INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 18, 2011, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was lead by Boy Scout Troop 4 of Trinity Presbyterian. The roll was taken with the following results: Council Members NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL and DUDLEY were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of January 3, 2011 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Thornhill.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Karl Skala – Boone County Smart Growth Coalition (BCSGC) pledge presentation.

Karl Skala, 5201 Gasconade Drive, stated he was speaking as the Chair of the Boone County Smart Growth Coalition (BCSGC). He read a proclamation in support of the establishment of a locally administered housing trust fund and noted the BCSGC was pledging to contribute $100 when the fund was formally enacted by the City. He explained a reason the BCSGC was interested in a housing trust fund was because it was consistent with the first principle of the Coalition, which was to create a range of housing opportunities and choices.

PUBLIC HEARINGS

B11-11 Authorizing construction of improvements for the ecological restoration of the former Columbia Sewer Treatment Plant #2 located along Hinkson Creek and adjacent to the MKT Trail; calling for bids through the Purchasing Division; transferring funds.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Hood provided a staff report.
Mr. Sturtz asked for the height of the elevated platform. Mr. Hood explained the building was set into the hillside and the ground floor was at ground level on the west side of the building. On the east side, however, it was several feet above ground since it sloped away. He thought the platform would be about eight feet above ground level on the east side. Mr. Sturtz understood it would be built regardless of whether the building was preserved. Mr. Hood stated it would be located there if they could use the foundation of the existing building. If they could not use the existing building, it would be demolished and a separate viewing platform would be created in the same general area.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe stated she felt the beauty of this project was the number of partners involved as well as the proposed outcome.

Mr. Kespohl commented that he believed this would be a successful project and recognized the many partners involved.

Mayor McDavid stated he believed this would be a beautiful project in a beautiful area of the trail and thanked 3M for being a great community corporate citizen.

B11-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) **Construction of sanitary sewer improvements, more specifically described as the Bear Creek Bank Stabilization Project.**

Item A was read by the Clerk.

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

Ms. Hoppe asked where else A-jacks had been used. Mr. Glascock replied they had been used nationally, but it was the first time the City would be using them. Mr. Thornhill asked what it was made from. Mr. Glascock replied concrete.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe stated she believed this showed how important it was to have stormwater controls and ordinances as it helped to ensure sewer lines were not threatened by erosion.

Ms. Nauser made a motion to direct staff to move forward with the project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(B) **Construction of sanitary sewers to serve the Ridgeway Cottages Housing Development.**

Item B was read by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

Tom Sasseen, 309 Ridgeway, read a statement for Felicia Leach, the owner of the property located at 309 Ridgeway. Ms. Leach felt the City had been accommodating enough in regard to the Ridgeway Cottages. She believed the project would be detrimental to the character of the Ridgeway neighborhood due to it having a higher density and lesser building setback requirements. She was appalled the City would provide a sewer for a private
individual with local tax dollars. She felt this was wasteful spending on a frivolous pet project and believed other more urgent issues, such as stormwater runoff, should be funded instead. Mr. Sasseen noted the Ridgeway Cottages would consist of three cottages and two carports, which involved a heavy concentration of asphalt and concrete, and would exacerbate the runoff problems on Ridgeway.

Doug Miller, 311 Ridgeway, stated he agreed with the previous statement made and understood the only stipulation for this project was to ensure Mr. Ziv had the funding secured. He suggested other stipulations be considered, such as the building of the structures and the income of those purchasing the homes so it was truly affordable housing.

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

Mayor McDavid made a motion directing staff to proceed with the final plans, specifications and construction of the Ridgeway Cottages Sewer project pending the developer providing proof of financing for the project. The motion was seconded by Mr. Sturtz.

Mr. Thornhill asked if this development was subject to the normal stormwater controls. Mr. Glascock replied he thought Mr. Ziv had received a variance through the Board of Adjustment, but was not sure.

Mr. Sturtz stated that some of the comments made involved the nature of the project itself, and noted those concerns would have been more appropriate when the project had been considered for approval. He did not believe the project was two dense as it would consist of three structures on two lots. He also felt they needed to get used to the idea of more people living in the central city if they did not want to promote sprawl. In addition, they had indicated they would help with the sewer project, so he did not think it was appropriate to go back on that pledge.

Ms. Hoppe asked if this project was tied to any affordable housing criteria. Mr. Glascock replied it was not to his knowledge.

Mr. Kespohl asked if they were limiting the success of the project by saying the contractor had to hire a subcontractor and others at a certain wage rate. Mr. Glascock replied prevailing wage was required for the sewer project.

Mayor McDavid asked if this commitment would last in perpetuity if the Council approved the project and the developer did not secure financing. He wondered if they needed to put a time limit on the project. Mr. Boeckmann replied the Council could put a time limit on it if they wanted. Mr. Kespohl noted they put time limits on the TIF projects. Mr. Thornhill thought the amount of money allotted might not pay for the project if they wanted too long and suggested a time limit be included.

Mr. Sturtz made a motion to amend the motion made by Mayor McDavid and seconded by Mr. Sturtz to include a three year time limit for Mr. Ziv to secure the financing for the Cottages project. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

The motion made by Mayor McDavid, seconded by Mr. Sturtz, and as amended by the Council, directing staff to proceed with the final plans, specifications and construction of the Ridgeway Cottages Sewer project pending the developer providing proof of financing for the project within three years, was approved unanimously by voice vote.
OLD BUSINESS

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

The bill was given third reading by the Clerk.
Mr. Watkins provided a staff report.
Mr. Thornhill made a motion to table B287-10 to the February 21, 2011 Council Meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B319-10  Amending Chapter 22 of the City Code as it relates to over-occupancy in rental units.

