighborhood associations. In addition, neighborhood associations were voluntary while homeowner associations were mandatory.
There was no reason the members of a homeowner association could not form an identical neighborhood association. He did not believe the rules were very onerous.

Ms. Hoppe commented that many homeowner associations had become neighborhood associations in the Sixth Ward since she had been on the Council. Ms. Anthony understood they had to go through the steps of going door to door and creating a new set of by-laws. Mr. Schmidt believed it would be fairly easy for a homeowner association to do this as they already had the mailing list, etc. Ms. Anthony noted there had been a lot of complaints in the Fifth Ward.

Ms. Anthony stated she wanted more information as to whether there was a way to accomplish this in a less onerous manner. Mr. Teddy commented that staff could discuss the situation.

Mr. Matthes explained there were many models nationwide and Columbia had a far greater number of neighborhood organizations than many other cities. He thought one of the reasons was because Columbia allowed neighborhood organizations to self-select and have a two person neighborhood organization. It was very permissive in that aspect. Many cities had a minimum size requirement for neighborhood organizations, which normally precluded homeowner associations from also being neighborhood associations. Mr. Schmidt stated he had been very pleased with Columbia’s way of handing neighborhood associations as it was inclusive.

Mr. Matthes noted staff would provide more information as requested.

REP193-11  Brick Street Renovation.

Mr. Matthes provided a staff report.

Mr. Thornhill commented that the report did not include the long term maintenance cost for an asphalt or concrete street compared to a brick street and asked for that information to be provided. In addition, input had not been obtained from the Historic Preservation Commission, and he thought it would be helpful to have their thoughts. Mr. Glascock stated he and his staff discussed this issue with the Historic Preservation Commission. Mr. Thornhill asked staff to present the revised report to the Historic Preservation Commission for comment. Mr. Glascock stated he believed the maintenance costs were probably higher for brick as it would be more costly to replace than asphalt.

Ms. Hoppe stated she wanted the Historic Preservation Commission to have the opportunity to provide input as well.

Mayor McDavid noted another other issue with brick streets involved its incompatibility with narrow wheeled bicycles and wheelchairs as it created a less smooth experience. Ms. Hoppe commented that there might be options for a crosswalk that looked like it was created with brick, but had the smoothness needed for wheelchairs.

REP195-11  Intra-Departmental Transfer of Funds Request.

Mr. Matthes explained this report had been provided for informational purposes.
COMMENTS BY PUBLIC, COUNCIL AND STAFF

Karl Skala, 5201 Gasconade Drive, suggested the low bid contractor from St. Louis be extended an invitation with regard to future discussions regarding the cost overruns involved in the contract with Black & Veatch to help determine responsibility.

Roger Gadbois, 428 E. Clearview, commented that he volunteered to maintain City trees and it took him a year to get one-fourth of a load of mulch. He suggested the City do a better job of taking care of its volunteers by providing the products and equipment necessary. He noted he maintained the trees on Blue Ridge and Garth. He understood Brown School had lost about $1,500 worth of trees in the early part of the summer because he did not have any way to get water there or anyone to call. He commented that the artwork at the newer fire station was located near the building and was not lit. It was between a couple cars and the grass around it had died. He thought it was atrocious that thousands of dollars were spent, but it was located between a water fountain and the door to the restroom. He believed it needed to be better displayed. He stated he believed the City could do better with its public art by planning ahead and suggested the Council provide input to ensure more quality art for the Columbia.

Spencer Vyrosteh, 1101 Pannell Street, stated he had recently been taking up occupancy outside of City Hall and noted the power outlets within and outside of City Hall were no longer operational, which created an issue for the media as they were not able to power their cameras as easily. He hoped this had not been done to discourage anyone from being outside of City Hall. He noted a recent poll of over 1,000 Americans showed 36 percent supported the occupancy.

Amy Sanders asked the City Manager to amend his report regarding Fano provided to Council at the previous Council Meeting on the basis of keeping things factual and non-emotional. She understood their decision regarding the selling of Fano would not change, but felt the sentence indicating Fano had bit an officer needed to be removed as it was not factual. Bites had to be documented by officers and she did not believe that documentation existed. She thought this was important, especially if the City was going to put the dog back on the street. She reiterated she believed the report needed to be amended.

Mayor McDavid asked staff to provide a report for the next Council Meeting detailing how the transit budget would be balanced during the next fiscal year. He understood $800,000 needed to be cut, which meant service would likely be cut, and he believed those customers whose services would be cut needed to be made aware of the proposed changes so they could make other arrangements. He noted the same report would be provided to the Transit System Task Force as well.

Ms. Hoppe noted staff had provided Council information regarding Senate Bill 1450, which was currently in the Commerce, Science and Transportation Committee and whose members included Senators Blunt and McCaskill. She understood the bill would allow heavier trucks to be used on the interstate highways. She knew the City normally did not
take positions with regard to national legislation, but this would erode the COLT customer base. In addition, rail transit was much more sustainable than truck transit as it could move a ton of freight 423 miles on one gallon of fuel and would release less CO2. There was also an issue of safety in terms of longer stopping distances and the deterioration of roads and bridges. She understood MoDOT, AAA Insurance, and several national associations of counties, local counties in Missouri, Trooper and Sheriff Associations, etc. were concerned as well.

Ms. Hoppe made a motion directing staff to draft a letter on behalf of the City under the Mayor’s signature opposing this legislation. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Hoppe understood there was a great need for utility bill assistance in Columbia due to people not being able to pay their bills. She noted the City had a program for people to voluntarily donate money to help those on disability and those with families, but the money in that City account did not meet the need. She asked for suggestions regarding what could be done to assist. She wondered what other cities did. She asked if there were other programs or how donations could be increased as she did not believe they could ignore this situation.

Ms. Hoppe noted she had asked staff to paint the curb yellow on the southwest corner of Rock Hill and University at the October 3, 2011 Council Meeting because people could not see around the parked cars, and since she had not heard anything, she wanted to make sure something would be done.

Ms. Anthony noted she had submitted a request to staff to look into the intersection of Nifong and Sinclair due to the traffic congestion there, especially when people were picking up and dropping off kids at Mill Creek Elementary. She wanted the public to know the City was looking into the situation.

The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Sheela Amin
City Clerk