MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MARCH 21, 2011

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 21, 2011, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was lead by Boy Scout Troop 708 of Evangelical Free Church. The roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID and STURTZ were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the special and regular meetings of March 7, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Ms. Nauser.

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

Mayor McDavid welcomed six officials from China’s Inner Mongolia Autonomous Region, who were attending a portion of the meeting and were accompanied by members of the University of Missouri Asian Affairs Center.

The American Council of Engineering Companies of Missouri (ACEC) annual excellence Award Presentation for the Gans Road Preliminary Engineering Study completed by Bartlett & West of Jefferson City.

Mayor McDavid asked the Boone County Commissioners and Bob Gilbert to meet him at the podium.

Bob Gilbert explained that he worked with Bartlett & West, an engineering firm in Jefferson City and was in attendance to present an award from the American Council of Engineering Companies of Missouri to the City and Boone County. Bartlett & West had received the award for the Gans Road Preliminary Engineering Study, which was completed over a year ago, and one of the main reasons they received the award was due to the public involvement process throughout the design and preliminary engineering work performed. Instead of providing a few alignments at the public meeting, they provided maps of the area and asked the public to provide suggestions on potential alignments. This input was important to the overall solution, which incorporated a unique, modified cross section of a roadway that incorporated water quality features while accommodating traffic as well. He noted Bartlett & West was proud of their involvement in the project and thanked the City and the County for their involvement. Boone County had funded the study in coordination with the City of Columbia, and staff members of the City, County and MoDOT were all a part of the team. He presented the award to the City and the County.
B73-11 **Accepting a donation from the National Association of Chiefs of Police to be used for the Police Department’s K-9 Program.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins, Deputy Chief Montacelli and Captain Nelson provided a staff report.

B73-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

R43-11 **Approving the revised “Creative Columbia: Community Cultural Plan for Columbia, Missouri.”**

The resolution was read by the Clerk.

Ms. Hertwig Hopkins provided a staff report.

Katie Harris, 2400 Topaz Drive, stated she was the Chair of the Commission on Cultural Affairs and noted the Commission and staff had completed a year long study of the City’s cultural plan and that this report was a result of that work. A cultural plan had been in place since 1992 when the Office of Cultural Affairs had been established, and over the years, staff and Commission members had reviewed and updated the plan to keep it current. She explained work to revise the current plan began in late 2009 and described the process used to obtain input. Feedback was first reviewed by the Commission’s planning committee, and although no significant changes were made, several points were refined or eliminated to better reflect current programming. The Commission reviewed the work of the planning committee in February and then approved the revised cultural plan that was before the Council. They were asking Council to endorse the plan so it was formally adopted. She commented that having an established cultural plan set Columbia apart from many other communities. It provided important guidance to Commissioners and staff and served as an essential tool in the grant requests submitted in an effort to secure outside funding. She thanked the Council and Administration for its support and for recognizing the arts contributed to the economic vitality and quality of life in Columbia.

Ms. Hoppe commented that she believed the arts were an important part of the total picture of Columbia and its quality of life, and thanked those that had been involved on behalf of the City.

The vote on R43-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**ENVIRONMENT AND ENERGY COMMISSION**

Cole, Randall, 1006 West Broadway, Ward 4, Term to expire June 1, 2013
HUMAN RIGHTS COMMISSION
Williams, Carmen, 28 E. Ash Street, Ward 1, Term to expire March 1, 2012

SOURCE WATER PROTECTION PLAN TASK FORCE
Lehmen, Joshua, 3811 Corinth Court, Ward 5

Mayor McDavid noted the appointees to MoDOT’s East Columbia Environmental Impact Study Advisory Committee were Gary Ward, John Glascock, Marian Mace Dickerson, Ann Peters, Shawn Von Talge, Joseph Alder, Rod Robison, Larry Schuster, Rob Wolverton, Larry Marshall, Ellen Wolf, and Jim Fairchild.

SCHEDULED PUBLIC COMMENT
John G. Clark: Why the new City Council should choose the new City Manager.

Mayor McDavid explained John Clark had withdrawn his request to speak.

PUBLIC HEARINGS

B71-11  Naming Bonnie View Nature Area; approving the Bonnie View Nature Area Master Plan; authorizing the construction of improvements at Bonnie View Nature Area – Phase I; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Mr. Hood provided a staff report. Mr. Hood noted two issues relating to the use of the property had surfaced. They involved whether bikes and dogs should be allowed on the property as they might cause damage to the natural trails and impact the flora and fauna of the area.

Mayor McDavid asked if the use restrictions were included in the bill. Mr. Hood replied they were not included in the ordinance, and noted they needed direction from Council on that particular issue. Mayor McDavid asked if they needed to amend the bill tonight. Mr. Boeckmann replied no and explained the Council could just indicate whether another ordinance needed to be drafted with any prohibitions.

Mr. Sturtz understood Mr. Hood had discussed off-leash areas at other nature areas, such as Garth, and thought that was only small pendant-sized area near the parking lot instead of the whole area. Mr. Hood explained there was a fenced off-leash area in the Garth Nature Area of about 2-2.5 acres. The Grindstone Nature Area, which was about 200 acres, allowed dogs to be off-leash anywhere except for the primary trails, and dogs were still allowed, but required to be on a leash, on the primary trails. Mr. Sturtz asked how the designated area had worked at the Garth Nature Area. Mr. Hood replied it had worked fine for the off-leash area, but clarified dogs were allowed throughout the rest of the area on-leash.

Ms. Hoppe commented that the Grindstone Nature Area was very different than what they would be creating at Bonnie View.

Mr. Dudley made a motion to amend B71-11 by changing the name of the park from Bonnie View Nature Area to Bonnie View Nature Sanctuary. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.
Mr. Dudley commented that the long range plan would make this a better park than the Runge Nature Center in Jefferson City, which was very nice and educational. The plan was for this park to consist of natural grasses and trees. Many children around Columbia did not have the opportunity to walk and play within a natural area and this would allow them the opportunity to learn about bugs, snakes, etc. In terms of whether to allow or not allow dogs and bicycles, he suggested allowing dogs and bicycles on the 8 foot wide concrete path on the east side of the property, which would allow access to Fairview Park, where dogs were allowed. In addition, school children could be dropped off at the north parking lot to walk to Fairview School.

Mr. Boeckmann suggested the Council direct staff to bring forward an ordinance at the next meeting dealing with the issue of whether to allow dogs and bicycles on the property instead of amending this ordinance as it would create a substantive change requiring the bill to be held over for another meeting. Mr. Dudley indicated he would ask staff to bring a new ordinance forward.

Mayor McDavid opened the public hearing.

Jim Loveless, 2404 Topaz, commented that although he was pleased with the way the Parks and Recreation Department had gathered public input and had handled the planning process, he was disturbed at the rather dramatic park regulation proposal that had been made at the Parks and Recreation Commission meeting where there was a significant gathering of single issue people that had convinced the Parks and Recreation Commission to recommend a change in the regulations to restrict dogs. He noted he was a wildlife biologist and had spent over 30 years managing areas like this within Central Missouri. He explained dogs did not eliminate all birds from territories, which could be attested to by those with dogs in their backyards. He stated he was skeptical of the argument of pollution as this tract previously held three dozen cattle and their droppings, and Scott’s Branch was not on the EPA impaired streams list. His concern with regard to the exclusion of dogs was that it would disenfranchise potential users. Thirty-five percent of homes in Columbia kept dogs as pets, and when residents came home in the evenings, they took their dogs for a walk. If they were unable to use Bonnie View Park, they would walk their dogs through the neighborhood, and after taking their dogs back home, they would not then go take a walk in Bonnie View. In effect, 35 percent of the immediate neighborhood or 700-800 households would not use the park. He pointed out the northern boundary of the Audubon property and the northern boundary of Fairview Park were at exactly the same latitude, and suggested a line be drawn whereby dogs would be restricted from only the southern portion of the property. This would create more than 50 acres of dog-free area and allow the remainder of the area to be used by those that wanted to walk their dogs at Bonnie View. It would leave an issue of accommodating people with dogs that wanted to access the park from the south, but he believed staff could address that problem.

Alyce Turner, 1204 Fieldcrest, stated this was this first she had heard about the proposed amendment, and as a person that worked in public health and used the trails, she understood one out of two or three users of the trail were people that walked their dogs and children at the same time. In addition, she believed they were begging for problems from
dog owners if they did not provide a place for them to walk their dogs on a leash and in a
controlled manner. She stated she was not in support of the restriction.

Bill Mees, 2746 Willowbark Court, commented that he believed Mr. Dudley’s
suggestion was a good compromise. He noted he was a member of the Audubon Society
and was involved in coordinating the development of the Columbia Audubon Nature
Sanctuary, which was the 22 acres next to Bonnie View Park. The Columbia Audubon
Society supported this plan because it was closely aligned with the plans for their property. It
meant Columbia would effectively have a 110 acre park instead of just a 90 acre park that
could be a regional and destination park, like the Runge Nature Center in Jefferson City. The
Parks and Recreation Department and the Parks and Recreation Commission recommended
Bonnie View be a natural park, and the meaning of natural was at the crux of this issue. The
plan was to restore Bonnie View to its original native character. It did not mean it would be
left alone like the Grindstone Nature Area. The fields would be restored to native prairie
grasses and wildflowers, and Bonnie View would look like no other facility within the
community. Dogs were not compatible with an education-oriented nature area because they
damaged habitat and were predators of the birds and critters that would be attracted to the
restored habitat. He noted people could still walk their dogs in Fairview Park, and in
exchange, they could bring their children and grandchildren to see a real prairie, forest,
waterland and savannah.

Mr. Kespohl asked Mr. Mees if he was in favor of Mr. Dudley’s suggested compromise.
Mr. Mees replied he thought it was a reasonable compromise.