The bill was given third reading by the Clerk.
Mr. Watkins and Ms. Britt provided a staff report.
Ms. Hoppe asked about the investigation process. She wondered if the rental agreement was reviewed and registration information for any vehicles was researched. Ms. Britt replied the investigation included those items if they could obtain that information. She noted this was a difficult issue to address as it was hard to obtain evidence, but they tried to do what they could to determine who might be living at the residence.
Mr. Thornhill asked for the reason for the change in Section 22-192, which was the transfer of ownership. Ms. Britt replied currently a certificate of compliance could be transferred to a new owner for $2 without the City having the opportunity to inspect the property. The change in Section 22-192 would require the new owner to submit a new application so the City had the opportunity to enter the property to conduct an inspection and verify the number of people residing at the location. Mr. Thornhill felt this was an unnecessary additional inspection, especially if the property was sold soon after it had already been inspected. If the intention was to address overcrowding, he suggest the inspection be specific to the one issue and not be an entirely new inspection. He thought it might overburden the Office of Neighborhood Services and create hardships for those trying to buy and sell property if they had to wait for an inspection to be completed.
Mayor McDavid understood the purpose of this legislation was to provide the City the ability to inspect and enforce occupancy limits in R-1 zoned areas. He was not sure knowing what the previous owner allowed would help. He thought they wanted to prevent the new owner from renting to too many people. Ms. Britt explained the lease could continue even though ownership of the property had changed. This would allow the City the opportunity to verify the number of occupants.
Mr. Kespohl asked if they were intending to do a full inspection for compliance, which included heating, air conditioning, etc., or a modified inspection upon change in ownership. Ms. Britt replied they had intended to conduct the normal inspection as they would want any violation to be repaired. She pointed out the City did not have the right to enter unless the property owner or tenants gave them permission to enter if they suspected over-occupancy in a home even if they were able to prove there was a violation, they would be allowed additional inspection rights through this ordinance change.
Mayor McDavid understood they were imposing more inspections on those that might not be in violation by this ordinance change. Ms. Britt stated that was correct.

Ms. Nauser commented that the transfer of ownership would allow a new owner to be informed of the City’s zoning laws as they might not be aware of the occupancy limitations. In addition, the property might be purchased by someone intentionally violating the ordinance. This was an attempt to try to address the situation of people purposefully violating the zoning regulations.

Greg Ahrens, 1504 Sylvan Lane, stated he recalled a Supreme Court case in the late 1960's and early 1970's in which the Court determined the City of Philadelphia did not have any right to determine who was related. It was up to the people who formed the family to determine who was included as a family member.

John Ott, 212 Bingham Road, commented that he was involved with the Grasslands Neighborhood Association and thanked the Council for considering this proposed change as they continually dealt with overpopulation of people within single family homes. This affected the quality of lives of those that lived in the neighborhood and the investment in their homes. He noted he would be okay if the inspection at the time of a change in ownership was only to check on occupancy. He believed the two issues were the ability to inspect a property and a punishment that mirrored the violation, if there was a violation. At this time, the penalties were not high enough. Violators just paid the fee and continued to allow too many people to reside in homes. He knew their neighborhood was not the only one affected and believed the City needed to be able to enforce the zoning laws.

Glenn Rice, 602 Redbud Lane, stated he agreed with Mr. Ott with regard to enforcement being important, but questioned the need for re-inspection upon change of ownership. He noted he and his wife owned three rental properties and felt the inspection could be onerous. He commented that it was difficult to determine the number of people living in some homes, and thought a better method for determining occupancy was needed in addition to enforcement of violation. He did not believe adding more inspections would resolve the issue and reiterated it would be onerous for small rental business owners. He wondered if an inspector would not report a safety issue when checking for over-occupancy, and if the inspector reported it, whether there would then be the need for a re-inspection to ensure the safety issue had been addressed.

Mr. Kespohl asked if he was suggesting the overpopulation issue be complaint driven. Mr. Rice replied he was not sure how they could enforce the law surrounding this issue. He agreed it needed to be addressed, but did not agree to increasing the number of inspections if it was the same type of inspection that was done for rental compliance. He understood the inspectors were overworked and the scheduling of inspections had to be done weeks in advance.

Janet Hammen, 1844 Cliff Drive, commented that she was representing the East Campus Neighborhood Association and stated they had been greatly affected by over-occupancy and inspection intervals. It was not only a problem in the R-1 zoned areas, but was also a problem in the R-2 and R-3 areas. A complaint driven process placed a burden on the residents living in the affected areas as everything was complaint driven. In terms of quality of live and in an effort to address safety concerns, she believed the inspection was
needed when there was a change in ownership as many buyers were unaware of the zoning rules. She suggested apartment complexes be handled differently if they had been inspected within a year or two.

Mr. Sturtz noted he had seen the result of delayed maintenance in his ward and was thankful for the certificate of compliance process because they required these issues to be addressed. He wondered why people were allowed to go three years without obtaining a new inspection. He thought the proposed ordinance would prevent these kinds of problems and did not believe it was onerous.

