INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 18, 2011, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was led by Boy Scout Troop 707 of Calvary Episcopal Church. The roll was taken with the following results: Council Members DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL and KESPOHL 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 April 4, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ADJUSTMENT

Townsend, David, 2020 Cobblestone Court, Ward 5, Term to expire May 1, 2016

DOWNTOWN COLUMBIA LEADERSHIP COUNCIL

Gerding, Rosalie, 101 S. Fifth Street, Apt # 1, Ward 1, Term to expire May 1, 2014
Treece, Brian, 2301 Bluff Pointe, Ward 6, Term to expire May 1, 2014

PLANNING AND ZONING COMMISSION

Brodsky, David, 903 West Ash, Ward 1, Term to expire May 31, 2016
Reichlin, Stephen, 4208 Fall River Drive, Ward 5, Term to expire May 31, 2016

UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF BOONE COUNTY

Tate-Kuhler, Denise, 1301 Glasgow Drive, Ward 5, Term to expire March 1, 2013

SCHEDULED PUBLIC COMMENT

None.
PUBLIC HEARINGS

B94-11 Accepting the work on the Sanitary Sewer District No. 166 (Thompson Road and Wyatt Lane) sewer construction project; approving the report of the Director of Public Works; levying and assessing special assessments.

The bill was given second reading by the Clerk.
Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.
Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.
B94-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

(A) Construction of the Providence Pedway project between Wilkes Boulevard and Vandiver Drive.

Item A was read by the Clerk.
Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.
Ms. Hoppe noted some of the diagrams received as part of the packet were hard to read even when enlarged and asked if better diagrams could be provided in the future. Mr. Glascock stated he would try to provide better diagrams in the future.
Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.
Mr. Thornhill made a motion directing staff to proceed with the plans and specifications for this project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

OLD BUSINESS

B87-11 Authorizing a Historic Preservation Fund Grant Agreement with the Missouri Department of Natural Resources for a study of the economic impact of historic preservation in Columbia; appropriating funds.

The bill was given second reading by the Clerk.
Ms. Hertwig Hopkins provided a staff report.
B87-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B88-11 Amending Chapter 22 of the City Code as it relates to industrial and commercial manufacturing sanitary sewer rates and connection fees.

The bill was given second reading by the Clerk.
Ms. Hertwig Hopkins provided a staff report.
Ms. Hoppe asked what the fiscal impact would be if everyone eligible applied for the phased-in approach. Mr. Glascock replied he did not have that information at this time.
Mr. Schmidt understood this applied to manufacturers with more than 25 employees and asked why smaller manufacturers were excluded, and if there were any smaller manufacturers. He also asked if a manufacturer with eight employees would be excluded.
under this ordinance. Mr. Boeckmann replied the ordinance required the manufacturer to have at least 25 employees in order to be eligible. Mr. Schmidt asked if that could be adjusted to help a smaller manufacturer or if it would create an administrative burden whereby everyone would then be considered a manufacturer. Ms. Hertwig Hopkins thought most of Columbia’s manufacturers had 25 or more employees in terms of companies in the business of manufacturing and industrial production.

Bill Weitkemper, 3717 Bray Court, stated he had spoken with staff with regard to sewer billing earlier this afternoon. He explained he thought the reason the non-residential sewer rates had increased so much was due to changes in the ratios of the base and volume charges and because the base charge percentage for each user classification had been adjusted to match the classification’s volume charge percentage. After speaking with City staff, he was told the ratio between the base charge and the volume charge was the only thing that had changed. As a result, residential users would pay 54 percent of the volume charge revenue and 88 percent of the base charge revenue. This meant the base charge rates that were recently adopted for non-residential users, which were the formal commercial users and the University that would have generated $381,000 in base charge revenue, would actually generate over $1.2 million of revenue. A 12 percent sewer increase for Kraft Foods and other non-residential customers was due only to the adjustment in the base charge ratio and collecting over $800,000 of revenue that was not needed. He felt that instead of approving a phased-in rate for some customers, the rates needed to be reviewed. He commented that he also did not agree with classifying some dwelling units as residential and others as non-residential. He noted he had asked Mr. Glascock why the occupant of a dwelling unit that was supplied water by a master water meter could not be charged the same $5.52 base charge as an occupant of a dwelling unit that had an individual water meter and was told it could not be done due to the Hancock Amendment and that there was no way to collect the charge if it was not paid since they could not turn off a customer’s meter for this reason. He also asked why the $5.52 base charge could continue to be charged to the master water meter account holder if the dwelling unit did not have its own particular water meter and was told it was because the owners did not like to be charged the fee. If that was the case, he wondered why 830 owners were charged a meter capacity base charge of $157,000 for 6,000 dwelling units instead of a per unit base charge of $401,000 and was told this was what 99 percent of the other communities did and it was recommended by the Sewer Task Force. Unless the Hancock Amendment truly prevented another solution, he believed the City should look to do something different. He suggested the ratio between user groups be adjusted, so all users would be affected instead of only some users, and that this ratio be phased-in over three years.