Howard Hinkel, 405 Edgewood, stated he was the President of the Columbia Audubon
Society and noted they were supportive of the revised plan for Bonnie View. With regard to
whether the site would be used, he believed it would, and provided the Runge Nature Center
as an example. It had attracted more than one million visitors in its first 11 years of
existence. This site would differ in some ways, but the nature center would have a great
appeal. It would be a place to reconnect with nature and would be educational. It would
provide a hands on experience with nature and expose visitors to efforts to preserve and
restore natural habitats and to create and maintain habitats for wildlife. He asked the Council
to consider how unique the future of this land could be in Columbia.

Matt Istwan, 3704 Watts Drive, commented that from a selfish point of view, he and his
family loved to take their dogs to Bonnie View so they could run around, but from a practical
point of view, they could take their dogs on walks via the compromised route suggested by
Mr. Dudley. In addition, if they wanted to allow their dogs to be able to run around and have
fun, they could take them to Twin Lakes, since it was close in proximity.

Sharon Keitel, 3504 Alps Court, stated she had walked her dogs down Rollins and
through the fields for 13 years, and had noticed other dog owners using the area all of the
time as well. It was a neighborhood park as it was surrounded by neighborhoods on all
sides. She did not believe it was realistic, after all of these years, to restrict their ability to use
the property and noted she had not seen people allowing their dogs to run wild and off-leash
in that area. She had been following the development of the park all along, and had just
recently found out about these new restrictions. She was not in favor of the proposal with
restrictions on dogs.
Dennis Stegall, 3208 Appalachian Drive, explained he walked his dog on the property every morning and night on a two foot leash, and there were a number of squirrels and deer nearby even though his dog was there. They were not frightened at all. He stated he was opposed to this being a “no dog” area. He noted he would accept the compromise of having to stay on an 8 foot wide concrete path if required, but would prefer a more liberal compromise. He was not suggesting a leash-free area, but wanted to be allowed to take his dog into some of the wooded areas, even if restricted to nature paths.

Mark Ehlert, 3300 Appalachian Drive, commented that he was a new neighbor and was not aware the property in question was even a park property. He stated he was representing the Columbia Disc Golf Club and noted Indian Hills was an example of how a natural area could support a disc golf course and how the disc golf course could change a natural area as it supported native grasses and wildlife. He agreed this was a neighborhood park as it was surrounded by houses, and if the City wanted everyone to enjoy it, he thought they should allow activities that would benefit the neighborhood more than a wildlife preserve. He explained the Columbia Disc Golf Club was willing to help layout a disc golf course at this or any other property, and noted they would help maintain the park as well. He commented that he did not support the restriction of dogs on the property and thought it should be open to everyone.

David Bedan, 2001 Chapel Wood Road, stated he was in favor of the development plan as proposed by the Parks and Recreation Department and was also in favor of Mr. Dudley’s compromise solution. The concrete trail on the east side would connect the neighborhoods to the south with those to the north, and to Fairview Park and Fairview Road. He noted most parks had a restriction of dogs on a four foot leash, but he still saw many off-leash or on a longer leash. He believed it would make it easier to enforce regulations if dogs were restricted to the eastern side of the park as well.

Greg Ahrens, 1504 Sylvan Lane, stated he was the Co-Chair of the Bicycle/Pedestrian Commission and asked Council to postpone a vote on this plan until after the next Bicycle/Pedestrian Commission meeting. They only became aware of this issue at their last meeting, which was on Wednesday, and they had not had the opportunity to discuss a trail through that park. In looking through the minutes, the Bicycle/Pedestrian Commission had been agreeable to not placing a road through the park as long as there was a bicycle and pedestrian connection from the south to the north and to Fairview School. He noted the next item dealt with the location of Scott’s Branch Trail, which they had not discussed either. As a result, he asked Council to delay making a decision so the Bicycle/Pedestrian Commission would have the opportunity to discuss the Master Plan at their April 20, 2011 meeting.

Ian Thomas, 2616 Hillshire Drive, stated he was the Director of the PedNet Coalition, and noted that in 2000, the PedNet Coalition had designed a network plan for non-motorized transportation throughout the City of Columbia and the connection Mr. Ahren’s had referred to was a part of the plan. He agreed with the suggestion that the Council allow time for the Bicycle/Pedestrian Commission to review how the proposal would impact bicycle and pedestrian routes throughout the City. He explained the goal of a bicycle and pedestrian network was to allow healthy, physical activity while transporting people from home to work,
school or other destinations and to reduce the damaging impact of automobile use on the natural environment, which vastly outweighed the impact of dogs or bicycles.

Mr. Kespohl asked Mr. Thomas where his connection was on the east side of the park going westward. Mr. Thomas replied he was not sure as he had not looked at the map in a long time. He noted the plan was part of the Columbia Area Transportation Study Organization, which City staff could provide.

Mary Kay Wade, 1221 Bradshaw Avenue, provided a handout and commented that she was speaking as a neighbor of Bonnie View, an outdoor living skills and natural history teacher, and a person that liked dogs and was a previous dog owner. She knew first hand of the joys and tribulations of being a responsible owner and making sure the dog received the exercise it needed. She pointed out that she did not take her dogs onto golf courses or baseball, softball or soccer fields as it was inappropriate. She felt dogs, off- or on-leash were not appropriate in nature study areas either and listed the many communities across the Country that did not allow dogs in their nature areas. With the exception of sports areas, dogs were welcomed in Columbia area parks. Taxpayers had subsidized dog ownership for years. The City had four special parks where dogs could run and play off-leash. The City had built fences for dog play areas and had provided poop scoop bags at no charge to dog owners. She asked the Council and dog owners to look beyond the narrow personal interests and convenience-driven views of walking dogs in a neighborhood-type park. Columbia did not have a park in which nature could be enjoyed or nature studies could be taught to the next generation without dogs present to disturb the plants, animals and people trying to enjoy and learn about them. Fairview Park was close by and was without any restrictions. She asked the Council to make Bonnie View special by allowing it to be the one park without dogs in all of Columbia for all Columbians to enjoy. She did not feel it was much of a sacrifice when there were already so many places all dogs were welcome.

Marjorie Meredith, 203 Orleans Court, stated she agreed with the comments of Ms. Wade and believed the compromise proposal of Mr. Dudley had its possibilities. She noted there was even a little space on the east side of the concrete paved path that could be available to dogs. She wondered if allowing dogs, bikers and walkers on the same path could cause problems. She believed the proposed plan was wonderful and that staff should be commended. She also wanted to thank the F. Garland Russell family for this gift.

Mr. Dudley commented that the area that was north of Rollins Road would be open to dogs as well as part of the suggested compromise.

Harold Anderson, 2900 Northland Drive, stated he was a member of the Columbia Audubon Society and noted that he wished the City had a naturalist on its Parks and Recreation staff. He referred to Philips Lake and commented that it was shame to remove as many trees as were removed. In addition, he explained that dog owners often did not realize that there was a small area close to the ground where some birds nested and if a dog came by and did its natural thing, the bird nest would remain empty for a long time. He suggested the Council hire a naturalist as that person could be very helpful.

Susan Clark, 520 Stalcup, commented that she lived in Rothwell Heights, but had worked with the other neighborhoods in the area collecting signatures from over 150 people that supported dogs being allowed in the park. She thought they would be happy with the
suggestion of Mr. Loveless as they felt Mr. Dudley’s compromise was too restrictive. She reminded everyone that the Garland Russell tract was submitted to be a City park, and since every other City park allowed dogs, she believed it was reasonable to assume their expectation would include dogs being allowed on at least a significant portion of this park as well, if not on all of the park area.

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

Mayor McDavid explained this bill would approve the Master Plan, authorize construction of the improvements and call for bids through the purchasing division. Council was not going to make a decision on whether dogs would be allowed tonight. Mr. Dudley had asked for an ordinance that was a somewhat restrictive compromise and Council would discuss the issue of dogs when that ordinance came forward.

Ms. Hoppe asked if the Bicycle/Pedestrian Commission did not know about the meetings and the revisions. She wondered how they were missed. Mr. Hood replied he was not sure. He explained the meetings were posted and advertised, but did not believe a direct communication had been provided to the Bicycle/Pedestrian Commission.

Mayor McDavid understood the Bicycle/Pedestrian Commission would be involved in the discussion of the Scott’s Branch Trail in terms of whether there would be a paved or unpaved path. Mr. Dudley commented that there would be a paved path on the right side, but they did not know how they would get it down to Scott’s Branch. Mayor McDavid stated he expected the Bicycle/Pedestrian Commission to be involved in that discussion.

B71-11, as amended, was given third reading with the vote recorded as follows:

VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ.
VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**B72-11 Authorizing construction of the Scott’s Branch Trail project; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

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

Mayor McDavid asked if the PedNet Coalition had been involved in this process. Mr. Hood replied the PedNet Coalition had been involved in the planning for Bonnie View and they favored an option that would extend the trail across the Audubon property. After extensive discussions with the Audubon Society, staff chose not to recommend that option.

Mayor McDavid asked if the Bicycle/Pedestrian Commission had weighed in on this proposal. Mr. Hood replied he did not believe the Bicycle/Pedestrian Commission had seen this proposal. Mayor McDavid asked if it would be appropriate to table this until those two entities could study and comment on this proposal. Mr. Hood replied he thought it would be appropriate to allow that.

Mr. Kespohl asked if the reason the trail did not go down Bray Court was because of the cul-de-sac. Mr. Hood replied yes, and noted there was no room without obtaining access between the two homes.

Mayor McDavid asked if the trail was on the sidewalk. Mr. Hood replied the sidewalk would be used as a connecting link to sections of the trail.
Ms. Nauser made a motion to amend B72-11 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mayor McDavid made a motion to table B72-11, as amended, to the May 16, 2011 Council Meeting. The motion was seconded by Mr. Dudley.

Ms. Hoppe commented that she felt it was reasonable to allow time for the Bicycle/Pedestrian Commission to review and comment on this issue.

Ms. Nauser asked if delaying a decision until the May 16, 2011 meeting would delay construction. Mr. Hood replied they would not be able to start as soon as they would have liked, but if approval was given in May, he thought they would still be able to start this construction season.