Ms. Hoppe stated this problem had expanded to all areas of the City and was a frequent complaint of residents. She believed there needed to be a way to address the issue and was happy to see this proposal come forward. She suggested they not include apartment complexes as the over-occupancy issue did not appear to be a problem for those types of structures.

Mr. Kespohl asked if a new property owner was bound to a lease he/she inherited if a violation was found when the inspection occurred. He assumed the new owner would be bound to the lease. Ms. Nauser thought that should be researched by the real estate agent or new property owner before the purchase of the property.

Ms. Nauser noted she had been to some apartment complexes that would benefit from an additional inspection in terms of safety, so she was not sure they should be exempt. She noted the inspection was a cost of doing business and pointed out that it had taken over a year to just get to this point in terms of trying to resolve the over-occupancy issue.

Mayor McDavid asked if there were 30,000 rental units in town. Ms. Britt replied there were 23,000.

Mr. Thornhill commented that someone could transfer a valid lease, but it did not have anything to do with the number of people living in the unit. Mr. Boeckmann agreed a typical lease would not limit the number of people living in the home. Mr. Thornhill did not believe they could predicate an argument on the lease.

Mayor McDavid commented that it was difficult to determine who might be living in a residence versus just visiting. The proposed ordinance would allow the City a little more authority if a compelling case could be made. He was not sure how successful it would be, but it was a step in the right direction.

Mr. Thornhill stated if the intention was to monitor dilapidated property, he thought they needed to require inspections on a more regular basis because there were not enough transfers of ownership to address those issues. He understood inspection occurred once every six years if there were not any complaints.

Mayor McDavid made a motion to amend B319-10 so a new inspection would not be required upon the transfer of ownership. The motion was seconded by Mr. Dudley.

Mayor McDavid felt this issue started with the over-occupancy of homes and he was not sure why a change in ownership would trigger an inspection. The belief that homes should be inspected more frequently was another issue.

Mr. Watkins commented that he believed if had been included in the bill because they were finding over-occupancy became a more of a problem after a property sold.
Mr. Sturtz felt requiring an inspection at the time of a change in ownership was a good way orient new landlords to the City’s expectations.

Mr. Dudley understood landlords wanted to be allowed to transfer the certificate of compliance if the inspection had been done within a certain period of time and suggested they include a time frame in the ordinance.

The motion made by Mayor McDavid and seconded by Mr. Dudley to amend B319-10 so a new inspection would not be required upon transfer of ownership was defeated by voice vote with only Mr. Thornhill and Mr. Dudley voting in favor of it.

Mr. Kespohl stated he believed the ordinance needed to protect a new landlord from inheriting a problem.

Mr. Thornhill commented that this would affect sales contracts and would extend the amount of time it would take to close on the sale of a property. Sales would be contingent upon City inspections and closings would be delayed until any issues were resolved.

Mr. Sturtz asked how long it took for the inspection to be conducted from the time it was requested. Ms. Britt replied the Office of Neighborhood Services was currently three months behind. She noted they allowed a person to rent the property as soon as the application was submitted so they were not holding anyone up based on the inspection. The application allowed them to enter the property in order to conduct the inspection. She commented that there had been instances where the owner was not aware of the zoning laws and had to break a lease, so it happened even when there was not a change in ownership.

Ms. Nauser asked if there would be a way to expedite the inspection process if someone came in with a valid copy of a sales contract. Ms. Britt replied they could try to accommodate those types of requests. She noted they had received only twenty applications for transfer last year, so there were not that many changes in ownership.

Ms. Hoppe stated she believed this ordinance change would help resolve the continual over-occupancy issue as a new owner would be told they could have the same number of tenants as the previous owner if there was a violation.

The vote on B319-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, KESPOHL. VOTING NO: THORNHILL, DUDLEY. Bill declared enacted, reading as follows:

B323-10A Appropriating funds to provide for City of Columbia employee bonus awards.

The bill was given third reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill asked if the amount of the award was based upon how much an employee saved the City or if it was a flat amount. Mr. Watkins replied there were two types of awards and one involved a flat amount while the other could be an amount based on the savings.

Ms. Hoppe understood any bonus that exceeded ten percent of the employee’s annual salary would be reported to Council and noted some employees earned over $100,000, which would allow a large bonus without the approval of Council, and asked for clarification.

Mr. Watkins replied he did not allow bonuses for department heads or division heads. Mr.
Thornhill understood those earning larger salaries were not eligible for these types of awards. Mr. Watkins replied they were not eligible for a bonus based on savings, but he planned to provide employees participating in the Missouri Quality Award by becoming examiners with a flat amount even though they might be department or division heads. Ms. Hoppe understood that was by practice and not by ordinance. Mr. Watkins stated that was correct.

Mayor McDavid stated he was an advocate of incentives and was concerned with providing merit based bonuses unless the criteria was established in advance and based on key result areas where there was no hint of politics or favoritism. He was in favor of creating a culture where people tried to save money. He noted he could not find this $80,000 in the budget and stated he would request legislation later in the evening to move $55,000 from this fund to the Council contingency fund as there was not a Council contingency fund this year.

The vote on B323-10A was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B1-11 Amending Chapter 14 of the City Code to restrict parking on a portion of Rogers Street.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid asked if a vehicle was considered parked if a person was sitting in a car. Mr. Glascock replied his opinion was that the person was parked. Mayor McDavid thought they would need someone there moving people along for it to work. Mr. Glascock agreed and noted the Columbia School District had requested this and staff was trying to accommodate this request.