Mr. Glascock explained they were in the process of to clarifying the connection fee so a dwelling unit was charged per unit when they came in for a permit.

Mayor McDavid commented that unintended consequences sometimes occurred when changing rates and fees. He explained local manufacturing companies were not only competing against other manufacturing companies, but they were also competing with other sites within their own company. As a result, most companies managed their costs tightly. In addition, these companies were willing to move employees, so these jobs were precious and
hard to retain. They were also hard to get back once they were gone. On that basis, he stated he would support this legislation.

B88-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDADVID, SCHMIDT, THORNHILL, and KESPohl. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**B89-11 Amending Chapter 14 of the City Code relating to parking meter rates, parking garage hourly rates, and hours of operation.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.

Mayor McDavid understood the parking utility could lose money if the City built the Short Street garage without passing this legislation which would increase parking meter rates. Mr. Glascock stated that was correct. Mayor McDavid noted that without a revenue stream, they would not be able to sell any bonds to build the garage because people would only loan them money if they could pay it back.

Mayor McDavid understood there were time frames associated with the issuance of bonds and asked how long this could be delayed. Ms. Hertwig Hopkins replied that assuming construction would start in October and a work session was held in May to further discuss this issue, they would have 45 days, which meant legislation to set rates would need to be considered at the June 6, 2011 Council Meeting. She noted the process to purchase the land for the garage would need to be finalized as well. Mayor McDavid understood the City would not have the revenue to support the sale of bonds if rate increases were not approved within 45 days, and as a result, the Short Street parking garage would not be constructed. Ms. Hertwig Hopkins stated that was correct if they were trying to meet an October construction schedule.

Mayor McDavid commented that there had been a sense of urgency at the March 7 Council Meeting by the representative of the hotel, and he had not seen that sense of urgency since. In addition, there was a plan to build a hotel, but it was not a guarantee, so there was a risk of the parking garage not being built even after raising rates and spending money on its design. As a result, he believed it would be appropriate to delay the City’s obligation as long as possible to ensure they were not left with a parking garage without a hotel.

Mayor McDavid made a motion to table B89-11 to the June 6, 2011 Council Meeting. The motion was seconded by Mr. Kespohl.

Mr. Dudley asked if this issue could be brought back sooner if they were ready to proceed in a shorter time frame. Mayor McDavid replied he believed the Council needed three things prior to being able to move forward. One was a revenue stream, which they were in the process of identifying. They also needed stakeholder consensus and he was interested in seeing whether there was stakeholder endorsement or opposition. In addition, they needed a guarantee or a sense of comfort that the hotel would be built.

Mr. Glascock asked how the contract with the consultant should be handled. He wondered if they should continue to obtain a conceptual design of the garage. Mayor McDavid asked for the cost. Mr. Glascock replied he did not recall. Mayor McDavid asked if
Mr. Glascock replied it would be more than $10,000. In addition, the consultant had planned to attend the stakeholders meeting, which would involve expenses. He needed to know how much the Council was willing to spend at this time. Mayor McDavid noted the City had already committed to the stakeholders meeting, which was the following day, so they would need to be paid for their services. He commented that he wanted to keep City expenses down until they had some assurance indicating the hotel would be built.