The motion made by Mayor McDavid and seconded by Mr. Dudley to table B72-11, as amended, to the May 16, 2011 Council Meeting was approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

Matt Istwan, 3704 Watts Drive, commented that he believed there was quite a bit of space between the homes that could be used to get to the park. He thought the idea of all of it connecting was exciting, and had been confused as to why it was not happening. He now understood the legal issues. He also wondered if the bike path or trail going down to Scott Boulevard to get to the trail would be additional space on Scott Boulevard. Mr. Hood replied he understood it would be a separate walkway or pedway that was an 8 foot wide concrete path parallel to the road. Mr. Istwan was glad it would be separate as it would be safer and noted he could not wait until this was completed.

There being no further comment, Mayor McDavid continued the public hearing to the May 16, 2011 Council Meeting.

B74-11  Amending Chapter 22 of the City Code as it relates to sanitary sewer rates.

The bill was given second reading by the Clerk.

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

Ms. Hoppe understood residential units served by a master meter would now be paying based on the size of the water meter and asked what would happen if the meter was downsized. She understood the City might lose $319,807 per year as 819 accounts could be impacted by downsizing. Mr. Glascock replied that might occur as many had larger meters than needed. Ms. Hoppe asked how this legislation was revenue neutral if that could occur. Mr. Glascock replied that was based off of the information he had today as he did not know who would downsize. Ms. Hoppe commented that if entities downsized, this would not be revenue neutral and they would have to make some adjustments to the rates. Mr. Glascock agreed rates would need to be adjusted in the future, but noted he did not anticipate a wholesale change of meters citywide and one meter would not affect revenue much.

Ms. Hoppe understood a suggestion had been made for tying the base charge to the utility for those residential units that had a master meter so they were treated the same as other residential users. Mr. Glascock provided an example of an eight-plex with eight meters. In that scenario, each would pay a base charge as they were individually metered and fit the definition of residential. If no one was there and the utilities were turned off, no one paid
anything, not even the base charge. A master meter could not be turned off so there was always a payment of some sort. He noted there would always be discrepancies and the Task Force felt this was fair.

Mayor McDavid opened the public hearing.

Bill Weitkemper, 3717 Bray Court, commented that he believed this ordinance was close, but not quite there in terms of getting it completely right. He believed the sewer ordinance needed to be fair for all sewer customers and anything less should not be acceptable. The recommendation to replace the public authority and commercial industrial user classifications with a non-residential user classification was an excellent recommendation. The recommendation that a non-residential base charge be based on the capacity of a water meter was also an excellent recommendation as it would make it possible to adjust the base charge to maintain the cost of service for each user classification in proportion to the user’s classification use. He believed a few things should be done differently as well. He felt the recommendation to classify dwelling units that were separately metered for water as residential dwelling units and dwelling units that were mastered metered as non-residential units would continue to cause problems as the base charge was significantly less for the non-residential dwelling units than the residential dwelling units as they were charged per unit. Those users were being charged a group base charge instead of an individual base charge, which he did not believe was fair. In addition, he disagreed with the recommendation to change the minimum winter quarter sewer volume charge to 3 ccf. Although it did not have a significant financial impact, it was unfair to every user that had a legitimate winter quarter average of 1 ccf or 2 ccf. He commented that if the Council believed residential dwelling units that were metered for either water or electricity and connected to the City’s sewer system should be charged the same base charge and that each non-residential user that was metered for water or electricity should be charged a non-residential base charge, they should direct staff to draft a new proposal. He felt each residential user should be charged the same base charge whether it had a water meter or not, if they were using the sewer system.

Mr. Sturtz asked if he presented this to the Task Force that was studying this issue. Mr. Weitkemper replied the Task Force had allowed public comment up until their next to the last meeting, and the recommended sewer ordinance was presented to and approved by the Task Force at its last meeting. He was told he could provide comments to the Council.

Ms. Hoppe asked for clarification regarding the winter quarter 3 ccf. Mr. Weitkemper explained the sewer volume charge was based on a ccf, which was 100 cubic feet of water and equivalent to 748 gallons of water. Currently, the charge was $1.66 per ccf of water. Residential users, as classified now, were users in single family homes and duplex buildings, and they were charged a winter quarter average volume charge, which was the average water usage they had in the months of January, February and March. He noted there were about 400 users that were charged a zero volume charge for the entire year because they were out of town during January, February and March. As a result, the minimum volume charge was recommended to be 3 ccf and would ensure everyone paid a volume charge. Some users, however, did not use a lot of water and actually had a winter quarter average of.
1 ccf or 2 ccf even though they were home during those months. They would now pay an extra $4.00 per month due to the change.

Mr. Thornhill asked how this suggested inequity involving 400 users could be resolved. Mr. Weitkemper replied he thought the City should base their winter quarter average on different months when they might be home or on actual usage. Mr. Thornhill asked if the system allowed the City to choose different months. Mr. Glascock replied he thought it would, but that they did not feel it was not a reliable solution, and as a result, a base minimum had been recommended. Mr. Weitkemper commented that it did not matter except when the user was really using less than the minimum ccf.

Richard Erickson, 1305 Woodrail Avenue, stated he owned a mobile home park in Columbia and was pleasantly surprised regarding the changes to the mobile home park bill as it would go down considerably. He wondered if the volume charge was the same for residential and non-residential users. Mr. Glascock stated it was. Mr. Erickson understood the only difference between the residential and non-residential volume charge was that the residential charge was based on January, February and March levels and the non-residential charge was based on the actual monthly usage throughout the year. Mr. Glascock stated that was correct. He noted the mobile home park would be based on the actual usage since it was master metered. Mr. Erickson commented that people ran their water in January, February and March to keep it from freezing, so he had been concerned with paying a sewer charge based on those months.

Paul Love, 100 Sondra Avenue, stated he was one of those residential users that fell into the 1 ccf or 2 ccf count and preferred to pay for what he used and not any more just because it was easier for the City’s billing system. With a change of this significance, he suggested the Council ask for a review in 2-3 years to ensure other issues had not been overlooked.

John Wolf stated he worked for Kraft Foods and noted they made hot dogs for Oscar Mayer. The business had been in existence for 25 years, and they had a 6-inch water meter. With the changes to the ordinance, they were looking at a $48,000 annual increase on top of a $43,000 bond issue increase. He explained the Columbia plant competed within the Oscar Mayer business for capacity in addition to the hot dog market, and the Madison plant had aggressively cut costs putting the Columbia plant in an unfavorable position when competing for business, particularly in the winter and fall months when sales were down.

Ms. Hoppe asked if the increase would be $43,000 if the phased in approach were used. Mr. Wolf replied it had not been calculated for the phased in approach, and noted they preferred it be phased in if there was an increase.

Brian Toohey, 3306 Snow Leopard Drive, stated he was the Chair of the Sewer Task Force and explained this was a complicated issue due to the various types of buildings in Columbia and the different ways they were each metered for water. During the final meeting, they reviewed and voted on the final ordinance, and the vote was 6-1 in favor of the proposed ordinance with one member absent. He noted Mr. Weitkemper had made a presentation and had communicated by e-mail to the Task Force. Other members of the community also made presentations to the Task Force. Based on information provided by the consultant and
what was available in terms of billing from the City’s Finance Department, this was the best proposal they could recommend.

Ms. Hoppe asked if the Task Force considered the winter quarter average argument of allowing people that were home during January, February and March to pay based on usage instead of the minimum. Mr. Toohey replied the minimum was suggested because some people were not in town during that time, and those people would not have a charge. He explained they tried to provide for an equal playing field. Ms. Hoppe understood they wanted to fairly charge those that were not in Columbia during those months, but it then affected some people who remained in town and had an average that was less than the minimum in an unfair manner. Mr. Toohey pointed out that with the number of buildings and the way they were metered and the different types of residencies, they could not come up with a way that was fair to everyone. This proposal was as fair as they could make it across the board.

Sid Sullivan, 2980 Maple Bluff Drive, commented that he did not see a definition in the new ordinance in terms of a wholesale customer or another governmental agency. The definitions only included a residential or non-residential customer. A non-residential customer was charged 100 percent of the use of the sewer, but at the last Council Meeting, the City entered into an agreement with the County Sewer District to provide a discount. He wondered how that could be reconciled. In addition, he supported Mr. Weitkemper as he had looked out for the residential users in the community by making the sewer billing equitable. He understood business was a concern for Columbia, and that they needed to attract and retain businesses, but noted he was not sure the data provided justified any of those changes. He suggested the Council look into it further prior to voting on the bill.

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

Mayor McDavid explained a lot of time and effort went into this in order to create fairness in billing, and he thanked the Task Force for all of their time. He noted this was a hypothetical model and they would need to see how it played out. They thought they knew how it would play out, but if behavior changed, they might have to fine tune it. He stated he would support the proposed ordinance, but noted he was concerned about the impact to large employers and planned to meet with representatives of Kraft Foods in the near future.

Ms. Hoppe commented that she believed this was a good first step. She also thanked the Sewer Task Force for its hard work in this effort. She noted she was concerned in terms of the inequity of the small user and wondered if other communities that really watched water usage had a different system. She stated she would like additional information in that regard so Council could make that part more equitable in the future.

Ms. Nauser also thanked the Task Force for working on this initiative as it had been an issue for some time. She understood it would not address all problems and appreciated the fact Mayor McDavid planned to meet with Kraft Foods. She planned to support it as it was written with the understanding changes could be made in the future.

Mr. Thornhill commented that in terms of Kraft Foods, it was important to know how Columbia was comparable to other markets or if they had been underpriced with regard to this service. It was a big jump in the line item, but it might have been a good deal on the profit statements for many prior years.
B74-11 was given third reading with the vote recorded as follows:  VOTING YES:
THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCD Davidson, STURTZ.  VOTING NO:
NO ONE.  Bill declared approved, reading as follows:

(A) Considering an agreement for construction of a storm water conveyance system in Alley A located between Ninth Street and Tenth Street.

Item A was read by the Clerk.

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

Ms. Hoppe understood they would be looking for funds once the Philips Farm area developed.  Mr. Glascock explained he assumed funds for it would be included in the stormwater utility ballot issue they planned to take to the voters in August.