Ms. Hoppe asked if the sign would say no parking and no standing as she understood someone in a vehicle with the engine running was considered standing. Mr. Boeckmann replied parking was defined in the ordinance as the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.

B1-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B2-11 Amending Chapter 14 of the City Code to remove parking on a portion of Campusview Drive.

The bill was given second reading by the Clerk.

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

B2-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B3-11 Authorizing construction of the Hominy Branch Outfall Relief Sewer, Phases I and II; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.
Mr. Watkins and Mr. Glascock provided a staff report. Ms. Hoppe commented that she appreciated receiving information on the property owners that were contacted and their responses.

B3-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B4-11 Authorizing construction of the Hominy Creek Trail, Phase II (from Woodridge Drive to Clark Lane); calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

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

B4-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B5-11 Authorizing the acquisition of easements for construction of the Hominy Branch Outfall Relief Sewer, Phase II and the acquisition of additional easements for construction of Hominy Creek Trail, Phase II.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Glascock explained staff was recommending the removal of parcels 32, 33 and 34 from the ordinance. They planned to try to come to a consensus and bring the request for easements on those properties forward in the future.

Mr. Kespohl made a motion to amend B5-11 by removing parcels 32, 33 and 34. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B5-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B9-11 Calling a special election relating to the issuance of Water and Electric System Revenue Bonds for the purpose of purchasing the outstanding shares of the Columbia Energy Center.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Johnsen provided a staff report. Mayor McDavid asked how long the turbines lasted. Mr. Johnsen replied a gas turbine they operated at the Plant was built in 1963. They required a maintenance schedule based on operating hours, but if maintained appropriately, he thought turbines were expected to last at least 35-40 years. Mayor McDavid asked if this was a single cycle turbine. Mr. Johnsen replied it was a simple cycle gas turbine. Mayor McDavid asked if it was current technology. Mr. Johnsen replied it was current technology. He noted there could be better heat rates if a heat recovery mechanism was added, and this facility could accommodate the addition of the heat recovery mechanism.

Mayor McDavid understood that although this was more expensive than base coal rates, it was less expensive than peak coal rates. Mr. Johnsen stated it occupied the peaking portfolio of the need.
Mayor McDavid noted this would provide a lot of capacity and asked if the City could make money by selling capacity. Mr. Johnsen replied there would be an opportunity to market this from a capacity and energy perspective. There would be a point in time where they would need the capacity resources they were now buying off of the facility. He noted the Energy Authority was a market participant in MISO, and they would market the energy and excess capacity off of the Plant. He noted they did not include this as an income stream in the financing of this project.

Mayor McDavid understood the Columbia School District would potentially lose the $800,000 in taxes it received from this unit. Mr. Johnsen stated that was correct. He explained tax revenue would be paid into the PILOT when ownership transferred to the City. He noted they had talked to the School District about a plan that would phase out the change in tax revenue.

Mr. Dudley asked if the personnel maintaining the facility would stay with it. Mr. Johnsen replied the facility was currently maintained by contract. He thought they would support or re-bid the existing contract so there was an orderly transition to City personnel if that was desired.

Mr. Kespohl commented that the purchase price of $49,500,000 was a good deal based on the information he received. The yearly lease was $5,907,000. If the bond issue passed, interest was estimated to be $2,434,000 and principal was estimated to be $1,037,000. He thought they could set up a PILOT of $800,000 and would assume $500,000 in operating costs per year. This left a positive cash flow of about $1,067,000 over the amount they were paying, which was why he thought it was a good deal. He was unsure of the length of the bond. Mr. Johnsen replied they were looking at 25 years, but would discuss it with the Finance Department. Mr. Kespohl understood that if they allowed the lease to expire in 2014 and 2017, it would cost the City $33,000,000, and before long they would be at the $49,500,000 purchase price. In addition, the appraised value of the facility was $70,000,000, which was higher than the purchase price.

B9-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B14-11 Authorizing Amendment No. 2 to the redevelopment agreement with Tiger Columns, L.L.C.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. St. Romaine provided a staff report.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, explained he believed the six month extension might be excessive as they were close to finalizing the financing. He thought they might be back to Council within 30 days with a final amendment and explanation as to how the project would move forward. They were asking for the six months just in case things did not according to plan.

Mr. Kespohl asked if there would be a new developer. Mr. Van Matre replied yes. He explained that when they received the TIF benefit, they had explained the hotel owners were not hotel operators, so they would bring in someone for that purpose. They thought they had
someone identified. Mr. Kespohl asked if the ownership would change. Mr. Van Matre replied he thought the ownership might need to change in order to finalize the financing.

Mr. Kespohl asked how the TIF was affected if there was a new owner. He wondered if the benefit could be transferred. Mr. St. Romaine replied there were transfer rights within the contract.

B14-11 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. 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.

B6-11 Authorizing agreements with Boone Electric Cooperative to provide for primary electrical service for the Cascades Pump Station and Gans Creek Pump Station projects.

B7-11 Authorizing agreements with Boone Electric Cooperative to provide for primary and backup electrical service for the Clear Creek Pump Station project.

B8-11 Calling a municipal election to elect Council Members for Ward 1 and Ward 5.