Mr. Thornhill asked for the City’s level of communication with the developer. Mr. Glascock understood discussions were occurring on a weekly basis.

Mr. Glascock pointed out the idea of a new hotel at this location had come up before, and if the City had a conceptual design, the Council would have something to work with in the future if it came up again. He noted he would let them know how much the conceptual plan would cost. He explained it took five months to get to construction drawings, and if they had a conceptual design, it would only take about three months.

Ms. Hertwig Hopkins stated Mr. St. Romaine had been in contact with the developer on a weekly basis and Mr. Boeckmann had also been communicating with the developer’s attorney regarding the land purchase agreement. She pointed out that although Council had provided staff authorization to sign the land purchase agreement, it had not been signed.

Mayor McDavid asked if there had been a contingency in the contract indicating the City did not own the parking lot until the contractor started demolition. Mr. Boeckmann replied it indicated that in one of the definitions, but it also had a 140 or 150 day time frame for when the City would take possession. He explained there had been a number of proposed changes to the agreement and he was not agreeable to some of those changes unless it came back to Council, so he thought they might be seeing the agreement again in the future.

Mr. Kespohl asked if this bill would need to be reintroduced if it changed. Mr. Boeckmann replied it depended. If there was a substitutive change, the ordinance would have to be held over until the next meeting. Mr. Kespohl understood the ordinance could be voted on in 45 days.

Mr. Schmidt asked what would be considered substantive as they might want to make changes based upon stakeholder feedback. He was concerned a delay would impact this project. Mayor McDavid asked if it would be substitutive if they amended the bill so the rate increase went from $0.50 to $0.75 per hour for the meters near campus, but they did not plan to charge an hourly rate for the meters in the parking garages. Mr. Boeckmann replied he did not believe that would be a substantive change.

Ms. Anthony asked for clarification regarding the charrette being held. Mayor McDavid replied a stakeholders meeting was being held tomorrow. Ms. Anthony asked who was involved in that meeting. Ms. Hertwig Hopkins replied the consultant and downtown leadership. She thought invitations had been sent throughout the neighborhood and noted Council Members were welcome to attend as well.

The motion made by Mayor McDavid and seconded by Mr. Kespohl to table B89-11 to the June 6, 2011 Council Meeting was approved unanimously by voice vote.
Authorizing construction of Sewer District No. 165 (Maple Bluff Drive); calling for bids through the Purchasing Division; appropriating funds.

The bill was given second reading by the Clerk. Ms. Hertwig Hopkins and Mr. Glascock provided a staff report. Ms. Hoppe stated she understood this had been contentious and asked if there were still any contentious issues. Mr. Glascock explained what they had tried to accomplish using the diagram on the overhead and noted he believed most property owners were satisfied. Ms. Hoppe asked if the people on Holly Hills were satisfied. Mr. Glascock replied they would include a time limit on when that work had to be completed. They would also bore the line so there would not be any street construction except where the tie-ins would occur.

B92-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

Authorizing the acquisition of easements for construction of Sewer District No. 165 (Maple Bluff Drive).

The bill was given second reading by the Clerk. Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.

B93-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

Authorizing an agreement to abrogate the development agreement with B & E Investment, Inc. and Sapp-Bristol Management Group, LLC for the Bristol Lake Development and related road improvements; directing the City Clerk to have the agreement recorded; superseding a portion of Ordinance No. 019009.

The bill was given second reading by the Clerk. Ms. Hertwig Hopkins provided a staff report. Ms. Hoppe understood the road improvements contemplated outside but adjacent to the development area, which involved the Gans Interchange, Gans Road and Ponderosa, had either been made or a contribution for those improvements had been provided, and the TDD would not be required for those improvements.

Mayor McDavid asked if there was any City obligation or liability. Mr. Glascock replied no.

Mr. Boeckmann pointed out that the State Auditor’s Office wanted a letter from a City official stating the City did not object to the dissolution of the TDD. If Council passed this ordinance, he would write a letter to the State Auditor’s Office.

