

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
OCTOBER 19, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 19, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ and THORNHILL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of October 5, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Upon his request, Ms. Hoppe made the motion that Mayor Hindman be allowed to abstain from voting on B303-09 due to a conflict of interest. Mayor Hindman noted on the Disclosure of Interest form that a member of his family was the Executive Director of the Pednet Coalition, which was one of the contracting parties associated with that bill. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe asked for R250-09 to be moved from Consent Agenda to New Business.

Mayor Hindman made a motion to move R250-09 from the Consent Agenda to New Business, and to approve the agenda with that change. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

SPECIAL ITEMS

Fairview Elementary School Thank You Presentation.

Diana DeMoss, the Principal at Fairview Elementary, introduced some students from the school and stated the PTA had received a grant from the City to build a track on their playground this summer and that they would continue to make improvements to the playground with the remaining funds. The students and school community had benefited from the track as it was accessible every day. They had a dedication ceremony for the track about a week and a half ago at which time the students presented Mayor Hindman with a card. They were in attendance tonight to present the card to and to thank the entire Council and City for supporting their school in this effort.

Lauren Godon, a fourth grade student at Fairview Elementary School, stated she and her friends enjoyed the track as it provided them an opportunity to walk and talk while getting exercise, and were thankful to the Parks and Recreation Department for donating the money.

Mayor Hindman commented that the City was proud to participate and thanked them for the card.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Construction of sanitary sewers in Sewer District No. 163 (Ballenger Lane and Aztec Boulevard).

Item A was read by the Clerk.

Mr. Watkins explained this involved the construction of sanitary sewers to serve properties along the east side of Ballenger Lane between Aztec Boulevard and Rice Road. The estimated cost was about \$85,000 and the not to exceed tax bill rate was 31.9 cents per square foot. The construction and easement acquisition costs of this project were proposed to be paid from the tax bills levied against the properties in the sewer district. Tax bills exceeding \$5,000 per property would be deferred in accordance with Chapter 22 of the Code. The sanitary sewer district was formed by ordinance on November 17, 2008.

Mayor Hindman opened the public hearing.

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

Mr. Skala made a motion directing staff to proceed with the final plans, specifications and construction of Sewer District 163 on Ballenger Lane and Aztec Boulevard and directing the City Clerk to record a notice of impending tax bills. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(B) Construction of sanitary sewers in Sewer District No. 164 (Manor Drive).

Item B was read by the Clerk.

Mr. Watkins explained this project involved the construction of sanitary sewers to serve properties on the east side of Manor Drive. It would consist of two parcels of land that were currently connected to a private common collector sewer. The estimated cost was about \$80,000 and payment would come from the annual private common collector elimination funds provided in the fiscal year 2009 sanitary sewer utility CIP. Mr. Glascock pointed out the area between lots 105 and 107 would be bored.

Mayor Hindman opened the public hearing.

Janet Bezler, 107 Maplewood, noted she and her neighbor at 105 Maplewood had an issue with the sewer line running through their yards. There was already a sewer line from the houses affected on Manor Drive, so they did not understand why this line could not run along the existing easement as it would ultimately go downhill to the public sewer. They had trees, flower beds, fences, dog kennels, storage sheds, and etc. along the property lines. She stated they had not been provided a reasonable explanation as to why that was the only place the sewer line could go since there was already a line that ran to the public sewer.

Mayor Hindman understood the Council was only being asked to proceed with plans and specifications and the exact location of the line was yet to be determined. Mr. Glascock explained the plan was to bore through the area Ms. Bezler was describing. They were not going through Ms. Remley's property because she was connected to a sewer line with a different lateral, so they needed to bring it in a different direction. They were trying to make it as unobtrusive as possible.

Ms. Bezler did not feel that was satisfactory and noted their sewer was not the problem. She did not understand why the line could not be put in the yards of the people with the private sewer. Mr. Glascock explained the line could be put at the proposed location or in Ms. Remley's yard, and she did not have a sewer problem either.

Mayor Hindman commented that the Council would need to decide whether to authorize staff to proceed with the plans and specifications and explained Ms. Bezler would have the opportunity to speak to staff with respect to the location of the line regardless of their decision. Mr. Glascock noted they would have to come back to Council for easements as well. Mayor Hindman stated that although the action tonight involved spending money, it was not final.

Mr. Wade asked if Ms. Bezler had spoken to staff in regard to the disruption boring would create. Ms. Belzer replied staff had assured her there would not be a disruption because it would be bored six feet underground. She stated her concern was that future repairs to that line would cause a disruption, tear up her yard and damage old trees.

Mr. Skala asked if the line could be repaired with a sleeve if it did need to be repaired. Mr. Glascock replied yes.

Ms. Bezler stated she still did not understand why it could not go through the yards of those allegedly having the problem.

Clark Jones, an attorney with Jones, Schneider and Stevens, stated he was present on behalf of Ms. Remley and understood this project was to benefit 100 and 104 Manor Drive. He noted Ms. Remley was not opposed to the plans as shown because there had been continuous problems with the private line that ran through her property. He suggested 100 and 104 Manor Drive connect to the main line on Manor Drive as an alternative and explained Ms. Remley's concern was the fact there had been continuous problems with the line that ran through her yard so she did not want the line servicing 100 and 104 Manor going through her yard as well.

Mr. Glascock assumed the basements for 100 and 104 Manor were lower than the pipe in the road. They had to chase the sewer away from the house so the pipe had to be lower than the house. If that was not the case, they would go out to Manor Drive. Mayor Hindman understood they would look into it. Mr. Glascock stated they would.