Mr. Sturtz asked if those were the only two projects in the whole utility that could be used.  Mr. Glascock replied they were the only two that included this amount of money without affecting many projects.  Mr. Sturtz understood the City needed $100,000.  Mr. Glascock stated that was correct.  Ms. Nauser understood those other projects were residential projects with stormwater issues.  Mr. Glascock stated that was correct.

Ms. Hoppe understood this would free up funds in a future year due to the project that would be routed down Cherry Street.  Mr. Glascock explained that project had been identified, but no funding had been tied to it.

Mayor McDavid asked if the corroded pipe on Elm Street was creating a problem or if it was a potential problem.  Mr. Glascock replied it was a potential problem, but if it collapsed, it could cause a street or sidewalk failure.  Mayor McDavid asked if it was eminent.  Mr. Glascock replied it could collapse in 100 years or it could collapse tomorrow.  If nothing was done, it would eventually collapse.

Mr. Sturtz asked if there was a scenario of taking the $43,000 from the Philips project and piecing together the rest without using the funds allocated to the Hitt and Elm project.  Mr. Glascock replied it could not be done this year as they did not have another project with that much money for this year.  Mayor McDavid commented that an additional $57,000 was needed since they had $43,000 from the Philips Farm project and asked if there was any other project it could come from $57,000.  Mr. Glascock replied no in terms of this year’s budget.

Mr. Kespohl commented that the difficulty he had with going along with this proposal was that the storm system would not be built to City specifications, so it would need to be redone in the future.  He asked if that was a proper assumption.  Mr. Glascock replied the City would not have to fix it as the owners would be responsible for maintaining it if it failed.  Mr. Kespohl asked if they would build it to City specifications if it failed.  Mr. Glascock replied he would have to ask the owners.  Mr. Kespohl stated his concern was approving something they knew would likely be a future problem, and asked when the project could occur if they required it to be built to City specifications.  Mr. Glascock replied it was dependent upon when the utility ballot issue passed.

Mr. Sturtz understood the property owners were standing behind this work and would fix it if there was any failure.  Mr. Glascock stated that was correct and noted they would maintain it.  Mr. Sturtz understood the City was not responsible for any failure.
Mr. Thornhill asked what would happen if the buildings were sold. Mr. Glascock replied the maintenance responsibility stayed with the property owners. Mayor McDavid understood this was a binding agreement with whoever owned the property. Mr. Glascock stated that was the intent. Mr. Boeckmann explained it would be a contract running with the land as it was drafted.

Ms. Hertwig Hopkins asked if the Public Works Department staff would conduct inspections. Mr. Glascock replied staff would inspect it while it was being installed. This would allow the City to accept it if they ever adopted a standard such as the one being used.

Mr. Sturtz asked if other cities adopted that kind of plastic pipe for projects such as this. Mr. Glascock replied yes, and noted he thought MoDOT used it on some of their streets.

Ms. Nauser asked for clarification regarding the Hitt and Elm Street project. Mr. Glascock replied it was a drop inlet in a pipe in a cross street that needed to be fixed. Ms. Nauser understood it was causing problems as well. Mr. Glascock stated it was not causing problems yet as it had not yet failed, but they were worried that it might fail. It was bad enough to be placed on the list for replacement.

Mayor McDavid opened the public hearing.

Jay Gebhardt, a civil engineer with A Civil Group, stated he was representing the Alley A property owners and noted they had taken over the responsibility for paving the alley, so money associated with the paving cost could potentially be used toward the $100,000. The type of pipe they were using was a reason the project did not meet City specifications, but that type of HDPE pipe had been allowed under streets in many other cities. It was a heavy black plastic that did not rust. It would allow “T’s” and “Y’s” for hooking onto downspouts for a better connection than concrete pipes. He noted bends were allowed in 33-inch pipes, but a manhole was required instead of a bend for smaller pipes, such as a 24-inch pipe. He noted he would try to build it without bends, but would not know what was involved until they started. He commented that the agreement was written in an effort to limit the City’s responsibilities, and the property owners had agreed to handle any costs that exceeded the $100,000.

Mr. Kespohl asked if the City was responsible for paving. Mr. Gephardt replied the owners would be responsible for paving. Mr. Kespohl understood the City could use two funds to pay for the project. Mr. Glascock replied the project would be funded through the stormwater fund. Mr. Kespohl asked about the paving fund. Mr. Glascock noted paving was funded through the operations fund and asked that those funds remain as they were needed for potholes, etc.

Ms. Nauser asked if the properties affected were developed and operational. She wondered if they were trying to fix a problem after the fact. Mr. Gephardt replied some apartments flooded and the basement of Peckham and Wright flooded. Historically, these properties had been affected by flooding, but it had intensified since the Council had allowed businesses to develop in the alley. Ms. Nauser asked if it was safe for her to assume the property owners knew the basements flooded prior to developing them. Mr. Gephardt replied he could not speak for the property owners, but did not believe anyone would expect to have an underground drainage system surface and drain down the street. Ms. Nauser noted they
were being asked to divert money from other projects and wanted to determine if this was an issue the owners knew of prior to developing the properties.

John Ott, 212 Bingham Road, stated he was one of the Alley A property owners, and they were able to obtain permits about three years ago to make improvements along the alley in terms of apartments and businesses. Prior to then the space was not being used efficiently and was not contributing to the sales tax revenue. In response to Ms. Nauser’s question with regard to whether they knew of the flooding issues prior to developing the properties, he stated they did not as the buildings were being used for storage. He explained it flooded significantly in extreme rains of which they had four this year causing property damage to a rental unit and a business location. They had tried to address the problem by installing a double sump system, but it was not able to keep up with the flow of the water. He noted this particular pipe took water from 4-5 acres from the east and threw that water down the alley. This was unlike most other alleys in that stormwater through the alleys was generally placed under the alley. He explained they had been asking for assistance for some time and had provided a creative solution. In addition, this system had already failed as it was creating problems for existing businesses. He noted he would appreciate the Council’s help with this particular situation.

Nick Peckham stated he and his wife owned the building located at 15 S. Tenth Street and realized water would get into the basement shortly after he had purchased the building in 1993. At that time, he had asked if there was anything the City could do to assist with the situation. He noted the pavement needed to be repaired as well as it was difficult for people in wheelchairs to maneuver in the alley. He asked the Council to allow the proposed project to move forward.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Columbia Special Business District (SBD) and noted the alley was impassable in the rain and snow and was very difficult to walk through when it was dry due to the pavement. She believed this was a perfect example of a public/private partnership that could fix a serious problem in the downtown. The SBD Board supported a solution to this problem and asked Council for their support.

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

Mr. Sturtz commented that he believed it was economical to deal with multiple issues at the same time and noted the property owners were proposing to address flooding and pavement issues at the same time. This was in the heart of the City and would allow the City to partner with pro-active business owners that had invested millions of dollars in the downtown by moving forward with a solution. He thought they should proceed with this proposed project.

Ms. Hoppe stated she agreed with the comments of Mr. Sturtz in terms of the public/private partnership, but also felt this project would help with crime through the concept of community policing by environmental design. She noted alleys that were not in good shape created an environment for crime, so this project had economic, stormwater and anti-crime benefits.

Ms. Nauser commented that she liked the fact private investments were occurring in the downtown, but noted one of the main concerns when approving development in this alley
was the fact they did not have a policy in place with regard to this type of issue. Stormwater and flooding in the alley had been a problem for a long time. She had a philosophical problem with postponing a project they knew could create a sidewalk failure for this project. She felt this project should be a part of the ballot issue and funded if that issue passed.

Mayor McDavid stated he would support this project since it was a public/private partnership and because it was a real problem while the project on Elm was a potential problem. He agreed they were taking a chance, but hoped they would have stormwater utility money prior to its collapse.

Mr. Thornhill commented that there had been several recent acquisitions of property in the alley, which might have instigated the movement for change. He believed those that purchased these properties knew exactly what they were buying, but also felt the City had some culpability since it approved development in the alley. He stated he would hesitantly support the project because while he believed it was unfair to say this was not a known issue, he also felt it was unfair to say they would not help fix the problem they knew was there.

Mr. Sturtz made a motion directing staff to bring forward legislation authorizing a contract for the Alley A project. The motion was seconded by Ms. Hoppe and approved by voice vote with only Ms. Nauser voting against it.

(B) Consider the Water and Light 2011 Renewable Energy Report.

Item B was read by the Clerk.

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

Mayor McDavid asked if the capitalization costs included in the cost for gas at the City’s landfill. Mr. Johnsen replied it did in terms of the dollars per megawatt hour.

Mayor McDavid asked if Free Energy was in town. Mr. Johnsen replied Free Energy was not in town yet. He noted they would provide a report to Council detailing where it would go and what would happen before anything happened. Mayor McDavid understood they existed. Mr. Johnsen replied they existed at this time, and he hoped they would be reflected in next year’s report.

Mayor McDavid opened the public hearing.

Winifred Colwill, 1417 Countryshire Drive, stated she was representing the League of Women Voters of Columbia and Boone County (LWV) and applauded the Water and Light Department for securing enough renewable energy to reach the five percent target two years prior to the requirement. They also encouraged continued progress to reduce air and water pollution and the emissions of greenhouse gases. The LWV also supported the expansion of renewable energy resources, biomass at the coal plant and solar energy resources. She noted the LWV wanted to see solar panels placed on the roofs of City buildings where feasible, so they would be more appreciated by Columbia citizens. She explained the 2011 report was by far the most comprehensive to date. The explanation to calculate renewable energy costs and the three percent rate cap was a much needed addition to the report. She noted the figures showed Columbia could purchase much more renewable energy without exceeding the rate cap and applauded the City for these forward looking policies.

There being no further comment, Mayor McDavid closed the public hearing.
Ms. Hoppe asked for clarification regarding Free Power. She understood it was proceeding without any problems. Mr. Johnsen stated it was proceeding, and he hoped to provide Council a report at its next meeting.

Ms. Hoppe understood that although the City was at five percent, it would continue with Free Power in order to exceed the requirement. Mr. Johnsen stated that was correct, but pointed out the denominator in the equation was the amount of energy used, and they expected that to increase. If they used more energy, they would be under the five percent.