Craig Van Matre, an attorney with offices at 1103 East Broadway, stated he was representing the buyer and the seller, and as the newly appointed legal counsel to the TDD, he was requesting this ordinance be approved so they could terminate the existence of the TDD. He explained it would be more difficult to develop the property with the TDD in existence and noted they had done everything they could to eliminate any debt or obligation on the part of the TDD, but this agreement that remained of record was an impediment.
Once it was abrogated, they would not have a problem with the audit, which was a condition precedent to the termination of the TDD.

Mr. Kespolh asked Mr. Van Matre if the State Auditor confirmed the obligations of the TDD were zero. Mr. Van Matre replied the State Auditor was looking for him to show that. He explained Mr. Sapp had acquired ownership of all of the known obligations through some of his entities. The only unknown obligations were those arguably owed to the City or MoDOT. He had verbal confirmation from MoDOT that nothing was owed and understood staff had confirmed the City was not owed anything either. He thought that after tonight, the auditor would be satisfied.

Ms. Hoppe noted all of the conditions involved in the rezoning that occurred in 2004 were still in existence. This would not release or change any of that. This only affected the TDD agreement with the developer.

B101-11 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**B102-11**  Amending Chapter 17 of the City Code to restrict dogs and cycles in Bonnie View Nature Sanctuary.

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Mr. Hood provided a staff report.

Mr. Kespolh made a motion to table B102-11 to the May 16, 2011 Council Meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**B103-11**  Amending Chapter 22 of the City Code as it relates to the transfer of rental certificates.

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Ms. Britt provided a staff report.

Mayor McDavid asked if staff was recommending the alternative proposal involving 18 months. Ms. Britt replied yes, and noted it seemed to satisfy some of the concerns of the Columbia Board of Realtors and the Columbia Apartment Association.

Mr. Kespolh made a motion to amend B103-11 per the alternative proposal, which had been provided to Council for review with the memo. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B103-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**CONSENT AGENDA**

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

**B86-11**  Approving the Final Plat of Bellwood, Plat No. 4 located northeast of the intersection of Reedsport Drive and Cedar Falls Court; authorizing a performance contract.
B90-11 Authorizing construction of the Avenue of the Columns streetscape project along Broadway and Eighth Street; calling for bids through the Purchasing Division.

B91-11 Authorizing construction of sidewalks and a pedway located within Arbor Pointe Subdivision along Waco Road and Arbor Pointe Parkway; calling for bids through the Purchasing Division.

B95-11 Authorizing an Alley A Storm Water Conveyance Agreement with Evorg Properties, LLC, Urban Properties, LLC, The Broadway Trio, LLC, 916EBroadway, LLC, 918 Broadway, LLC, Keepers-Dalton Partnership, Nicholas H. Peckham Trust and Diane P. Peckham Trust and Happytime Exchange, LLC to allow for the installation of a storm water pipe system in Alley A.

B96-11 Authorizing a cooperative agreement with Boone County, Missouri relating to road maintenance of certain sections of Richland Road, Bethel Church Road, St. Charles Road, Hickam Drive, Hickam Court, Bethel Drive and Old Plank Road.

B97-11 Accepting conveyances for access to storm water facilities, temporary construction, sewer and street purposes.

R98-11 Accepting Stormwater Management/BMP Facilities Covenants.

R99-11 Accepting conveyances; authorizing payment of differential costs for construction of a water main serving Lot 2 within Providence Village South, Plat 1; approving the Engineer’s Final Report.

B100-11 Accepting a conveyance for utility purposes.

B104-11 Appropriating funds to the Convention and Visitors Bureau for increased public relations and advertising.

B105-11 Accepting a donation from Boone County National Bank through the Columbia Police Foundation for a Police Department Employee Awards Ceremony; appropriating funds.

B106-11 Appropriating funds for the production of an international recruitment video for REDI, Inc.

B107-11 Appointing Michael Matthes as City Manager for the City of Columbia; authorizing an employment agreement.

R49-11 Setting a public hearing: construction of the East Pointe Subdivision electric and water main loop closure project.