B10-11 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Mill Creek Manor, Plat 4; approving the Engineer’s Final Report.

B12-11 Appropriating funds for parks projects authorized at the November, 2010 election.

B13-11 Accepting and appropriating donated funds from Columbia Youth Football, Inc. for the purchase of irrigation materials for football fields located in Columbia Cosmopolitan Recreation Area.

B15-11 Appropriating funds for Share the Light Program.

B16-11 Appropriating funds for Columbia Values Diversity Celebration activities.

R4-11 Authorizing an amendment to the Community Housing Development Organization (CHDO) agreement with Central Missouri Community Action.

R5-11 Authorizing an Electronic Business Services Agreement with Boone County National Bank in connection with the Employee Health Savings Accounts.

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

NEW BUSINESS

R6-11 Authorizing an agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for review of 2009 International Building Codes.
The resolution was read by the Clerk.

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

Mr. Dudley asked if there was any reason not to accept the recommendations of the Building Construction Codes Commission (BCCC) or why they would prefer the recommendations of Burns and McDonnell. Mr. Watkins replied the Council had asked for this outside review. Mr. Dudley commented that he would be willing to accept the recommendations of the BCCC.

Mr. Thornhill asked if there were significant changes. Mr. Glascock replied he did not believe there were and explained the City agreed to some exceptions as had been done in the past.

Ms. Hoppe noted the Environment and Energy Commission (EEC) had reviewed the codes and provided their recommendations primarily regarding the green codes and asked for the conflicts between the EEC and the BCCC. She wanted to know why the City would need to pay $34,000 for consulting services. Mr. Glascock explained staff was only doing what they were directed by Council to do.

Mr. Sturtz understood former Council Member Chris Janku had been frustrated because the Council had asked for enhanced building codes to improve the energy efficiency of new homes with nothing ever being done. He thought the Council had asked for a higher standard and was surprised there were not many changes from the previous year. Mr. Glascock stated the City followed the IBC in terms of energy. He agreed they did not require certain items, such as programmable thermostats and CFL’s, but those items could be included by a buyer. He thought the City’s standards were good and believed Mr. Janku had been frustrated with the efficiency of older homes.

Mr. Sturtz asked if the EEC recommendations had been integrated into the BCCC recommendations as Council had requested they reconcile their different recommendations into one recommendation. Mr. Glascock understood they had met, but had ultimately agreed to disagree.

Ms. Hoppe understood states that accepted the state energy program funding under the American Recovery and Reinvestment Act were required to adopt a state-wide residential building energy code that met or exceeded the 2009 IECC, adopt a commercial building energy code that met or exceeded the ASHRAE standard, and develop and implement a plan to achieve 90 percent compliance with these codes by 2017. Mr. Glascock did not believe it had been adopted yet. Ms. Hoppe commented that if they did not have a high enough standard, they might miss out on funding.

John Page, 8391 Forest Creek Drive, stated he had been a member of the BCCC for 15 years and had participated in many code cycles. He questioned the need to spend $34,000 for an outside consultant and explained the BCCC consisted of a diverse group of people, such as engineers, builders, landlords, etc. He noted they held lively debates and provided recommendations based on those discussions. He thought the City needed to adopt the new codes based upon their review and recommendations as they had been working on this for close to year. He explained he had participated in several meetings with the EEC, and at the BCCC meetings, the EEC representatives had input, but at the EEC meetings, the BCCC representatives were not allowed to participate. As a result, the BCCC
stopped attending the meetings. He pointed out that although the BCCC recommended amendments to the energy code, it did not mean builders and owners could not do everything within the code. He did not believe a consultant needed to be hired at this point since the review had been done.

Mr. Sturtz asked if the BCCC took the Integrated Resource Plan (IRP) into account. Mr. Page replied they did not use it. The issue with the green codes was whether the public was willing to pay the cost of the added requirements. Mr. Sturtz wondered if the public was willing to pay for higher heating costs because over time it added up. Mr. Page noted homes were built very tightly, and he was concerned about building them much tighter because he believed it would create health issues, such as mold, mildew, etc. If built extremely tight, outside air was required for circulation, which meant another mechanical device and more money. Mr. Sturtz understood Mr. Page felt the buildings were as energy efficient as possible without running the risk of health hazards. Mr. Page stated that was correct.

Ms. Hoppe understood the BCCC and EEC did not agree to the duct leakage testing requirement and that Mr. Page felt it could still be done, but there were alternatives. Mr. Page stated it could still be done, but the BCCC had requirements to prevent leakage via other methods, such as air infiltration, caulking, R-38 attics, etc. Ms. Hoppe understood the EEC was recommending it be required since it was a performance based measurement. Mr. Page noted there would still be a visual inspection as well.

Karl Skala, 5201 Gasconade Drive, stated he was the Vice-Chair of the EEC and explained he was appointed to the EEC toward the end of discussions between the BCCC and the EEC, but was not on the subcommittee that participated in the discussions. He recalled the joint meeting described earlier and noted there were discussions with some disagreements, and those unhappy about the disagreements left the meeting. As a result, the EEC decided to forgo the joint meetings and issue its own report. The EEC felt some of the visual inspections were not reliable and that there was a need to consider the IRP. He did not know whether it would be worthwhile to bring in a consultant for an independent opinion, but noted the BCCC and EEC spent about a year working on this without coming to an agreement. If the consultant was hired, he asked the Council to ensure conversation between all three groups through the contract.