Ms. Hoppe understood the City would still look for additional opportunities. Mr. Johnsen explained they currently had a RFP for more renewable resources to determine if there were any resources that made sense for Columbia. He understood there were some good opportunities. He noted they were also working with the University on anything that might come along.

Mr. Sturtz asked if he felt confident in moving towards 10 percent near 2017. Mr. Johnsen replied the current goal was to ensure they met the 2013 five percent requirement, while planning for the next step in the process and keeping the economics in mind.

Ms. Hoppe made a motion to approve the 2011 Renewable Energy Report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(C) Consider grant applications relating to the Safe Routes to School Program.

Item C was read by the Clerk.

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

Mr. Sturtz asked if it was more attractive to propose a more expensive project where they would be funding a smaller percentage of the whole. Mr. Teddy replied one would think a smaller project would work in the City’s favor, but based on recent experience with the Transportation Enhancement Grant Program, it appeared MoDOT might prefer fewer projects as it would require less administration. If it was very competitive, he thought smaller scaled projects would be favored. Mr. Sturtz understood each grant would max out at $250,000. Mr. Teddy stated each project would have a fiscal impact to the City. Mr. Sturtz asked if it was premature for staff to identify the source of the funds needed. Mr. Teddy replied the Fairview project was in the CIP, the Parkade project would require Council direction, the West Boulevard project was likely too expensive for consideration at this time, and the Russell Boulevard project already had some preliminary engineering done.

Ms. Hoppe understood the Fairview was in the CIP and asked if the other projects were in it as well. Mr. Teddy replied he believed they were in the 10 plus year list of needs, and noted they were all in the Sidewalk Master Plan, which included desired routes to school.

Mayor McDavid opened the public hearing.

Ian Thomas, 2616 Hillshire Drive, stated he was the Director of the PedNet Coalition and noted Columbia was a national leader in providing safer infrastructure for children to walk and bike to school and in delivering educational and encouragement programs that helped parents overcome their concerns with letting children walk and bike to school. He explained the PedNet Coalition strongly supported the Parkade Boulevard Elementary School project that City staff recommended. There was a lot of concern about child obesity levels in
underserved communities, which translated to schools that had a high percentage of low income families and kids attending those schools and where access for healthy physical activity was most important. Parkade and West Boulevard both had high rates of low income families and a strong interest in walking to school. The PedNet Coalition felt the Parkade project was doable and would fit nicely with an existing but separate Missouri Foundation for Health (MFH) grant that was held by the PedNet Coalition and the Columbia Housing Authority. He noted there were 58 elementary aged children living in the Bear Creek public housing area that attended Parkade Elementary and that they would be willing to commit $16,000 from that MFH grant to this project if $250,000 was provided by the State.

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

Ms. Hoppe understood the need for safe routes to school went beyond this list and anything they could receive a grant for would be great.

Ms. Hoppe made a motion directing staff to draft legislation that would authorize City Manager to apply for safe routes to school funding for a specific project subject to prioritization for consideration at the April 4, 2011 Council Meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(D) Voluntary annexation of property located east of the intersection of North Tower Drive and Prathersville Road (1785 and 1795 Prathersville Road).

Item D was read by the Clerk.

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

Mayor McDavid opened the public hearing.

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

(E) Voluntary annexation of property located west of the intersection of U.S. Highway 63 and the Prathersville Road interchange (1775 Prathersville Road).

Item E was read by the Clerk.

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

Mayor McDavid opened the public hearing.

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

(F) Voluntary annexation of City-owned property located at the terminus of Casa Circle (4304, 4305 and 4308 Casa Circle).

Item F was read by the Clerk.

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

Mayor McDavid opened the public hearing.

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

R44-11 Approving the FY 2010 Consolidated Annual Performance Report.

The resolution was read by the Clerk.

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

Mr. Sturtz asked if the Neighborhood Stabilization Program funds expended involved mostly the houses on Sexton. Mr. Teddy replied it included a house on Mikel, a house on
Madison, a house on Forrest, a house and three vacant lots on Sexton, and the property at Ash and Sanford.

Mayor McDavid opened the public hearing.

Jim Loveless, 2116 Nelwood, stated he was the President and CEO of Job Point and noted Job Point was a City partner as it used Community Development funds as well as HOME funds for its YouthBuild and Columbia Builds Youth programs. He commented that from his perspective in terms of Job Point, Columbia Builds Youth or YouthBuild, the report was complete and accurate.

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

The vote on R44-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS


B48-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Plumbing Code.

B49-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Mechanical Code.

B50-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Residential Code for One- and Two-Family Dwellings.

B51-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Property Maintenance Code.

B52-11 Amending Chapter 6 of the City Code relating to adoption of the 2009 International Fuel Gas Code.

B53-11 Amending Chapter 9 of the City Code relating to adoption of the 2009 International Fire Code.

The bills were given third reading by the Clerk.

Ms. Hertwig Hopkins provided a staff report.

Ms. Nauser made a motion to amend B47-11 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mr. Thornhill made a motion to amend B48-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Ms. Hoppe made a motion to amend B50-11 per the amendment sheet dated March 21, 2011 that dealt with technical issues of the ordinance. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mayor McDavid explained the Council had tabled these bills due to the disparate recommendations of the Energy and Environment Commission (EEC) and the Building Construction Codes Commission (BCCC). He noted that after allowing public comment, he would propose the amendment that included the concessions offered by the EEC based on line item deletions and changes they were willing to make to the BCCC proposal.

Rick Shanker, 1829 Cliff Drive, commented that he believed the BCCC was agreeable to the compromise provided by the EEC with the exception of the duct testing system. Since the work session, he noted he had contacted two local HVAC contractors to find out what might be an acceptable loss. Accurate Heating and Cooling had indicated 0-5 percent was
acceptable for loss in a duct system, and they felt they had a less than one percent loss due to their technique, which Mr. Shanker described. He stated his compromise proposal to Council on this subject would be for inspectors to ensure there were double ties on the inside and outside of the ducts. In speaking with Enhanced Environment Solutions, the cost of a blower door test and duct test was $258 and $150. If the Council decided to proceed with requiring a duct test, he wondered who would administer it. He asked if the Building and Site Development Division would do it or if a third party would do it, and how it would fit in with all of the other inspections and whether it would slow down construction. Mr. Shanker noted there were certain changes to the electrical and plumbing examiners boards. In the past, applicants had applied for licensing without being charged for three years, and at the end of three years they were gone. This had been changed so the money would be collected up front. He commented that he was concerned with three changes in terms of the electrical code. One involved arc fault circuit breakers in residences. It had been deleted from the last code and he was recommending it be deleted again. In addition, smoke and carbon monoxide detectors would be required, and he was recommending those not be required in the codes.

Mr. Dudley asked if it was true the EPA recommended random duct testing on homes. Mr. Shanker replied he did not know.

Lawrence Lile, 7425 E. Route Y in Ashland, explained he was a member of the EEC, and although the Commission would have preferred Chapter 11 be adopted verbatim, they were agreeable to a compromise. He commented that the energy code would benefit residential homeowners for the life of the building and would benefit the City by reducing peak demand, which then would reduce energy costs for everyone within the City. He understood the energy code would add $875 to the cost of an average Missouri home, but the homeowner would realize $459 in energy savings. In addition, those improvements would cost more if added after the home was built, since it would involve the inside of walls, the replacement of windows, etc. The compromise would include the localization tables the EEC and the BCCC had agreed upon. In addition, they were agreeable to not requiring high efficiency lighting, air-tight lighting fixtures or pre-set programmable thermostats. The EEC did, however, want to require duct leakage testing because they felt any severe leak could erase all of the energy gains in the 2009 code. They believed it would pass on about $250 to the consumer, but felt it was money well spent. He noted the mechanical code had always required the ducts to be sealed, but compliance was not always met since there was no feedback or incentive to find leaks. He stated the EEC was fully supportive of the compromise proposal that had been submitted to Council.

Ms. Hoppe asked how duct testing would be done. She wondered if approved equipment was necessary. Mr. Lile replied he understood there was a particular type of tester that hooked into the air conditioning duct work, and he assumed the Building and Site Development Division would determine how the test was done and whether it had to be witnessed or performed by someone in particular.

Mr. Kespohl asked if he had any data from the cities that had adopted the energy code with regard to the percentage of homes where leaks had been found due to this type of testing. Mr. Lile listed those communities that had conducted studies indicating duct leakage
was a major problem and noted the in Fort Collins, 100 percent of the 80 newly constructed homes studied did not meet the standard.

Mr. Dudley understood the EPA recommended random testing and asked if he knew how many homes were recommended to be tested by the EPA. Mr. Lile replied he did not know if random testing was recommended, but understood the new code required all new homes to be tested. Mr. Dudley explained the reason for random testing was to ensure the duct work would be done correctly by a particular contractor after being shown any potential problems and because it would save money.

Ms. Hoppe asked if equipment and sizing would remain in Section 1103.6. Mr. Lile replied the right sizing of heating and air conditioning equipment was a part of the code and the compromise. He noted it limited peak demand.

Winifred Colwill, 1417 N. Countryshire Drive, stated she was a member of the League of Women Voters of Columbia and Boone County (LWV) and commented that the League was not familiar with the compromise. The LWV was in support of the EEC proposal to adopt Chapter 11 in its entirety. The BCCC recommendation would omit or weaken several important energy efficiency provisions, which she listed. The American Council for an Energy-Efficient Economy stated the value of energy efficiency in properly implemented construction standards was universally recognized as the easiest and most cost-effective way to help consumers save energy and money, make housing more affordable and reduce air pollution, and all of these benefits were difficult or impossible to capture if not taken into consideration at the time of construction. She provided recessed light fixtures and leaky or poorly insulated ductwork as examples and noted the Department of Energy had indicated typical duct systems lost 25-40 percent of the heating and cooling energy put out by the central furnace, heat pump or air conditioner. She understood the BCCC had originally recommended less duct insulation and weakened verification of duct tightness in unconditioned spaces, such as the attic, by making pressure testing optional. She commented that Columbia residents had shown with their voices and votes that they cared about energy efficiency and sustainability. The energy efficient building standards with effective enforcement would pay back their initial costs in savings many times over and would slow the rise in energy demand in terms of capacity and in meeting its commitment to reduce greenhouse gases as stated in the Mayor’s Climate Protection Agreement. She provided a handout of her comments as well.