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

Mr. Wade understood there were three paths to a City sewer in this area and asked why this path was chosen. Mr. Glascock replied he thought the sewer line in the front yards was higher than the basements for 100 and 104 Manor, so it could not be tied into there unless a grinder pump was involved. They could go across the side yard of the Remley property, but would tear up that yard even if they bored. With the proposed location, the equipment could sit on the street while they bored underneath 105 and 107 Maplewood to get to the other bore pit at 100 and 104 Manor, and they would not tear up anyone's yard. Mr. Wade understood they could not sit in the street for the one coming from the north. Mr. Glascock stated that was correct.

Mr. Wade made a motion directing staff to proceed with the final plans, specifications and construction of Sewer District 164, and to have considerable discussions with the

affected parties. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

R255-09 Adopting the Airport Master Plan Update prepared by Reynolds, Smith & Hills, Inc.

The resolution was read by the Clerk.

Mr. Watkins explained a Master Plan was required for the City to obtain federal matching money for airport capitol improvements and the Airport Advisory Board was recommending approval of the Plan with a few teaks. Mr. Glascock noted this process had been going on for over a year.

Joe Jackson, a consultant with Reynolds, Smith and Hills, Inc., described the details of the Master Plan and explained it was a comprehensive study of the facilities required for the next 20 years at the Airport and was essential for grant funding from the Federal Aviation Administration (FAA). It included a comprehensive public involvement process, which involved the Airport Advisory Board, Airport staff, Public Works staff, the FAA, a Technical Advisory Committee, a Public Advisory Committee and four public information workshops. He understood there would be over 10,000 enplanements and noted this level of activity ensured the continuation of federal grants of \$1 million or more. The 1-5 year plan was focused on addressing the airfield and the urgent issues associated with the pavement conditions, and the 6-20 year plan was focused on other anticipated needs. With regard to years 1-5, he explained the pavement was at a point where its decline was accelerating, there was a strategic vision to extend the primary runway to 7,400 feet to make the airport more marketable for future businesses and the airport did not meet current FAA standards since the standards of safety had improved and evolved over the years. He also described the associated problems and potential solutions.

Ms. Hoppe asked if it was safe to fly now. Mr. Jackson replied it was. He noted the airport was well controlled and the airlines flying in and out were trained to operate under those conditions. The improvements would increase the margin of safety.

Mr. Skala understood this anticipated the changes and upgrades. Mr. Jackson stated it did.

Mr. Jackson described the projects involved in the 6-20 year portion of the Plan and the reasons the improvements were needed.

Mr. Skala understood there was a priority to start with the functional aspects involving runways and to then move to the terminal projects and the parking lot projects. Mr. Jackson stated the detail of the Master Plan called for the airfield work to be done first because it was urgently needed. The terminal and other work could be done on an as available basis with regard to funding and need.

Mr. Jackson noted the short term urgent airfield improvements were estimated to cost \$40 million. Those improvements would be eligible for a FAA grant of about \$34 million, which was about 86 percent, MoDOT would provide about 8.5 percent and the City's share would be \$2.2 million or 5.5 percent. The other long term improvements would cost about \$65 million requiring \$17 million in local funds. The local share increased because some projects were not considered FAA grant eligible.

Mayor Hindman opened the public hearing.

Judy Gibson stated she was the granddaughter of the owners of the property involved and the land had been in her family for almost 100 years. She commented that the process had been underway for a year and one-half before they had any knowledge of it and believed this was a poor way to conduct business. She noted the land was important to her family and stated she was uncertain as to whether the land would benefit the airport as very little had benefited it in the past 40 years and the number of enplanements was still less than it was in 1980. She felt they would be putting millions of public dollars to something of little value. She understood the airport was to be a regional airport with Jefferson City, but Jefferson City had decided they wanted their own airport, and instead of moving the airport closer to Columbia where it could be of value, they left it there. She wondered why her family was not contacted prior to the beginning of the planning process. The first they had learned about this was prior to the meeting at the recreation center and it was due to people on Route H receiving letters. The group did not make any attempt to contact the owner of this 50 acres, which was a fourth of the farm and the productive portion of the farm. She stated they would be left a fragment of productive land and wasteland. The land was deeded to be occupied by one person until death, at which time the value would be divided among the four sisters, but this plan would devalue the amount that those four sisters would get. She explained information had not been gathered at the event at the recreation center. They were only told what would be happening. She understood tonight was for the purpose of information gathering as well, but believed they would only learn how this would proceed.

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

Mayor Hindman commented that this was not a decision to acquire land, but if the recommendations for the Airport Master Plan were followed, there would be an acquisition of the land under the City's normal procedures. He could not respond to the question regarding notice and pointed out it would not have been a notice of acquiring land since it was not being undertaken at this time. Should the land be acquired, normal procedures would be followed and the full fair market value would be realized by the owners.

Ms. Hoppe asked if the approval of the Master Plan included the corrections recommended by the Airport Advisory Board. Mr. Watkins replied yes.

Mr. Skala stated he was troubled by the idea of all of the stakeholders not being brought into this process at an early stage and felt more attention needed to be paid to that. He liked the fact the Master Plan was prioritized in terms of public safety first, and then other optional priorities. He commented that he believed the airport was critically important to Columbia, and felt they were on an upward swing and needed to capitalize on it. He also felt they should capitalize on the federal funding available to assist with the improvements.

The vote on R255-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R256-09 Approving the FY 2010 Housing and Community Development Action Plan.

The resolution was read by the Clerk.

Mr. Watkins noted this was a requirement of HUD for the City and other agencies that received CDBG and HOME funds. The Council previously set the five-year plan, and this would be the Action Plan for the first year.