Dave Weber, 2804 Wild Plum Court, stated he was an engineer on the BCCC and had been on the BCCC since 1997. It was a large, diverse body that spent a lot of time reviewing the codes. He asked the Council to consider not hiring a consultant for this cycle of the code review because they were not provided the opportunity to be a part of process. He thought it would make sense to utilize them during the next review cycle. He commented that the Council could also shelf this code review cycle and wait for the 2012 codes. He explained they had spent a lot of time compromising, and not everyone got what they wanted. The commercial side was compliant in terms of energy. The issues were on the residential side. They had not complied with the energy portion, but had taken steps to get to middle ground. If they had agreed to everything, it would change how homes were built to the point it would be very costly and painful. He suggested the outside consultant be used for the next review cycle.
Mr. Sturtz asked if Mr. Weber could characterize the two ends of the spectrum. Mr. Weber replied the EEC wanted the code as written, but the City had not been very stringent in terms of energy, so the BCCC tried to get them there through some checks, but not through all of the checks identified in the code. He commented that he personally had a problem with this cycle because he did not like controlling air infiltration to the point of building a tight home without air exchange as it would codify a potential mold issue. The next cycle would propose air exchange requirements.

Richard Shanker, 1829 Cliff Drive, stated he was on the BCCC and commented that he was not sure of the purpose of the consultant. The EEC and individuals had the opportunity to come before Council to express their opinions on the BCCC recommendations. He felt the $35,000 was an expense that was not needed for this code cycle as it would hold up the process which had already taken about a year.

Mr. Kespohl commented that he was contacted by a builder who was concerned with having Burns and McDonnell review the BCCC findings, so he reviewed the proposed changes. He and those he met with on this issue felt they did not need to spend money on the consultant as there were not any drastic changes in the codes.

Mr. Sturtz stated the Council had adopted the IRP to curtail energy use and one of the biggest uses of energy was through constructing buildings. He was concerned with the fact the IRP was not being considered in the adoption of the new codes. Mr. Glascock recalled two choices in the energy code via the IRP. They could mandate it or make it voluntary, and he believed the recommendation was to allow it to be voluntary.

Mr. Thornhill noted comments by some indicating the recommendations were in the middle rather than to the extreme of imposing all of the changes as that would make it difficult for people to accommodate. He stated some builders did a good job, and imposing more requirements might not have the effect they wanted. It might be better to allow builders to get used to the changes in stages so they could implement them and adjust pricing as they moved forward. This would allow consumers to adjust at the same time.

Ms. Hoppe stated she was in favor of increasing conservation for energy savings, but in listening to the discussion and because the 2012 codes would be published in April for review, she agreed it might be more worthwhile for the consultant to participate in the review of those codes instead of these.

Ms. Nauser commented that she agreed the consultant should not be hired at this time as there had been review and compromises already.

Mayor McDavid stated he also agreed and thanked the EEC and BCCC for their work and input.

Mr. Dudley thanked everyone for their work and input as well.

The vote on R6-11 was recorded as follows: VOTING YES: NO ONE. VOTING NO: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPohl, DUDLEY. Resolution declared defeated.

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.
B17-11 Approving a petition requesting the formation of the Downtown Community Improvement District.

B18-11 Rezoning property located on the west side of College Avenue between East Walnut Street and Ash Street from R-3 to C-2.

B19-11 Vacating a water and electric easement on property located at 1 Business Loop 70 East.

B20-11 Amending Chapter 14 of the City Code to increase the minimum fines for parking meter violations.

B21-11 Repealing Ordinance No. 009719 to remove the three-way stop at the intersection of Blue Ridge Road and Skylane Drive.

B22-11 Authorizing a cooperative agreement with Boone County, Missouri for mobile data terminal hardware and software to be used in emergency vehicles at the Columbia Regional Airport; authorizing a letter of intent for the purchase of data services through the State of Missouri Western States Contracting Alliance.

B23-11 Accepting conveyances for sewer, drainage, access to storm water facilities and sidewalk purposes.

B24-11 Accepting Stormwater Management/BMP Facilities Covenants.

B25-11 Accepting a conveyance for utility purposes.

B26-11 Amending Chapter 2 of the City Code to repeal Division 9 of Article V relating to the Youth Advisory Commission.

B27-11 Accepting and appropriating donated funds for the Parks and Recreation Department’s Toys for Columbia’s Youth Program.

B28-11 Accepting and appropriating donated funds from the Wal-Mart Foundation for the purchase of equipment for the Fire Department.

REPORTS AND PETITIONS

REP7-11 Intra-Departmental Transfer of Funds Requests.

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

Ms. Hoppe understood there was a transfer involving the Hinkson Bank Stabilization and was wondering why the money would not be kept in a fund for further bank stabilization. Mr. Watkins stated he believed the project the money was appropriated toward had been completed. If left in that account, it could not be used for any other project. If there was another project, it would still need to be transferred to the new project account.

REP8-11 Report to Council on Fire Department Proposal to Conduct ALS Pilot Program.

Mr. Watkins and Deputy Chief Witt provided a staff report.