Alyce Turner, 1204 Fieldcrest, stated she was a member of the EEC and a consumer of energy. She commented that when she moved to Columbia in 2003, she could not find a home that was considered in-fill development with a 90 percent furnace. She eventually settled on a home and participated in the City’s free energy audit program, and had learned she had a ventilation problem. If duct testing had happened during construction, she would not have had the high winter utilities bills that she did prior to the audit and getting the problem resolved. She asked the Council to support the compromise suggested by the EEC.

Jan Weaver, 412 ½ W. Walnut, explained she was a member of the Columbia Vision Commission, and by adopting the EEC’s compromise, the City would be more in line with a recommended action from the 2007 Imagine Columbia’s Future, which was to enact regulations to implement better and more efficient technologies by adopting the 2006
International Conservation Code. She urged the Council to adopt the EEC compromise recommendation.

Mark Haim, 1402 Richardson Street, stated he was an advocate of energy efficiency as it was the cheapest, fastest and best way to meet energy needs, and in looking at the figures provided by the EEC, there was a phenomenal rate of return. He felt there was no better investment because it was an investment where the consumer and the environment won. He urged the Council to adopt EEC’s recommendation.

Dick Parker, 215 W. Sexton Road, stated he was a member of the EEC and explained people started recommending duct testing in the late 1990’s due to studies that showed there were leaks in the ducts. He noted a lot of research had been done in terms of the best method for testing and the International Code finally recommended duct testing in 2009 because there was a standard approach and because testing had been demonstrated to be useful. He thought the City should require it.

Ms. Hoppe asked if duct testing would be required for every unit or if it could be done randomly. Mr. Parker replied he thought every unit would need to be tested per the language in the code.

Fred Malicoat, 4101 N. Wappel, stated he was a member of the BCCC and explained that they had made amendments to the energy code so it would be palatable to builders and all concerned residents. The BCCC had planned to incorporate the energy code in a gentle manner with the likely full adoption of it during the next cycle of code reviews, which would likely begin in March 2012. In response to an earlier question, he noted the EPA had suggested randomly testing one of seven homes. The BCCC was suggesting the Council adopt their recommendations, so they could ease into the new testing and other related items.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking for the Columbia Climate Change Coalition and Interfaith Care for Creation and noted they wanted the code adopted in its entirety without any weakening. It helped homeowners, builders and the community as a whole, and worked with the obligations of the Mayor’s Climate Protection Agreement and in meeting the voter-mandate to supply renewable energy. She commented that while she understood the reason for compromise, she felt they had been compromising for a while since the City had not adopted these codes for many years and because they were already almost to the 2012 codes.

Carol Greenspan, 505 Columbia Drive, Apt H, explained she supported the comments of the League of Women Voters and the EEC and was a member of the Columbia Climate Change Coalition and the Interfaith Care for Creation. She commented that she believed random testing was inadequate and many of the codes were not enforced because people did not understand how important code enforcement was to individual lives. She was also worried that those homes that were not randomly tested might not meet the code requirements. She did not believe $250 for testing was too much since the payback was significant.

Karl Skala, 5201 Gasconade Drive, stated he was the Vice Chair of the EEC and wanted to endorse the compromise, although he believed adopting the full code could be considered a compromise in itself since it was recommended through a process similar to the
City’s process. He believed duct testing was essential and noted the savings would not only be felt by the consumer, but the City would benefit in terms of purchasing energy off of the grid, which was very expensive. He explained the EEC had discussed the idea of sampling, but felt it would be problematic in terms of implementation. He commented that the problem with excepting items from the code was that there was no way to put them back in until the next code cycle. He thought they should allow the BCCC to except items out of the code for only one or two cycles at a maximum.

Fred Lee of Fulton, Missouri stated he thought the City and consumers were losing a lot of money by allowing heat ducts within the walls and in the ceiling. He thought the heating ducts should be under the house since heat rose, and that if the ceilings and walls were well insulated, it would save a lot of money.

Dan Goldstein, 604 Redbud Lane, understood the issue was performance based duct testing and whether all or just some homes should be tested. He noted that everyone wanted an energy efficient house, and the problem with random sampling was that a person who was not tested might have a significant leak. He thought any procedural issues could be handled and that there were resources, such as the Building Codes Assistance Project, that could assist with implementation issues. He commented that he believed the compromise the EEC was recommending was a way to move forward as it addressed some of the concerns of the BCCC, the EEC and the public.

Ms. Hoppe asked if the Building Codes Assistance Project could still be involved even if they adopted the compromise legislation. Mr. Goldstein replied yes and explained they would help Columbia so it might adopt the full code in a future cycle.

John Page, 8391 Forest Creek Drive, commented that he had been a home builder in Columbia for 30 years and on the BCCC for 15 years, and explained they struggled with costs every time they went through the code review process. As a home builder, he wanted to keep costs down so they did not eliminate home buyers, which was a real concern. He stated he felt energy inefficiency was a perceived problem instead of a widespread problem, and he did not believe duct testing was necessary. He pointed out the current discussion involved one aspect of the code, and there were many others that affected the cost of constructing homes as well.

Ms. Hoppe asked if he had ever performed a random duct test to determine its usefulness. Mr. Page replied he believed the visual review of the duct work was sufficient. He did not believe there was a problem and thought the duct work was done tightly and well. He noted he had not tested them, but had never received complaints from customers regarding their utility bill. He commented that he felt it was incumbent on any home builder to build a house per the standards in the code. It was not up to the Building and Site Development Division inspectors to catch errors as their inspections involved a sampling. The burden should be placed on the home builders.

Mr. Sturtz noted his home had no duct work from the cold air return and asked for a comment on that situation. Mr. Page replied there were people with bad workmanship, but he did not believe workmanship could be dictated. Mr. Sturtz asked if he was saying there was no reason for the codes. Mr. Page replied he was saying the City could not ensure every single person built a home exactly as the code required.
Sue Tillema, 306 Westridge Drive, commented that there were a lot of people in the public that supported the adoption of the 2009 International Building Code. She felt it was hard to determine on a local level whether they had better judgments than those involved with the International Building Codes process as it was done on such a large scale. She noted a lot of new people, such as retirees, were moving to Columbia because housing was cheap, and she was concerned about the long-term impact of not having the best construction methods and potential environmental issues over time.

Mayor McDavid stated he believed society was overregulated and that those serving on the BCCC were the best craftsmen, but not everyone was a good craftsman as was seen by the situation described in Mr. Sturtz’s home. The Council was a group of laypeople and not the best arbiters of these differences of opinion, so they had to rely on a third party, which in this case were the 2009 International Codes.

Mayor McDavid made a motion to amend B50-11 per the amendment sheet identified as the EEC compromise position dated March 21, 2011. He understood it was increasing some costs, but if those costs were recouped, there really were no additional expenses. The motion was seconded by Mr. Sturtz.

Ms. Hoppe stated she would personally favor adopting the International Code as it was written, but was agreeable to the amendment. The payback was good in terms of the cost, which was unlike some of the other codes. The cost of buying a house included the cost of running the house in terms of heating and cooling it with energy. She noted they were trying to create affordable living in Columbia for many years to come, and this assisted in making Columbia more family friendly. She pointed out the Water and Light Advisory Board had recommended adopting the entire code and believed adopting the code with the compromises was reasonable.

The motion made by Mayor McDavid and seconded by Mr. Sturtz to amend B50-11 per the amendment sheet identified as the EEC compromise position dated March 21, 2011 was approved unanimously by voice vote.

The vote on B46-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B47-11, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B48-11, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B49-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B50-11, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:
The vote on B51-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B52-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B53-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B64-11** Authorizing an agreement with Broadway Lodging LLC for the acquisition of property located on the east and west sides of Short Street, adjacent to Walnut Street, to allow for the construction of a parking garage.

The bill was given third reading by the Clerk.

Ms. Hertwig Hopkins and Mr. St. Romaine provided a staff report.

Mr. Kespohl understood the covered garage spaces were $60 per month, and if that was true, he wanted to amend the contract so it included a fee of $60 per month, which was $720 per year. The amount included in the contract was $660, which was $55 per month.

Mr. Glascocks noted the contract amount included the discount. Mr. St. Romaine explained the intent was to ensure the same standard rate would be used, and that he would make sure it was correct in the contract.

Mr. St. Romaine pointed out the contingency date in the contract was currently blank, and they were suggesting it be 120 days from the date of the contract.

Mr. Kespohl understood the bonds would be issued for 25 years. Mr. Blattel explained the City had an option of 20 or 25 years. Mr. Kespohl commented that page 8 of the contract indicated that after a period of 20 years following the first payment by the seller, Broadway Lodging could terminate the spaces or renegotiate, and he wanted to make the number of years in the contract the same as the term of the bond.

Mr. Kespohl made a motion to amend the contract associated with B64-11 so the rate for the spaces was $60 per month and the period Broadway Lodging was committed to renting spaces was equal to the term of the bond issued for the parking garage. The motion was seconded by Mr. Dudley.

Mr. Thornhill asked for clarification regarding the contingencies involved with the rates. Mr. St. Romaine replied this agreement was subject to the City’s public improvement process and the availability of appropriated funds, so if the bond market worsened, the City could potentially opt out. In addition, he understood, the City could set a maximum rate when requesting bids on the bonds without affecting the competitive process of the bid process.

Mr. Thornhill understood the scenarios were based on 5.2 percent. Mr. Blattel stated that was correct. Mr. Thornhill wondered if they could require that be the cap.