R50-11 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for Child Care Asthma Quality Improvement.

R51-11 Authorizing agreements with Diamond Council and Midway Exposition Center for tourism development funds.

R52-11 Authorizing an Adopt a Spot agreement with Graves Menu Maker Foods.

R53-11 Adding City Manager Mike Matthes as an authorized representative pertaining to opening and maintaining accounts at UBS Financial Services, Inc.

R54-11 Authorizing a Master Services Agreement with U.S. Bank National Association to add Mike Matthes as an authorized signer on City bank accounts.
The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R55-11 Authorizing application to the State of Missouri for federal/state public assistance relating to reimbursable expenses associated with the blizzard in January-February, 2011.

The resolution was read by the Clerk.
Ms. Hertwig Hopkins and Ms. Schwartz provided a staff report.
Ms. Hoppe asked where the money would go when the City was reimbursed. She wondered if it would be returned to the individual department budgets. Ms. Schwartz replied 75 percent of the amount approved would be reimbursed to the City of Columbia as one entity. Ms. Hertwig Hopkins stated those funds would go into the general fund.

The vote on R55-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE.
Resolution declared adopted, reading as follows:

R56-11 Authorizing the sale of Revenue Bonds for Water and Electric system improvements and for the purchase of the outstanding shares of the Columbia Energy Center.

The resolution was read by the Clerk.
Ms. Hertwig Hopkins and Mr. Blattel provided a staff report.
Mr. Kesphol understood $22 million in revenue bonds had been approved by voters in 2008. Mr. Blattel stated that was correct. Mr. Kesphol understood the $8 million the City was replacing on a bond had been a revenue bond. Mr. Blattel stated that was correct.

The vote on R56-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE.
Resolution declared adopted, reading as follows:

R57-11 Authorizing Amendment No. 1 to the agreement with SEGA Inc. for engineering services relating to a transmission line route study.

The resolution was read by the Clerk.
Ms. Hertwig Hopkins and Mr. Johnsen provided a staff report.
Ms. Hoppe asked what Option B meant for the area east of Providence Road. She wondered if line would run along Grindstone Parkway. Mr. Johnsen replied yes. He explained it showed the route selection for inserting the new substation into the 69 kV system from Grindstone to the Hinkson Creek. The other route selection study that would be part of this amendment was for the 161 kV route that would tie the McBaine substation to the Perche Creek substation. He noted those were the two routes involved in what he termed as the Option B route that had been presented to Council in February 2011.

Ms. Anthony stated it was unclear as to where the line would run from Peach Court to the connection at Hinkson. Mr. Johnsen explained this was an amendment to identify the
routes, so all that had been provided to date was an electrical diagram for Option B. This study would identify the physical alternatives of where the routes could be located.

Ms. Anthony asked if consideration would be given to burying lines near residential areas and if associated costs would be provided. Mr. Johnsen replied they would identify costs associated with possible scenarios later in the process as they had quite a few steps in the process remaining.

Ms. Anthony understood the time line set forth in the report later on the agenda included when the next public meeting would be held. Mr. Johnsen stated that was correct.

Ms. Hoppe asked if one of the options was still to run the line down Gans Road by Rock Bridge State Park for the east side of Providence Road. Mr. Johnsen replied he did not foresee that as one of the options. His expectation was to insert the 69 kV on Grindstone Parkway going from McBaine to Perche Creek, which would start on the south, go around the west side of the service territory and then head north. He stated they tried to show the electrical configuration of what they wanted to accomplish, and that this study would provide the physical parameters.

Ms. Anthony asked if there had been significant public input on the selection of the Peach Court site. Mr. Johnsen replied he had not held this position at that time, but his understanding was that it did go through a public process. He was not sure of the length of the public hearing process.

Ms. Anthony asked if moving the substation was an option. Ms. Johnsen replied yes, but there would be costs associated with that decision.

Mr. Kespohl understood the City put out a request for land in that area and this was the only site anyone was willing to sell for the substation. Mr. Johnsen stated this site involved a willing seller and met all of the selection criteria. Mr. Kespohl understood there were no other options at that time since no one else was willing to sell property in the area. Mr. Johnsen stated he thought that was correct.