Mayor McDavid commented that he would vote in favor of preparing the plan to see what it involved, but noted he felt they already had a lot of the data and provided examples. He stated he was interested in the response of the ambulance services around the community. Deputy Chief Witt explained the first responders were on the scene about one minute prior to the arrival of an ALS medic unit. He noted they were only considering
providing the ALS service. They would not provide any form of transport. In addition, there would not be a budget impact in terms of the need for additional people for this pilot project. The people currently on staff would be utilized to provide the service. Mayor McDavid stated he would be interested in how they felt about sending out vans with ALS equipment on medical calls instead of a quint or other larger vehicle.

Mayor McDavid made a motion directing staff to prepare a plan for expanding ALS service, including a future appropriations request for procuring equipment and supplies.

Ms. Hoppe asked if this had been discussed with the ambulance service providers and if there would be any problems during the transition phase. Deputy Chief Witt replied they were already operating with MOU’s. In addition, they already had trained employees. They just did not have the equipment. Ms. Hoppe asked for a list of other communities that provided this type of service. Deputy Chief Witt replied there were a number of communities that provided this service and there were many different models and studies throughout the nation. He noted the purpose of the pilot project was to collect specific data for Columbia.

Mr. Kespohl asked if this $100,000 included any training or if it was all equipment. Deputy Chief Witt replied it was all equipment and supplies. Existing trained and licensed personnel would be used as part of this program. Mr. Kespohl understood any additional funding needed would be covered by the sale of a reserve fire engine with an estimated value of $60,000. Deputy Chief Witt replied this truck was at the end of its 12 year cycle and needed to be sold, and was currently listed for sale. Mr. Watkins noted the City was in the process of acquiring another fire truck, which would be a front line vehicle. The vehicle being sold would then be out of the rotation for reserves. He explained the goal was to have half the number of reserve vehicles as they had front-line trucks. Mr. Kespohl asked if this was different than the Quint 5. Deputy Chief Witt replied Tower 5 would rotate into reserve status. Reserve Engine 3 was being sold and a new Quint 5 would be delivered around April.

Mayor McDavid clarified his motion would not appropriate any money. It would only allow for a plan to be provided.

The motion made by Mayor McDavid directing staff to prepare a plan for expanding ALS service, including a future appropriations request for procuring equipment and supplies, was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP9-11 Letter from Airport Advisory Board regarding Highway 63 and Route H Interchange.**

**REP10-11 Highway 63 and Route H Interchange.**

Mr. Watkins provided a staff report.

Mr. Thornhill made a motion directing staff to send a letter of support to the Missouri Department of Transportation with regard to the construction of an interchange at the intersection of U.S. Highway 63 and Route H. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**REP11-11 Report of FY10 Volunteer Hours.**

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

Ms. Hoppe understood these volunteer hours did not include the time of the Council or any other board or commission. Ms. Britt stated that was correct.
REP12-11 Columbia Regional WWTP Facility Phase I Improvement Project – Third Request for Extended Work Hours.

Mr. Watkins provided a staff report.

Ms. Hoppe asked if there had been any complaints. Mr. Glascock replied he was not aware of any.

REP13-11 CARE Office Relocation.

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

Ms. Hoppe commented that she liked the idea of increasing the option program participants and asked for the cost per participant. Mr. Hood replied it depended upon the number of hours the participant worked and when they entered the program.

Ms. Nauser asked Council to consider adding these savings to the CARE program budget as suggested as this was a good program. It provided employment opportunities to many that might not have had those opportunities. She believed prevention and intervention youth programs were good investments.

REP14-11 Report – Off-Site Mitigation of Tree Removal.

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

Mr. Sturtz commented that there appeared to be an issue of a much bigger footprint in addition to the tree removal issue, and asked how much more space was needed for flat parking versus what the Council had previously approved with the development plan for a parking garage. Mr. Teddy replied he thought the preservation area would be .69 acres, so about two-thirds of an acre would become available for parking. There would be some greenspace, but it would involve installed landscaping instead of tree preservation.

Ms. Hoppe understood they were not currently subject to the stormwater ordinance, and if a change was allowed, they would comply with the stormwater ordinance and preserve trees in another location. She asked if any group had been working on the issue of off-site tree mitigation. Mr. Teddy replied he was not aware of anyone working on that issue and pointed out the developer owned other property that could potentially be used.

Mr. Dudley asked if there was a guarantee of the trees agreed upon to remain in the area would be there if the property sold. Mr. Teddy replied that question would have to be answered to the satisfaction of the Planning and Zoning Commission, the Board of Adjustment and the City Council. It could be done in the form of a conservation easement.

Mr. Sturtz understood the City did not have an inventory of targeted areas they wanted to preserve. Mr. Teddy stated they did not. Mr. Sturtz believed it would be problematic to allow the developer to pick the tree preservation area. He felt this was another issue for the Land Preservation Board once it was formed.

Ms. Nauser commented that she was in favor of the concept of off-site mitigation, but was concerned about agreeing to something without a policy being in place. She asked for the developer’s time frame and the City’s time frame in terms of working on a policy. Mr. Teddy replied he did not know, but thought the developer wanted to move forward early this year.
Mayor McDavid asked if the developer would have to go before the Planning and Zoning Commission and the Board of Adjustment prior to coming to Council. Mr. Teddy replied yes. He explained the Planning and Zoning Commission did not have the ability to grant a variance from tree preservation.

Mr. Sturtz commented that he felt it was premature to agree to this one situation without having an overall plan.

Mr. Watkins noted Council could direct staff to develop a policy for Council review.