Mr. Teddy explained the Plan contained an estimate of the funds expected to be received through the annual block grants. It also included the activities Council decided to fund through the budget process. He described the differences this year from previous years. He also noted that since they began the process, the CDBG funding to the Columbia Housing Authority (CHA) had changed. At one point, the CHA had approached the Community Development Commission with taking the \$90,000 approved for the Blind Boone Center and applying it as match for a federal grant that would have resulted in major renovations to Oak Towers. The CHA had not received the grant, so the money was put back toward the Blind Boone Center roof project. He pointed out the Community Development Commission had reviewed and approved both projects. He noted they still had \$50,000 in the CDBG budget for the Heibel-March building even though First Chance for Children had decided not to pursue renovating the building and that those funds could be used as a City project to bring the building up to minimum code compliance if they chose. He explained there was a 30 day comment period on the Plan, so they would be receiving and responding to comments until November 9.

Mr. Sturtz asked if Council had until November 15 to provide direction regarding the \$50,000 that had been allocated for the Heibel-March building. Mr. Teddy replied the Plan had to be filed by November 15, but it could be amended at any time. As it was written at this time, the Plan showed the \$50,000 as a stabilization project. Mr. Sturtz asked if he had a cost estimate for stabilizing the exterior of the building. Mr. Teddy replied he did not and explained he was told the building could be made weather-tight for about \$50,000. He was not sure it was enough to meet all City building codes.

Mr. Wade understood the \$50,000 would not be spent until Council made some decisions regarding the Heibel-March building. Mr. Teddy stated that was correct as there was no intent to proceed with any specific construction activity without direction from Council.

Mayor Hindman opened the public hearing.

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

The vote on R256-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B236-09 Amending Chapter 16 of the City Code as it relates to harassment of a bicyclist, pedestrian or person in a wheelchair.

The bill was given third reading by the Clerk.

Mr. Watkins explained this ordinance involving the expansion of the bicycle harassment ordinance had been tabled and the group that had been formed to review this issue had met once since then. They planned to meet again and he thought they might have a report to Council within the next two months. He suggested they table this item until this group was able to provide a recommendation to Council.

Robert Johnson, 1025 Ashland Road, stated he was speaking on behalf of the Pednet Coalition and explained they did not have an objection to tabling this for another two months, but supported expanding it to include other vulnerable road users.

Mayor Hindman suggested they go ahead and vote on this. He did not think there was any issue in including pedestrians and wheelchair users.

Ms. Hoppe asked if there was any discussion in the first meeting indicating whether they would revise the language that had been presented to Council. Mr. Watkins replied the group had been given a copy of the proposed and existing ordinances, and he did not believe anyone was opposed to the expansion of the ordinance.

Mr. Wade stated his preference was to table the issue so that this group could make suggestions as he believed the expansion issue would be incorporated in those suggestions. He did not believe it made sense to pass an ordinance amending it now when they would have another ordinance from the task force they created to provide a recommendation on the wording.

Mr. Wade made a motion to table B236-09 to the January 4, 2010 Council meeting. The motion was seconded by Ms. Nausser.

Mr. Skala stated he was prepared to vote on this because he felt that was the consensus of the Council when initially discussed, but since they had put this advisory group together, he also thought it could undercut the ability of the group to function properly by starting to take action prior to obtaining their advice.

Mayor Hindman commented that since they passed the original ordinance, he thought they should include the other vulnerable groups. He did not think they should wait until January or February, which was when they would receive the report, because it was bound to include these other vulnerable groups. If they had better ideas regarding how it should be worded, they could revise it.

Ms. Hoppe stated the advantage of passing this at this time was to provide protection to those groups now.

The motion made by Mr. Wade and seconded by Ms. Nausser was defeated by voice vote with only Mr. Wade and Ms. Nausser voting in favor of the motion.

The vote on B236-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B295-09 Accepting Stormwater Management/BMP Facilities Covenants.

The bill was given third reading by the Clerk.

Mr. Watkins explained this was an Old Business item because it was the first time Council had seen it.

Mr. Skala asked if these were all treated the same and whether there were any major differences. Mr. Boeckmann replied he did not believe there were any major differences.

The vote on B295-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B303-09 Authorizing service agreements with Pednet Coalition, Inc. and Richard Mark Fenton relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission.

The bill was given second reading by the Clerk.

Mr. Watkins noted the City had received four Safe Routes to School grants and this involved this implementation of the four projects, which included a middle school bike safety program, a walking school bus expansion and continuation, a design charrette for Grant Elementary and a design charrette for Shepard Elementary.

Mr. Sturtz asked how the two schools were selected. Mr. Teddy replied the grant application ideas were brought to Council in early 2008 and Shepard was added to a tentative list at that time. Grant Elementary was chosen because it was problematic due to congestion and it being on a small site. Mr. Sturtz hoped they would complete design charrettes for all of the elementary schools.

Mr. Skala asked if there was a possibility of expanding this in the future. Mr. Teddy replied he hoped funding would be restored with the reauthorization of the transportation bill, and stated they would submit applications if funding became available.

Ms. Hoppe asked for an explanation as to how the charrettes would differ since the charrette for Grant Elementary involved both Mark Fenton and the Pednet Coalition and the charrette for Shepard Elementary only involved the Pednet Coalition. Mr. Teddy replied Grant Elementary was targeted at creating a walk-safe/bike-safe route to school to include possibly looking at drop-off points for children in terms of buses and cars. Shepard was focused more on traffic calming and safety. Ms. Hoppe asked if the basic structure of the charrette process would be similar. Mr. Teddy replied a facilitator would lead group discussions to try to reach some sort of consensus amongst the parties invited.