Ms. Hoppe noted there were some typographical errors in the scope of work. In item 2(a)(ii), she thought one of the words was supposed to be interconnecting and pointed out Hinkson was spelled wrong. In addition, “will” was omitted from item 2(c)(iv).

The vote on R57-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R58-11 Authorizing an agreement with Lathrop & Gage, L.C. in connection with the administrative appeal of a Total Maximum Daily Load (TMDL) determination for Hinkson Creek issued by the U.S. Environmental Protection Agency.

The resolution was read by the Clerk.

Ms. Hertwig Hopkins provided a staff report.

Ms. Hoppe asked for clarification regarding the focus of this appeal. Mr. Glascock replied this involved an administrative appeal with regard to the the 3-5 year time frame given in the TMDL and the 100 percent compliance requirement associated with warm water aquatic life.

Mr. Schmidt asked what the City was seeking or if that had been decided yet. Mr. Glascock replied the City was requesting a softening of those two requirements. The City
wanted a longer time frame and something less than 100 percent compliance. Mr. Hertwig Hopkins explained this was not an appeal in terms of the water quality itself. They were asking for relief with regard to the methodology required.

Mr. Schmidt wondered if 3-5 years was realistic as he assumed there would be a lot of engineering. Mr. Glascock explained the City wanted to do adaptive management, which took a lot of time, and wanted to monitor the stream for a few years to ensure the data was correct.

Mayor McDavid commented that he believed this appeal had to be made for two reasons. He explained the EPA was requiring all of the City’s scores to be 16 or above in terms of the Missouri Stream Condition Index, which determined how well streams supported warm water aquatic life. He referred to a document published by DNR in 2002, which indicated 41 of the 261 streams measured were below 16, and noted that in the normal biologic environment, healthy streams did not always reach level 16. As a result, he did not believe it was realistic to expect the Hinkson Creek to be 16 or above all of the time. In addition, over 40 years, the City had removed 10 million gallons of treated sewage a day out of the creek, and had utilized other stormwater management techniques. He believed the streams were getting healthier and thought this could be shown through adaptive management. He referred to measurements taken in 2001 and 2002 versus those taken in 2003 and 2006, and noted the second group of measurements were substantially better. They could be doing even better now as it had been five years since any measurements had been taken. Adaptive management would allow the City to determine if the streams were getting better and would assist in determining how they were making them better. In addition, if they were not doing better, adaptive management would help determine what the City could do to make the streams better. They needed more than 3-5 years in order to implement this process.

The vote on R58-11 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. 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.

B108-11 Authorizing the issuance of Revenue Bonds for Water and Electric system improvements and for the purchase of the outstanding shares of the Columbia Energy Center.

B109-11 Rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 and 1206 Coats Street and 808 North Boulevard) from Districts C-P and R-3 to District C-3.


B111-11 Accepting certain streets for public use and maintenance.

B112-11 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for the Organic Compost Containers Project; appropriating funds.
B113-11 Authorizing an agreement with the Missouri Highways and Transportation Commission for a Small Community Air Service Development Program grant; appropriating funds; transferring funds.

B114-11 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for aircraft rescue and firefighting training assistance at the Columbia Regional Airport.

B115-11 Authorizing an assignment to purchase transit buses through LYNX Contract 09-C05 with Central Florida Regional Transportation Authority d/b/a LYNX; appropriating funds.

B116-11 Authorizing construction of the East Pointe Subdivision electric and water main loop closure project.

B117-11 Authorizing the acquisition of easements for construction of the East Pointe Subdivision electric and water main loop closure project.

B118-11 Accepting a conveyance for utility purposes.

B119-11 Appropriating asset forfeiture funds to purchase computer and electronic equipment to be used by the Police Department in an administrative conference room.

B120-11 Amending Chapter 24 of the City Code to add a section pertaining to curbside mailbox placement and parking prohibitions.

REPORTS AND PETITIONS

REP74-11 Intra-Departmental Transfer of Funds Request.