The motion made by Mr. Kespohl and seconded by Mr. Dudley to amend the contract associated with B64-11 so the rate for the spaces was $60 per month and the period Broadway Lodging was committed to renting spaces was equal to the term of the bond issued for the parking garage was approved unanimously by voice vote.
Mr. Thornhill explained that since the scenarios were based on 5.2 percent, he did not want to pay more than that. Mayor McDavid understood the average 30 year municipal tax free bond was about 4.7 percent currently, so he suggested making the ceiling 5.3 percent to provide some flexibility since the projections were conservative. Mr. Thornhill commented that since the scenario was based on 5.2 percent, he preferred that be the maximum. Mr. Blattel asked if it could be the blended rate due to different periods of issuance. Mr. Thornhill stated he was agreeable to 5.2 percent being the blended rate.

Mr. Thornhill made a motion to amend the contract associated with B64-11 so the blended interest rate associated with the bond was no more than 5.2 percent. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Mayor McDavid referred to the contract and noted line 9 of 7(b) indicated future parking rates of this garage would equal the average of the City-owned garages in the downtown. He wanted to add wording so it did not include the City-owned parking garage on Fifth and Walnut as he was afraid they would need to lower the rate for that garage in order to fill it and he did not want that lower rate to influence the rate Broadway Lodging would pay.

Mayor McDavid made a motion to amend the contract associated with B64-11 by changing 7(b) so the price paid by the seller for the exclusive use of the hotel spaces would at all times be the average rate of the then current rates charge by the City for covered parking spaces within the parking garages owned by the City and within the downtown area of the City with the exception of the Fifth and Walnut parking garage. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Robert Hollis, an attorney with offices at 1103 E. Broadway, stated he was representing Broadway Lodging and asked if the 5.2 percent limitation would appear in the contract. Mr. Boeckmann stated he thought it could be added as a contingency. Mr. Hollis understood another amendment involved changing the rate to $60 per month, and he believed the contract identified an amount that they thought was the correct City rate. If it was not, it was done in error, and the contract also indicated the cost would be whatever the City charged for the average of the remaining garages, so it did not necessarily need to be corrected, except to the extent of excluding the Fifth and Walnut parking garage. He noted Mr. St. Romaine mentioned 120 days for the contingency period and they were agreeable to that change. He understood the other change was for the client to be obligated to the spaces for 25 years if the bond issuance was for 25 years, and wanted to ensure they were not obligated for 40 years, if the bond issuance was for 40 years instead. Mr. Kespohl stated he did not anticipate a 40 year bond because the scenario only worked at 20 or 25 years. Mr. Hollis suggested that be clarified so the number of years they would be obligated would equal the number of years for the bond, up to 25 years.

Mr. Hollis stated it was his client’s full intention to move forward with the hotel project regardless of the garage, but the likelihood of success of the hotel project would be lessened without the garage. When his client had approached the City with regard to the Regency Hotel project, he did not ask for the parking garage. It was presented to him that there would be a parking garage, and based on the representation made, he had spoken with many franchisors and had indicated there would be a garage. He believed that going to a franchisor without the parking garage now would jeopardize the project as a whole. In
addition, the timing of the garage with the hotel was important. Once sufficient progress was
made in terms of the hotel, the garage would not be possible at that location.

Diane Lynch stated she was the President of Stephens College and commented that
the impact of a decision the Council made in terms of a housing project on the corner of
Walnut and College would bring 300 residents to the neighborhood with only 200 parking
spaces and would create a demand for parking as it was already an issue at Stephens
College. They had special events, such as weddings, etc. that brought in 300 or so people
that needed a place to park, and she believed some of those people would be willing to pay
more to park than the going rate. She was excited about the housing development, but
remained concerned with the density, traffic and parking issues.

Teresa Maledy, 215 W. Brandon Road, stated she was the Chair of the Board of
Trustees for Stephens College and echoed the comments made by Dr. Lynch. She noted
she also represented Commerce Bank and that she was personally supportive of parking
garages in the downtown. They were fortunate to have a vibrant downtown with a good
mixture of businesses, entertainment, residents and retail. Commerce Bank went through an
analysis a couple of years ago in terms of whether they needed to invest in their building at
Ninth and Broadway, and she had to respond to the Chairman of the company who was
housed in Clayton, Missouri, multiple times with regard to the availability of parking. It was
important for them to have access to affordable parking for their employees before investing
in the downtown. She noted her company was not unique when considering this as a factor.
She believed parking was essential to economic development in the downtown as it was a
part of the infrastructure that supported the businesses, retailers and arts.

Ms. Hoppe asked if she felt there could be a role for better transit in the downtown.
Ms. Maledy replied potentially. She explained she had worked for Commerce Bank for 16
years in Kansas City and many of the employees that came to the downtown area to work
utilized mass transit, so it was reasonable. However, some of the employees, such as
relationship managers, needed access to cars so they could visit clients.

Skip Walther, an attorney with offices at 700 Cherry Street, stated he was Chair of the
Downtown CID Board of Directors and reiterated that the CID Board supported the
construction of the garage as parking in the downtown had been a problem for decades. The
only solution was to create more spaces for cars to park, and parking garages were the most
reasonable way to create more spaces. They recognized the fact revenues for the parking
utility would need to increase in order to support the garage as the utility had to pay for itself,
and were ready to participate in conversations with regard to how to accomplish this goal.
They were supportive of raising meter rates in an effort to encourage people to take
advantage of the parking garages. He believed a garage at Short Street was needed
because development in that part of the downtown had increased over the past several years
and would continue to increase with the Regency Hotel development and the housing
development discussed earlier. He felt this was the right location and the right time to build
the garage.

Richard Ditter, 2701 Malibu Court, stated he and his wife owned a business at 1034 E.
Walnut and understood the need for parking. They had 25-30 employees and needed to rent
parking off-site in order to accommodate customer parking even though they had some of
their own parking spots. They sometimes needed attendants to supervise their parking area due to the number of people wanting to park in the area. He agreed the cost of a parking garage was high, but felt the investment would more than pay for itself in the long run.

John Ott, 212 Bingham, listed the businesses and people that had made an investment in the Arts Village District and were counting on opportunities to accommodate customers in the future. If the hotel was built without a garage, it would displace a number of cars that were parking on the street. He noted the bus station accommodated some parking, but with the success of the bus system, he did not believe those spots would always be available. He hoped those that had made investments prior to the garage being built would be assisted with accommodations for their customers.

Matt Istwan, 3704 Watts Drive, stated he had worked in the downtown for 18 years at Déjà Vu Comedy Club and that parking had always been an issue. He commented that there was a concern with regard to the potential increase in parking rates and/or hours. Since they attracted people to the downtown within about a 60 mile radius, he thought they needed to be careful in terms of how they planned to pay for the garage. He did not want them to just pass on the cost to the downtown consumers. He suggested the City or SBD invest in advertising the things that were happening in the downtown along with the building of the garage.

Ian Thomas, 2616 Hillshire Drive, stated he was the Director of the PedNet Coalition and explained the PedNet Coalition supported an economically vibrant and successful downtown as it was an efficient way for a community to do business. They, however, had a different vision in terms of transportation within and to and from the downtown. He commented that he had some concerns with the parking study that made the case for a need for a new garage. He did not agree with the idea that they had to build for peak demand even though it was industry practice. During a two day study done by people involved with PedNet in October of 2010, there were more than 700 empty spaces in the garages at time points of 9:00 a.m., 11:00 a.m., 1:00 p.m., 3:00 p.m. and 6:00 p.m. prior to the building of the Fifth and Walnut parking garage. The on-street parking efficiency was at 92 percent and mixed with the off-street parking efficiency of 55 percent, there was only a 73 percent efficiency. He asked the Council to critically view parking studies and to adjust meter rates so parking in the structures was more desirable. This would allow them to really determine the need for parking on- and off-street.

Mr. Kespohl understood there was a difference between empty spaces and leased spaces. He noted the space might be empty by design, so he was not sure that counting empty spaces was a good measure for the demand for parking. Mr. St. Romaine referred to the parking report that would be discussed later in the evening and explained it showed the number of permanent spaces in each garage and how many of those spaces had been sold. He understood they had been at an oversold status for most of the Cherry Street garages and the Parking Plaza Garage behind City Hall. Mr. Kespohl noted an empty parking space did not necessarily mean it was empty. Mr. Thomas understood, but felt if public funds were going toward garages, they needed to review the efficient use of the money. He was not sure it was a great situation for someone to pay a lot of money for a spot they only used occasionally.
Ms. Hoppe believed there were formulas other cities used to determine how much overselling should be done for a particular parking garage or area, so it was not as empty. She suggested that be looked into further.

Mr. Kespol noted that of the 1,892 permitted spaces as of March 1, 2011, 1,754 of those spaces had been sold or leased. Mr. Thornhill understood that included the Fifth and Walnut garage. Mr. Thomas did not believe those numbers were consistent. Mr. St. Romaine explained that they might have 150 parking spaces in the Parking Plaza, but they might have sold 200 spaces, so they had oversold those spaces by 15-20 percent.

Mayor McDavid pointed out there was not enough money in the parking utility to build this garage. He noted that he would support the building of the parking garage, but it would require a substantial increase in on-street parking and parking garage rates as it needed to pay for itself. He thought this situation was a result of the fact the City’s long-term planning was not robust. They were trying to fund a parking garage based on 10 year old parking rates and they had 1960 technology in terms of parking meters. He commented that if this passed, he would likely be forming a parking task force to look at the whole parking utility, to include meters, garages, etc. He was not in agreement with the idea that the rates should be the same for all parking garages. He thought the task force should include a representative of the PedNet Coalition, Stephens College, downtown businesses, etc. to assist with a long-term strategy. He stated this garage would be an exciting addition to that part of the downtown, and on that basis, he planned to support it.

Mr. Sturtz explained he thought this would ultimately be a great public investment for the downtown. He noted he biked to the downtown 70 percent of the time, but recognized the need for this garage in this location for the downtown to be more robust as this area had been developing significantly. He commented that he also did not believe the proposed Short Street garage was high enough. He thought it was a mistake to not engineer it so it had the potential to grow. They needed to decide whether they wanted to grow outward or upward, and he believed they would save millions of dollars in infrastructure by growing upward instead of outward. He stated this would end up being a great investment in terms of what they would save if they had thousands of more people living in the downtown and that he planned to support it.