Mr. Wade read the scope of services for the design charrette for Grant Elementary and noted charrettes should not implement a pre-determined solution. A charrette should be designed to assemble the wisdom of a neighborhood on a range of issues. In reading the contract, he felt the decisions and outcomes had already been determined and the charrette was just a means to create neighborhood agreement. He believed there was a disconnect between the scope of services and the April 2008 discussions. This would not provide a free, open, objective and neutral facilitated planning process where the neighborhood could raise a range of issues and ideas.

Mr. Skala understood Mr. Wade felt the scope of services was restricting the charrette's ability to make its own decisions. Mr. Wade stated that was correct. Mr. Skala thought the charrette could do whatever it wanted regardless of the suggestion. Mr. Wade commented that this was the scope of services for the person who would design and facilitate the charrette and reiterated charrettes should not be used to obtain neighborhood agreement to a pre-determined solution.

Ms. Nauser asked if the scope of services could be rephrased. Mr. Wade replied he wanted the scope of services to involve an open and objective large group planning process.

Mr. Sturtz understood Mr. Wade was objecting to specific sentences within the scope of services and asked if he would be satisfied if those were removed. Mr. Wade replied he felt the entire tone of the scope of services was not consistent with a good charrette.

Ms. Nauser asked if there was any urgency in passing this today or if it could be tabled so staff could address the issues mentioned. Mr. Teddy replied staff could renegotiate the scope of services if Council wanted it reworded as there was no urgency in passing it tonight. He noted he understood Mr. Wade's concerns of a specific type of solution being included instead of a problem needing a solution. Mr. Wade commented that it was also too restricted to a pick-up/drop-off issue rather than a broad range of safety issues in the Grant School area.

Ms. Hoppe stated she now also had concerns about the Shepard Elementary charrette and wanted to meet with the provider to clarify the language and scope of services.

Mr. Wade made a motion to table B303-09 to the November 16, 2009 Council meeting. The motion was seconded by Ms. Hoppe and approved by voice vote with Mayor Hindman abstaining.

B307-09 Appropriating funds for the Fire Station No. 9 Drainage Project.

The bill was given second reading by the Clerk.

Mr. Watkins noted this appropriation was not necessary and suggested the bill be withdrawn.

Mr. Thornhill made a motion to withdraw B307-09. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B309-09 Authorizing an agreement with Carollo Engineers, P.C. for engineering services for a preliminary design report relating to the expansion of the McBaine Water Treatment Plant based on the 2008 Long Range Water System Study; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins noted this was not a study to look at expanding the water treatment plant as indicated by the title. It was a study to look at the water treatment process to ensure it complied with existing and anticipated water quality regulations. It really involved how they treated water and whether they should look at other disinfection or filtration processes.

Mr. Skala understood this firm was chosen for its innovativeness and novel approaches and asked if the recommendation was also based on the numbers. He wondered if they were the low bid. Mr. Schmitz replied they had to select the firm that brought forward the best proposal and could then negotiate a price. If the price was beyond the budget, they would then go to the second best firm to negotiate a price.

Mr. Wade commented that they had recently dealt with some short term immediate solutions to the issue of water treatment for a problem they had and asked if this would provide longer term options and possibilities so they could have a strategic plan instead of just reacting to immediate problems. Mr. Watkins replied that was the intention. Mr. Schmitz agreed and noted it would be a broad and extensive study.

Ms. Hoppe referred to page 16 and asked who the stakeholders would be. Mr. Schmitz replied the stakeholders would include the Missouri Department of Conservation, the Public Works Department and the agricultural users, and from that perspective it involved what they would do with the sludge. Ms. Hoppe asked about DNR involvement. Mr. Schmitz stated DNR would be greatly involved early on.

Mr. Wade suspected they would have the opportunity to talk about the stakeholder selection process as this moved forward. Mr. Schmitz stated they would. Mr. Watkins noted they might find two groups of stakeholders would be needed, such as one in the McBaine bottoms and another for water customers.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and hoped one of the alternatives would be to look for a new source of water because the total organic compounds kept increasing with the current source. He noted they would also be happy to be a part of the stakeholders group.

B309-09 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. 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.

- B302-09 Vacating a sewer easement located on Lot 10 within Hathman Subdivision.
- B304-09 Authorizing construction of the Garth Extension MKT Connector Project; calling for bids through the Purchasing Division.
- B305-09 Authorizing an amendment to the agreement with the Boone County Regional Sewer District for construction of the Sunrise Estates Pump Station Interceptor and the North Grindstone Outfall Sewer Phase 1 Projects.
- B306-09 Authorizing an amendment to the agreement with the Boone County Regional Sewer District relating to sanitary sewer service in Sugar Tree Hills Subdivision, Spring Park Subdivision and Arrowhead Lake Subdivision/University Estates Subdivision.
- B308-09 Accepting agreements for temporary construction and access and conveyances for sewer purposes.
- B310-09 Accepting a conveyance for utility purposes.
- B311-09 Authorizing an agreement with the Columbia Public School District for replacement of the Hickman High School swimming pool roof.
- R245-09 Setting a public hearing: voluntary annexation of property located at 5981 South Highway KK.
- R246-09 Setting a public hearing: on water production operations in the McBaine bottoms.
- R247-09 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the LPHA teen outreach program.
- R248-09 Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program.
- R249-09 Authorizing an agreement with the Mid-Missouri Regional Planning Commission for acceptance of equipment for the Office of Emergency Management and the Fire Department as part of the FY 2006 Homeland Security Grant Program.

R251-09 Authorizing Amendment No. 2 to the engineering services agreement with Allstate Consultants, P.C. for the extension of Vandiver Drive from the U.S. 63 interchange to Mexico Gravel Road.

R252-09 Authorizing agreements with various cultural arts organizations.

R253-09 Approving the by-laws of the Lake Shire Estates Neighborhood Association.