Ms. Nauser made a motion directing staff to develop an off-site mitigation policy for Council review. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

**REP15-11  Report: Prairie Lane Connection.**

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

Mr. Sturtz understood the developer had declared bankruptcy and asked if he was still in town and whether he was developing any other property. Mr. Glascock replied he was not sure, but it was a LLC. Mr. Sturtz understood they could not enforce the contract. Mr. Thornhill noted the bank owned the property at this time. Mr. Watkins explained they could prohibit any development in Vanderveen, Plat 9 until the road was constructed, but it would require a new developer to do it. Mr. Sturtz asked if this could be tax billed. He wondered if they would ever be reimbursed for this project. Mr. Watkins replied it was unlikely. If they proceeded with the project, it would likely be funded with capital street project funds. Another alternative would be to complete Blue Ridge Road, but the Blue Ridge Road connection would be more expensive.

Mr. Dudley asked if this project would help with the flooding situation. Mr. Thornhill replied that was a primary reason he had been approached with the petition. When the road flooded, they did not have a good way to get out.

Ms. Nauser recalled discussion of performance bonds to protect the City’s interest in terms of these types of projects and to ensure taxpayers were not required to complete projects that were a developer responsibility, and asked for an update. Mr. Watkins replied there had been a number of discussions internally. If Council wanted to see a report, staff could provide one. He noted it would add a substantial expense to subdivisions.

Mr. Glascock pointed out the developer was willing to connect the road when the property was platted, but the County Commission and the people within the Prairie Hill Subdivision did not want the connection until the Blue Ridge connection was completed.

Mr. Kespohl understood everyone agreed it would not be built until Blue Ridge was extended. Mr. Glascock stated that was correct.

Mr. Thornhill explained they now had a small neighborhood that realized it would be a long time before Blue Ridge was connected.

Mr. Kespohl asked if 42 of the homes opted to stay within the County. Mr. Glascock replied it was less than 42. He thought about ten were still in the County.

Mr. Thornhill stated this had been the single-most frequent complaint since he had been on the Council. It was a real issue when there was a consistent period of rain because it eliminated options for people getting to and from their homes.
Mr. Thornhill made a motion directing staff to proceed with placing the Prairie Lane connection project in the FY 2012 CIP. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mayor McDavid made a motion for the City Council hold a closed meeting on Monday, February 7, 2011 at 5:30 p.m. in Conference Room 1A of City Hall, 701 E. Broadway, Columbia, Missouri, to discuss a personnel matter, litigation and real estate as authorized by Sections 610.021(1), (2), (3) and (13) of the Revised Statutes of Missouri (RSMo). The motion was seconded by Mr. Dudley with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE.

Ms. Hoppe stated Campusview Drive was a steep street that had been on the priority residential snow removal list, but the street had not been plowed for several days, and asked staff to provide an update as to why it was not plowed and whether it was still a priority street.

Ms. Hoppe commented that the pedway at Old 63 and other pedestrian locations were impossible to use due to the snow.

Ms. Hoppe made a motion directing the Bicycle and Pedestrian Commission to identify the public sidewalks needing to be cleared and to recommend ways to get those cleared in a timely manner. She noted she wanted them to look at the cost of hiring private companies to clear those key pedway areas. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe understood Mayor McDavid had agreed to sign a proclamation for Earth Hour, which was on March 26 from 8:30 – 9:30 p.m. She noted information had been provided in the City Source last year by the Office of Sustainability and the Water and Light Department.

Ms. Hoppe made a motion directing staff to work with the community to highlight the need for energy efficiency in an effort to make it a more powerful event than last year. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe commented that the Council had received a memo with an update regarding the Office of Sustainability and understood there would be internal and external steering committees to help guide sustainability. The Council was being asked to provide the names of groups and participants for the external commission. She asked how many members would make up the committee and when the names were needed. Mr. Watkins replied a report with a specific proposal would be provided to Council for review and comment. Ms. Hoppe understood there was no deadline at this time.

Mr. Sturtz asked for a report on the number of sanitary sewer overflows for 2010 into the Bear Creek and Hinkson Creek. Mr. Watkins understood tributaries were wanted as well, so that would include Perche Creek. Mr. Sturtz stated that was correct.
Ms. Nauser made a motion for a report with recommendations on how to alleviate problems when a developer went bankrupt before fulfilling commitments made to the City. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Nauser made a motion for staff to develop a prioritization policy for properties that might be in the process of a sale in terms of obtaining a certificate of compliance so those might be expedited and to consult with the Board of Realtors regarding the policy. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Nauser understood the City offered a service called Nixle, which was similar to Twitter, but that not all departments utilized the service. She thought it would be invaluable for citizens to be able to sign up for the service to receive important information. Ms. Nauser made a motion directing staff to develop procedures to better utilize the service City-wide. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mr. Thornhill asked staff to draft legislation to eliminate semi-truck parking along Smiley Lane, west of Range Line, to its western terminus.

Mr. Thornhill asked for a report regarding the condition of Derby Ridge Drive, north of Blue Ridge to a point near War Admiral Drive. There was a two block section of road that had deteriorated to the point it was very rough. He wanted the report to include a recommendation for repair if necessary.

Mayor McDavid asked staff to draft legislation transferring $55,000 from the credit card revenue/bonus program account to the Council contingency account.

The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Sheela Amin
City Clerk