Ms. Hertwig Hopkins noted this report had been provided for informational purposes.

REP75-11 Sister City Invitation – Suncheon, Korea.

Ms. Hertwig Hopkins and Ms. Messina provided a staff report.

Mayor McDavid noted the Mayor of Suncheon City made a trip to Columbia approximately six months ago with a contingent of seven staffers and that Suncheon City was investing heavily in a tourist destination international garden. He explained Columbia would be offering some technical expertise. The expenses associated with going to Suncheon would involve $300-$500 for gifts. Ms. Messina pointed out $200-$300 would be needed for the printing of the maps and materials associated with the garden design.

Mr. Thornhill asked where the money would come from to cover those expenses. Ms. Messina replied the City Council had a line item in its budget for sister city relationships. Mr. Thornhill asked how much was in that budget. Ms. Amin replied she believed it included a few thousand dollars, but she was unsure of the exact amount.

Mr. Thornhill made a motion directing staff to create a letter of tentative acceptance for the Mayor, his wife and a member of the Parks and Recreation Design Team, and to reserve lines items in the City Council’s sister city budget to help cover costs of official City gifts and presentations. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP76-11 Rental Inspection Frequency and Fees.

Ms. Hertwig Hopkins and Ms. Britt provided a staff report.
Mayor McDavid commented that he wanted to know how much the fee increase would be from what the City currently charged to what it would take to recover the costs of the inspection program. If the City was not covering those costs through fees, it was being covered through the general fund, which was a stressed fund. He reiterated he wanted to know the scope of what they were currently charging and what it would take to cover 100 percent of the costs. Ms. Britt replied current fees were based on both buildings and units, so it was not easily calculated. She noted any increase might affect both the building fee and unit fee.

Mr. Kespohl stated he preferred staff bring back an ordinance increasing fees to cover 100 percent of the City’s cost.

Ms. Hoppe commented that it seemed reasonable to increase fees because the City’s fees appeared to be low in comparison to other communities.

REP77-11 Mill Creek Substation Transmission Study.

Ms. Hertwig Hopkins and Mr. Johnsen provided a staff report.

Ms. Hoppe understood the open house was in the summer and asked if people could comment on-line in case they were on vacation during that time. Mr. Johnsen replied yes. He explained they would go through the same process as they did with the first one and allow input from letters, e-mails, etc. The only change to the process would be that staff would provide the information that would be presented at the open house to Council through a report prior to holding the open house. The open house would be primarily focused on the different routes proposed for Option B, but they would also present the routing selection that had come from any Option A work to date. The public would be allowed to comment on all of it.

Ms. Hertwig Hopkins asked if it would make sense to hold a work session after the open house and after SEGA made its additional recommendation regarding the alternate route. Mr. Johnsen replied yes. He noted they were currently looking at holding a work session in July and providing a report in the fall. In addition, interested party meetings would be held in late fall or winter.

Mayor McDavid commented that one of the Option A routes might be the best engineering solution, but it did not account for property value changes. He noted that people from the Cascades believed the fact one of the options had a line near the neighborhood had affected the salability of property. He thought Council would likely take soft evaluation issues, such as impact to adjacent residents, into consideration. Mr. Johnsen explained staff had tried to include some of that information in the evaluation matrix created. In addition Option B came from political input that had been conveyed to staff. After the studies were completed, there would be pros and cons as well as costs associated with each option.

Ms. Anthony noted the Cascades neighborhood was only one of many of the neighborhoods in the area with concerns. Mr. Johnsen commented that they had provided drawings to illustrate the best routes that came from the selection matrix. He hoped that would show people the routes they were worried about might not be selected. They were trying to move Option B to the stage they were at with Option A, so they could discuss both from a decision making standpoint.
Ms. Anthony stated many people in Ward 5 thought Option A had gone away. The fact it was still under consideration might energize a lot of the neighborhood associations again.

**REP78-11 March 2011 Storm Water Variance Summary.**

Ms. Hertwig Hopkins provided a staff report.