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

NEW BUSINESS

R250-09 Authorizing an agreement with Olsson Associates for engineering services for the preliminary and final design for the proposed crossing of the North Fork of Grindstone Creek as part of the Rolling Hills Road improvement project.

The resolution was read by the Clerk.

Mr. Watkins explained this road project was included as part of the package from the 2005 ballot issue, and Council had directed staff to move forward with the design. He noted they intended to design it in-house with the exception of the crossings for which an outside engineer was needed.

Ms. Hoppe asked what provisions would be made for stormwater construction erosion protection so the problems with the bridge at Crosscreek were not repeated. Mr. Glascock replied he could not say what they would do without the design.

Ms. Hoppe assumed this company was chosen because they were leaders and had good ideas with regard to what would be needed to protect the creek. Ms. Glascock stated they were good bridge designers. He noted they were not chosen based on one particular item, but they were good with stormwater and creek design.

Ms. Hoppe referred to item 5.2 on page 17 and stated she assumed staff would be recommending that they have adequate space. Mr. Glascock stated they would.

Mr. Skala asked if this was the same firm that dealt with the bridges over Grindstone at Crosscreek. Mr. Glascock replied no. Mr. Skala noted this was an environmentally sensitive area and asked if green bridge construction would be emphasized. Mr. Glascock replied yes.

Ms. Hoppe asked staff to convey to the consultant the importance of the construction phase as well as the end phase.

The vote on R250-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R254-09 Authorizing an agreement with the Columbia Public School District for construction of a sidewalk along Arbor Pointe Parkway.

The resolution was read by the Clerk.

Mr. Watkins noted the developer was to construct the street, and in exchange, the City was to construct the sidewalks. The School District wanted about 500 feet of the sidewalk built right away, so the City would reimburse them for the cost of the 500 feet.

Mr. Glascock explained the reason they wanted to do it now was because they were completing the landscaping at the school.

Mayor Hindman understood the subdivision had not been developed yet. Mr. Glascock stated it was developing very slowly. The road was only built to about the point where the school wanted to start the sidewalk.

Mayor Hindman stated he thought it was important to get the sidewalk system to the school developed as soon as possible. He suggested they watch out for situations where there might be a lot of gaps while it developed. Mr. Glascock commented that if they built the sidewalks on the back side of the buildable lots, they would be torn out. Mayor Hindman understood, but also thought kids needed a safe route to school.

Mr. Skala stated this was a much anticipated school project and thought the City should help them get it open.

Mayor Hindman asked when the subdivision was platted. Mr. Glascock replied it was close to three years ago. He explained there was an issue with the agreement and in getting Waco built. Mayor Hindman understood they could look forward to the sidewalks being put in at the end of three years from the date it was platted.

Mr. Thornhill understood the School District was being reimbursed \$16,464, which was about \$32.40 per foot, and the City was typically reimbursed at the rate of \$20 per foot by others, so the City's rate of reimbursement was about two-thirds what it should be. Mayor Hindman noted they could change that policy and suggested he bring this up again under Council comments.

The vote on R254-09 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B312-09** **Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended. establishing permanent C-P, PUD-7, PUD-5 and PUD-4 zoning; authorizing a development agreement.**
- B313-09** **Increasing the allowed density on PUD zoned property located at the southeast corner of Bethel Church Road and Old Plank Road from PUD-6.7 to PUD-7; approving a revision to the PUD development plan of Bethel Falls PUD; allowing a reduction in the required perimeter setback.**
- B314-09** **Changing the uses allowed on C-P zoned property located on the northwest corner of Providence Road and Third Avenue (1001 North Providence Road); setting forth a condition for approval; approving less stringent parking requirements.**
- B315-09** **Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.**

- B316-09** Authorizing a development agreement with Broadway Crossings II, L.L.C. and Conley Road Transportation Development District relating to the Trimble Road improvement project.
- B317-09** Authorizing a conveyance for sidewalk purposes relating to construction of a walkway as part of the development of Cascades Park.
- B318-09** Authorizing Revision #1 to the contract with the Missouri Department of Transportation – Highway Safety Division for a DWI enforcement project; appropriating funds.
- B319-09** Authorizing a sub-recipient monitoring agreement with the County of Boone for acceptance of the FY 2009 Justice Assistance Grant Program Award to purchase equipment for the Police Department; appropriating funds.
- B320-09** Establishing a moratorium on the establishment of new payday loan businesses and the opening of new payday loan business offices.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Proposed Sewer Improvement Project on Ridgemont.

Mr. Watkins explained the City had received a petition from eight homeowners to start the process of creating a sewer district on Ridgemont, south of Stadium Boulevard and near College Park. Mr. Glascock noted this project would cost around \$190,000.

Mr. Wade asked if there had already been a public meeting with the homeowners. Mr. Glascock replied no. The petitions were brought to Council before meeting with the property owners to ensure they wanted to proceed.

Mr. Watkins pointed out they were working on the next round of funding because they did not have enough money to complete this project and all of the other sewer district projects. He noted they were being done on a first come first serve basis.

Ms. Hoppe asked if Council had been provided a list of sewer districts. Mr. Watkins replied he thought they had just provided that information to them.

Ms. Hoppe asked if the residents would be notified prior to construction. Mr. Glascock replied yes.

Mr. Wade made a motion directing staff to proceed with the preliminary design to determine the feasibility and costs associated with this sewer improvement project and to submit a report to Council. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(C) Proposed Sewer Improvement Project for Sunset Lane Area.

Mr. Watkins noted they had received a petition from thirteen property owners along Sunset, Tracy, West Boulevard and Broadway. Mr. Glascock explained this was a large sewer district as it would involve about 30 parcels. He was not sure all of the property owners would participate, but staff thought it needed to be done.