Mr. Dudley commented that he would like for a rate to be worked out for employees and residents of the downtown so they had an incentive to park in the garages instead of the street as it would allow more customers to use the meters.

Ms. Hoppe stated she agreed this was a strategic location for a garage if they were going to construct another garage, but that she had concerns for the need for better analysis if they decided to proceed with any future garages. She felt a shuttle system between the garages and the University would be beneficial and would assist the Fifth and Walnut parking garage in terms of its use. People from out of town staying in the downtown would likely want to visit the University, so a good transit circulation would be beneficial. She hoped that would be a part of the vision and goal of the task force Mayor McDavid had mentioned.

Ms. Nauser stated she thought Columbia was fortunate to be discussing additions to the downtown when so many other communities were experiencing migrations from their downtown areas. She noted she agreed with Mr. Sturtz with regard to increasing the height
of the proposed Short Street garage. She pointed out the City had originally planned on adding levels to the Plaza parking garage behind City Hall, but due to changes in earthquake codes, it was not feasible in terms of cost. As a result they added floors to the Fifth and Walnut garage. She noted they were not only building for today, but also for the future in terms of implementing the Sasaki Plan and ideas from the downtown charrettes. She stated she would support the parking garage as they had made some decisions that would create a need for more parking and felt that not constructing this garage would create an economic hardship for many of those developments already in the process.

Mr. Thornhill commented that he did not want to take away from the concerns with regard to the viability of the utility, but he believed they would likely not even be having this conversation had it not been for the height of the Fifth and Walnut parking garage. Mr. Sturtz agreed, but thought they would be thankful for those additional levels in the future as 3-4 new buildings nearby would utilize those spaces.

The vote on B64-11, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B69-11 Accepting a grant from the U.S. Environmental Protection Agency for the “City Green: The District” project to reduce greenhouse gas emissions for commercial buildings in the central downtown area; authorizing a grant agreement; appropriating funds.

The bill was given second reading by the Clerk.
Ms. Hertwig Hopkins, Mr. Johnsen and Ms. Buffaloe provided a staff report.
Ms. Hoppe commented that she believed the downtown was a great choice because more energy efficiency in the downtown would make it more attractive for businesses to locate in the downtown.

B69-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B66-11 Appropriating funds toward future improvements to Mexico Gravel Road.
B67-11 Accepting conveyances for sidewalk, access to storm water facilities, temporary construction and drainage purposes.
B68-11 Accepting Stormwater Management/BMP Facilities Covenants.
B70-11 Accepting conveyances for utility purposes.
R36-11 Setting a public hearing: special assessments against property in Sanitary Sewer District No. 166 (Thompson Road and Wyatt Lane).
R37-11 Setting a public hearing: construction of the Providence Pedway project between Wilkes Boulevard and Vandiver Drive.
R38-11 Authorizing an agreement with Inside Columbia magazine for festivals and events funding under the Tourism Development Program for the 2011 Wine & Food Festival.

R39-11 Accepting the donation of a television and computer equipment from the Conley Road Wal-Mart to be used by the Police Department Major Crimes Unit.

R40-11 Appointing Sherry J. Shettesworth as Acting City Clerk.

R41-11 Designating the Interim City Manager as the City’s authorized representative to the Missouri Department of Natural Resources for a State Revolving Fund Program loan under the Missouri Clean Water Law for various sanitary sewer improvement projects.

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

NEW BUSINESS

R42-11 Authorizing a memorandum of understanding with the University of Missouri and the State Historical Society of Missouri relating to the future site of the headquarters for the State Historical Society.

The resolution was read by the Clerk.

Ms. Hertwig Hopkins provided a staff report.

Mr. Sturtz asked how many parking spots would be eliminated on Fifth Street and at the Sixth Street and Elm Street location. Mr. Glascock replied there were 63 spots in the City’s lot. He was not sure how many spots were in the lot with the Heinkel Building. Mr. Sturtz stated he hoped the University would consider redeveloping the flat parking lot into something different in time. Mr. Glascock noted redevelopment had always been the intent for the City, but he was not sure about the University.

The vote on R42-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. 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.

B75-11 Voluntary annexation of property located east of the intersection of North Tower Drive and Prathersville Road (1785 and 1795 Prathersville Road); establishing permanent C-1 and R-1 zoning.

B76-11 Voluntary annexation of property located west of the intersection of U.S. Highway 63 and the Prathersville Road interchange (1775 Prathersville Road); establishing permanent R-1 zoning.

B77-11 Voluntary annexation of City-owned property located at the terminus of Casa Circle (4304, 4305 and 4308 Casa Circle); establishing permanent R-2 zoning.

B78-11 Authorizing an annexation agreement with Thomas A. Long.
B79-11 Amending Chapter 29 of the City Code as it relates to the floodplain overlay district.

B80-11 Authorizing an agreement with Walker Parking Consultants for engineering services relating to the planning, design, construction observation and contract administration of a multi-level off-street parking facility located north of Broadway on Short Street, and adjacent property south of Walnut Street; appropriating funds.

B81-11 Authorizing a Right of Use Permit with 10th and Elm, LLC to allow construction, improvement, operation and maintenance of a private storm sewer and water quality unit in a portion of Tenth Street right-of-way.

B82-11 Accepting conveyances for utility purposes.

B83-11 Authorizing the acquisition of property located at 407 North Fifth Street for park purposes.

B84-11 Accepting a donation from the Columbia Police Foundation to be used for the Police Department’s K-9 Program; appropriating funds.

B85-11 Appropriating asset forfeiture funds to purchase equipment for the Police Department SWAT Team.

REPORTS AND PETITIONS
REP47-11 Intra-Departmental Transfer of Funds Request.

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

REP48-11 Street Closure Request.

Ms. Hertwig Hopkins provided a staff report.

Mayor McDavid understood this had been done for several years. Ms. Hertwig Hopkins stated it had.

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

REP49-11 Street Closure Request – Rangeline – Columbia College Streetscape Project.

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

Mr. Sturtz noted there appeared to be a lot of light poles on that street and asked if that was the same number of poles as in the past. Mr. Johnsen replied he thought they had followed the plan in terms of the number of light poles. He explained it would likely look less cluttered once all of the overhead lines were removed.

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

REP50-11 Update on Change to Landfill Hours.

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report and noted the report was informational.

REP51-11 Buses with Trailers Parking on Downtown Streets.

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.
Mayor McDavid asked if they would park where the City told them to park. He wondered if the meter bags could be placed anywhere. Mr. Glascock replied the City provided the meter bags to the person requesting it and told them where to place them.

Mr. Kesphol stated he shared the locations in the report with the owner of the Guitar Building and he was not in favor of the location in front of Room 38. He planned to meet with the owner of the Guitar Building and the owner of the Blue Note to discuss the issue. Mr. Glascock explained they had discussed requiring them to park in the Armory or in another parking lot, but it was a block away, and the entertainers did not want to walk that far.

REP52-11 Condition of Derby Ridge Drive.

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report and noted the report was informational.

REP53-11 Parking Utility Inventory.

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

Mr. Sturtz stated he wanted a more comprehensive look at parking. This provided good information on the permitted spots, but he wanted the other spots in the downtown included as well. Mr. Glascock thought there were about 2,000 metered spots. Mr. Thornhill noted he had requested this report and thought he might have tailored it for the garage spots.

REP54-11 Sewers on Sunset and Broadway/West Blvd Traffic Studies.

Ms. Hertwig Hopkins provided a staff report.

Ms. Hoppe asked if this project had the potential to move up on the list if the bond issue passed in August. Mr. Glascock replied this was a sanitary sewer issue, not a stormwater issue, so it would not be affected by the bond issue.

REP55-11 Percent for Art Selection Process.

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

Mr. Sturtz asked at what level of budget this process would be affected and the timeline associated with it. Ms. Kacprowicz replied they could not specify the amount of money, time or geography of the search since they all worked together. Each project would need to be looked at individually to determine the process.

Ms. Hoppe noted her husband, who was an artist, had indicated that artists might be willing to submit a rough draft of a design for free in terms of a smaller project in an effort to be awarded the project. Ms. Hunter agreed, and explained they had not wanted to ask artists to work for free in the past. They wanted to respect their profession and time. Ms. Hoppe stated her husband agreed, but felt in this situation, they were not giving away their art since they were trying to be chosen and ultimately paid.

Mr. Sturtz understood the survey indicated many towns would set aside modest honorariums. Ms. Hunter noted that had been discussed and pointed out that they provided honorariums to finalists. In looking at the standard for a preliminary design phase for a bigger project, they would need to provide at least $1,000 per finalist. With a smaller project, it
would be a lesser amount. In addition, they might be required to fly them to Columbia for a second time for a second interview on the design process.

Mr. Sturtz commented that he believed it would be a good investment if the results in some of the higher profile spaces involved higher quality art, and hoped this process would be given some consideration in the future.

REP56-11 Journey to Excellence (J2E) Progress Update.

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

Ms. Nauser understood the new employee ID cards would have the vision and value statement and asked if the City was incorporating it into its letterhead. Ms. Browning replied several departments had already added it as they were replacing items. In addition, some had started adding it as a tag line at the end of their e-mails. Ms. Nauser suggested it be placed on City kiosks, etc. throughout the community in an effort to get the word out.

REP57-11 Columbia Special Business District Annual Budget Report.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Sturtz thanked everyone involved in the city manager candidate selection process as he believed it was a thorough and good process.

Mr. Thornhill understood there was an interest in the viability of brick streets as a result of the Eighth Street Beautification project and asked for a report from staff in conjunction with the Historic Preservation Commission indicating the cost of rehabilitating the existing brick street versus the installation and maintenance of a concrete street as they were doing now.

Mr. Kespolh asked staff to provide a report regarding how they could connect Bonnie View Park to Dublin Park without going down the street.

The meeting adjourned at 12:30 a.m.

Respectfully submitted,

Sheela Amin
City Clerk