Mayor McDavid asked what the stormwater ordinance did to the cost of removing and replacing a 0.89 acre parking lot in terms of the Beta House. Mr. Glascock commented that he was not sure as he had not designed the stormwater project for them. The stormwater ordinance required them to do BMP’s if land was redeveloped. He noted the Storm Water Advisory Commission had been discussing the issue of not making redevelopment too onerous.

Ms. Hoppe stated there was a continuous water leak to the street from the Beta House, which was eroding the street and creating ice in the winter, and asked if this project would solve that problem. Mr. Glascock replied it was a sump pump that was putting the water there, and he could not find anything that would prohibit it since they did not want stormwater in the sewer. He understood that if they received the variance, they would address the issue of water in the street. Ms. Hoppe commented that it was eroding the street and the City had to bear a substantial cost to repair it. In addition, it was a safety concern in the winter due to it constantly being icy. Mr. Glascock noted there were many places in the City where stormwater draining into the streets due to gutters and sump pumps occurred.

**REP79-11 Downtown Taxi – “pick up and drop off zones”**.

Ms. Hertwig Hopkins and Ms. Rhodes provided a staff report.

Ms. Hoppe asked if the study would be impacted since it would be done in the summer when fewer students were in town. Sergeant Hughes replied it could have an impact, but if they waited until the students returned, he did not believe they would get a clear picture of the entire process. In addition, there were some safety concerns they wanted to address before there was an issue. If they delayed this until the students returned, he felt they might be putting safety in jeopardy, which they did not want to do. Ms. Hoppe understood it might be better to do this as a pilot with fewer students in town so problems could be addressed prior to their return. Ms. Rhodes stated that was correct.

Ms. Hoppe made a motion directing staff to conduct a pilot project and to report to Council in July. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Hoppe noted she had requested an ordinance be drafted, after a report on ways to improve bus transportation to Council Meetings had been discussed, based on a suggestion of providing taxis instead, and her request had been approved by motion. The suggestion was rife with a variety of problems, and as a result, she wanted to withdraw the motion for an ordinance. She preferred they have further discussions with staff to address the issue. One solution could be to expand one bus route when feasible on Council Meeting nights.
Ms. Hoppe made a motion to withdraw her request for an ordinance to be prepared regarding taxi service to Council Meetings. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mr. Dudley commented that the Fifth and Walnut parking garage was the highest point in this part of the City, and asked if staff had considered putting a flag on top of the stairwell or elevator shaft. Ms. Hertwig Hopkins stated staff would look into placing a flag up there.

Mr. Dudley stated he had participated in meetings with the owner of Great Hang-Ups and people from the neighborhood, and the statement of intent associated with the rezoning had been rewritten. He asked if the issue had to go back to the Planning and Zoning Commission or if it could be heard by Council assuming the Council approved a motion to rehear it. Mr. Boeckmann replied it depended on how much different the statement of intent was at this time. He explained he was not familiar with the changes. Mr. Dudley stated he would provide Mr. Boeckmann with a copy, and would make a motion at the next Council Meeting, if it could come back directly to Council.

Mr. Thornhill commented that he understood Boone County was acquiring easements on Route K for a bike path/sidewalk. He wondered if this might provide an opportunity to get some power lines underground. He was not sure how far they were into the project or if there was a way to tie the two items together, but thought it was an opportunity where they might be able to work together.

Mr. Kespohl stated he was not sure whether Lambeth Drive, which was partially gravel and ran from Clark Lane to Whitegate, was a public street, but it had been blocked off on the north side of Socket. If it was a public street, it needed to be opened to the public. He also wondered if it should be paved since it was in the City. Mr. Glascock replied Lambeth Drive was not a public street. Mr. Kespohl understood the City did not maintain Lambeth Drive. Mr. Glascock stated that was correct. Mr. Kespohl asked if the owner of the building at Socket owned it. Mr. Glascock replied he thought it started with the property to the west and had migrated onto Socket's property. He understood Socket wanted to get rid of it. Mr. Kespohl understood it was okay for them to block it off. Mr. Glascock replied it was in terms of the City's involvement.

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Sheela Amin
City Clerk