Mr. Wade made a motion directing staff to proceed with the preliminary design to determine the feasibility and costs associated with this sewer improvement project and to submit a report to Council. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(D) Edenton Blvd. and Brown School Road – Evaluate 4-Way Stop.

Mr. Glascock explained this area was off of Rangeline/763 and toward the east to Derby Ridge. A four-way stop was not warranted with regard to traffic counts. Staff was recommending they paint islands and delineate where people needed to stop. The estimated cost was \$700,000.

Mr. Thornhill stated that would help a lot since it was a wide intersection and there was confusion when people were turning there.

(E) Creasy Springs Road – Traffic Study.

Mr. Watkins commented that Council had asked for a copy of the traffic study for the Creasy Springs Road area, which had been done two years ago in conjunction with the County. The study had been used to purchase one property.

Mr. Thornhill asked if this was a combination of City and County land or if it was all within the City. Mr. Glascock replied it was a combination. Mr. Thornhill asked if that complicated the project. Mr. Glascock replied he did not think it did. Mr. Thornhill asked if there was any funding outside of the City or County that could be requested for this type of project. Mr. Glascock replied it had to be a joint project and they could talk to the County to see where it was on their plans. Mr. Thornhill asked staff to talk to the County. Mr. Glascock replied they would.

(F) MKT Trail Bridges 12 and 13 – Proposed Replacement Project.

Mr. Watkins explained they had two alternatives. One was to replace the bridges as proposed and the other was to reject the bids and direct staff to redesign the project to reutilize the iron portion of bridge 12.

Mr. Skala asked if they could create a faux bridge with the structure of the old one due to its historic significance and a liner to take the traffic load. Mr. Hood replied it had not been discussed with the engineer, but staff thought it would be costly to support the large steel truss because it did not have a support structure to hold it up. If they wanted to go that route, they might as well use the bridge because the costs would likely be the same.

Mayor Hindman stated his preference was to save the bridge, but understood the task would be difficult and costly. He also understood it was a dangerous situation and if they did not act, it could fall and injure users of the trail.

Mr. Skala understood the major expense involved raising and properly supporting the old bridge and asked if they could solve the safety aspect by putting in another bridge above it. Mr. Hood replied he would need to defer to an engineering study, but his concern was that the bridge would not be there much longer if they did not replace the support for the bridge now. If they left the existing steel truss, they would need support the bridge to solve the safety problem of keeping it from falling down. He understood Mr. Skala was suggesting

another separate bridge on top of the existing bridge and noted they would have to support that bridge as well and that support would have to go under the existing structure. Mr. Skala thought it might be prudent to ask an engineer. Mr. Hood stated they could, but pointed out a difficulty was that the existing bids would expire shortly, and they would have to re-bid the project if they did not accept the current bids.

Mr. Wade commented that the real issue in supporting the weight was that they had to ground the piers to something that would not move under the concrete, so it became a very complex task. Mr. Skala noted they would have to build piers for a new bridge as well and wondered if those supports could be shared. Mr. Hood stated he thought the engineer's additional cost estimate was based on having to upgrade the support substructure so it would support the heavier bridge.

Mayor Hindman understood this was set up so construction would occur during the off-season and if they delayed it, it would require construction during the heavy-use season.

Ms. Hoppe asked if anyone would reconstruct the substructure with wood and what that might cost. Mr. Hood replied he was not aware of anyone using or recommending the use of wood for the substructure due to the associated difficulties and the lifespan.

Ms. Nauser commented that it would be nice to save the historic bridge, but there was a safety issue and she not think they wanted to wait to fix it until next winter. She suggested they move forward with the project as recommended by staff.

Ms. Nauser made a motion directing staff to proceed with the project as planned. The motion was seconded by Mayor Hindman.

Mr. Skala asked if there had been any discussion about preserving portions of the bridge. Mr. Hood replied they would discuss options with the contractor assuming they were directed to proceed as planned.

The motion made by Ms. Nauser and seconded by Mayor Hindman was approved unanimously by voice vote.

(G) Future Generation Source for City of Columbia.

Mr. Watkins explained the Water and Light Advisory Board had discussed and recommended that the City begin the process of acquiring the Columbia Energy Center (CEC) Unit 3. He added a cover memo to the correspondence provided by the Board in an effort to point out that some of the new businesses the City was chasing were large electric users and the best and cheapest way to be competitive was to own capacity to buy energy against. Energy could not be purchased in the market without capacity to support it. He also believed they were comparing an option to provide peak power to an option to provide an intermediate base power with Wartsila engines. He felt that if they really wanted intermediate base power to run at some time, they would probably look for a more efficient alternative than the Wartsila engine. If Council wanted to proceed with the option to purchase Unit 3, they needed to start moving forward because it was a complicated purchase that could take several months to finalize.

Ms. Hoppe asked if the entire Water and Light Advisory Board was consulted with in regard to this communication. Mr. Schmitz replied the Water and Light Advisory Board had voted 4-1 to bring this memo forward at its October meeting, but it was Chair's report and he

did not know if it was shared with the other Board members. Ms. Hoppe commented that she had asked one Board member and that person was unaware of this particular letter.

Ms. Hoppe asked if purchasing capacity was different than owning capacity with regard to cost as she felt that was the issue. Mr. Schmitz replied they had contacted The Energy Authority (TEA) to assist in reviewing the market for the next six months, and TEA indicated capacity was out there but there was also a lot of energy on the market in an intermediate term or five-year contract. If the City was able to move between now and June, they could do a five-year contract on energy if they had capacity here. He explained they could still buy capacity on the market, but the energy was about one-third to half of the capacity cost, if he recalled correctly. He noted capacity could be purchased on a call order, but it would not be firm. The City would have firm capacity with the CEC.

Ms. Hoppe asked for clarification on the cost. Mr. Schmitz replied it was dependent upon when and what they wanted. Ms. Hoppe asked what it would be if they were looking for peaking capacity. Mr. Schmitz replied it depended on the use.

Mr. Skala understood conservation could provide virtual capacity because effective conservation efforts would reduce the need for purchasing capacity and it would allow them to achieve the same goal. Mr. Schmitz stated the virtual generator concept would postpone generation to be built down the road. By conserving or not using energy, they could postpone building new generation or using existing generation. When buying energy off of the market, they still needed existing capacity to back it up so the system stayed whole. They needed capacity to back up the energy so they could guarantee enough capacity on the system to supply everyone energy during peak critical times.

Mr. Skala understood the CEC generators were available, but were less efficient compared to the Wartsila engines, but the Wartsila engines had deliverability issues.

Mayor Hindman noted the City had to face some interesting issues to include the fact that five percent of the City's generation had to come from sustainable sources. If they purchased power on the market, they would likely be buying power that did not come from sustainable sources. They also had the Climate Protection Agreement which called for zero per capita increases in carbon contributions. He also thought they were likely to face Cap and Trade. He believed generating capacity was an introduction to numerous other things coming down the road.

Mr. Watkins commented that they were in discussions with some wind farms in case they had a large electric customer and had to upgrade the percentage of renewables. It might not be firm enough to meet the need of a data center since wind was seasonal, but they did feel they could meet increased needs for renewable energy if they had to go forward with market capacity.

Mayor Hindman stated he agreed with Mr. Skala in that the virtual power plant was a significant solution. He noted Austin had been aggressive in this regard and had avoided building one generator unit. He understood they were working on avoiding another. In addition, it was good for their bond rating because they did not have to go into debt.

Mr. Skala asked how the purchase of the CEC Unit 3 or the two Wartsila engines compared in terms of the potential to attract interested parties at Ewing Park. Mr. Watkins replied that if they bought the cheaper capacity, they would not have to run it and could just

buy the energy in a block against it. The Wartsila engines were the same except the analysis done by Mr. Parker had a different paradigm in that they could start running then since they were more efficient due to the cost of gas. He suspected that even if they purchased the peaking engines, they would have to come back to Council in the near future for some kind of intermediate based power.

Mr. Skala understood there might be a better solution other than the CEC or the Wartsila in the medium term, but that would not help at this time. Mr. Watkins thought they would probably have to do a combination of both at some point.

Ms. Hoppe wondered what could be done in terms of demand reduction with \$18 million dollars and whether it would reduce demand so there was enough capacity for the new center. She also wondered how many jobs would be created and what it would do for the local economy. Mr. Watkins explained the quantity of power being looked at was about one-third of their current generation. With regard to magnitude, he thought it was comparable to the amount if they outlawed air conditioners. Ms. Hoppe asked how many millions of dollars would be involved in demand reduction. Mr. Watkins replied they would find out about Austin's experiences when visiting its site. He noted the IRP was based upon being able to cut and slow down demand in terms of growth.

Mr. Wade stated this issue of capacity versus the amount of electric used involved two separate questions and he believed they would need to invest in both. He did not think they could talk about a trade-off between the two at this point. He believed they could achieve a greater impact with efficiency, but they would only be maintaining or coping with growth. It would not create real reductions so the capacity issue would still remain. Independent of what could happen with efficiency, they still had to address the question of purchasing the CEC Unit 3 or two Wartsila engines.

Ms. Nauser commented that virtual power and efficiency were long term goals for the City. This was something they needed to deal with in the more immediate term if they wanted to remain competitive in attracting new business and industry to the community. The virtual power and efficiency proposals would need a community-wide mindset change and policy changes and that would not happen overnight.

Ms. Hoppe understood a group was going to Austin in November and she suggested they hold off on a decision regarding this until they returned.

Mr. Thornhill asked when this decision needed to be made. Mr. Watkins replied the City's option on Unit 3 was through the end of the year. Ms. Nauser understood a contract needed to be signed by the end of December. Mr. Watkins believed they needed to know by January and did not think they could finance it this calendar year. He thought they would have to wait until next year. Mr. Skala asked if a decision could be held until after the Austin trip. Mr. Watkins replied the concern was that it would take months to negotiate all of the agreements.

Ms. Nauser stated she was not an energy expert and since a majority of the Water and Light Advisory Board members and staff were in favor of the CEC Unit 3, she was confident in taking their recommendation and moving forward so the City could remain competitive in attracting businesses.

Mr. Watkins commented that Council could direct staff to get started because the contracts would still go through Council. This would allow them a couple more months to consider the options. Ms. Nauser asked if it was feasible to put that much work into negotiations. Mr. Watkins explained staff time and resources would be expended, but it would keep the option open. The Wartsila engines did not have this time frame issue.

Mr. Sturtz felt that this was a big vote for an item under the Reports section of the agenda. Mayor Hindman noted they could have an ordinance prepared and hold a public hearing. Mr. Skala thought they might want to decide whether they wanted to wait until they had feedback from the Austin trip. Mr. Wade commented that there was much to learn in Austin, but he did not believe it would affect their ultimate decision. Mayor Hindman stated the purpose of the ordinance was to hold a public hearing, but he understood it could be done by resolution as well. Ms. Nauser asked if they had already held a public hearing on this issue. Mr. Watkins replied they had not had a public hearing on the issue. They had only held a public work session. Mr. Wade stated he thought Council should make a decision. Mr. Thornhill agreed. Mr. Skala stated he was inclined to wait until after the Austin trip, but thought an ordinance could be prepared and ready to go in the meantime. Ms. Nauser was concerned they would run out of time. Mr. Sturtz noted they had been talking about it internally for a while and thought they should obtain public input since it involved \$18 million.

Mr. Sturtz made a motion to hold a public hearing on this issue at the November 2, 2009 Council meeting. The motion was seconded by Ms. Hoppe.

Mr. Skala asked if there was any way to incorporate feedback from the Austin trip into the process prior to making a decision that needed to be acted upon.

Ms. Nauser reiterated she believed a virtual power plant was a long term goal because it would take time to reduce energy consumption within the community. She was not sure what they would gain by holding a public hearing as people have had months to provide Council feedback on the issue. She was confident in the recommendations of the Water and Light Advisory Board, consultant and staff. She noted they had to have this done by the end of the year and she was sure other communities were waiting to buy those units if the City passed on it.

Ms. Hoppe commented that this was not the only option. They could purchase capacity as well. Ms. Nauser stated she would prefer not to have to rely on future capacity in an unstable market.

Mr. Wade noted they had spent many hours on this issue and people had been given the opportunity to provide input. He felt the public hearing was a way to delay making a decision they did not want to make. In addition, while the Austin trip would be valuable, it would not address issues that pertained to this decision of the CEC or the Wartsila engines.

Ms. Hoppe stated she was not sure if Austin had been faced with something similar and had decided to go in a different direction, so she wanted that information prior to making this decision.

Mr. Skala stated he was prepared to vote on this tonight, but thought they should hold a public hearing because it would be reasonable and prudent.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe to hold a public hearing on this issue at the November 2, 2009 Council meeting was defeated by voice vote with only Mr. Sturtz, Mr. Skala and Ms. Hoppe voting in favor of it.

Ms. Nauser made a motion directing staff to proceed with the purchase of the CEC Unit 3. The motion was seconded by Mr. Thornhill. Mayor Hindman understood this did not mean they were actually authorizing the purchase. They were authorizing the start of the process to purchase it. Ms. Nauser agreed it was to start the negotiation process. The motion made by Ms. Nauser and seconded by Mr. Thornhill directing staff to proceed with the purchase of the CEC Unit 3 was approved by voice vote with only Mr. Skala and Ms. Hoppe voting no.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BICYCLE AND PEDESTRIAN COMMISSION

Schenker, David, 107 Westwood Avenue, Ward 4, Term to expire July 31, 2010

COLUMBIA VISION COMMISSION

Henson, Lee, 3104 Greenbriar Drive, Ward 5, Term to expire December 15, 2010

COMMUNITY DEVELOPMENT COMMISSION

Franz, Amber, 307 D St. Joseph Street, Ward 1, Term to expire November 1, 2012

CULTURAL AFFAIRS COMMISSION

Harris, Katherine, 2400 Topaz Drive, Ward 4, Term to expire October 31, 2012

Quiroz Jira, Andrea, 406 North 8th Street, Ward 1, Term to expire October 31, 2012

HUMAN RIGHTS COMMISSION

O'Toole, Thomas, 1004 Manhattan, Ward 6, Term to expire March 1, 2010

SUBSTANCE ABUSE ADVISORY COMMISSION

Priesmeyer, Joseph, 1705 Chapel Hollow, Ward 5, Term to expire October 31, 2012

Utterback, Kari, 4111 Valleywood Court, Ward 3, Term to expire October 31, 2012

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Skala understood crime in the downtown area was down 65 percent, but many still felt there was a continuing problem that was not being addressed. He thought they needed to get the right information out so people did not feel it was unsafe to go downtown. He wanted to reinforce the request to get a report with the numbers, so they could get that information out to the public to counter some of the misinformation.

Mr. Skala asked for an update regarding Ms. Keil who resided along the Hinkson Creek due to the recent rains. He noted a tracker number had been assigned to the case.

Mr. Wade made a motion directing staff to draft a LEED neighborhood standards proposal for Council review. He thought they needed to move as quickly as possible because it had the potential of pre-empting many things they were working on in terms of development policy.

The motion made by Mr. Wade was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe stated she wanted a report involving the cost of rental inspections with a recommendation from staff with regard to whether the fee should be increased and whether the inspection requirement should vary depending on whether there were problems or not.

Mr. Thornhill commented that he was working with staff regarding her second request and wondered if she could wait for a report.

Mr. Watkins stated he would be happy to provide a report, but asked for a few months to put it together. The Office of Neighborhood Services held their first staff meeting today and they had discussed these types of issues.

Ms. Hoppe made a motion directing staff to provide a report regarding the buses that were provided for games. She wondered how the service was paid for and asked if the University provided money or if the \$1 fee per person covered the associated costs. She understood a working crew who had to work before and after the games had to park far away and wondered if the bus service could be expanded to include them. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe understood the Historic Preservation Commission had recommended Rock Hill Road be renamed to Toll Gate Road because it had been a toll gate to Ashland and asked when the report would be provided to Council. Mr. Watkins replied he would check on it.

Ms. Hoppe asked if the recycling bins, which were locked inside the gate of the swimming area at Stephens Lake Park, could be moved outside of the gate so they could be accessed at all times.

Mr. Thornhill made a motion directing staff to provide a report regarding the actual cost of sidewalks so the in lieu of cost could be adjusted. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Thornhill understood a motion might have been required for Report D, which dealt with Edenton Boulevard and Brown School Road.

Mr. Thornhill made a motion directing staff to proceed with installing the signs and markings as outlined in the report. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman noted there was a stop sign at the Crestland and Rollins intersection, and since it was a minimally used intersection, he thought it might be better to have a yield sign instead. He commented that there were two stop signs and one might be justified due to

bushes, etc. making it hard to see, but thought the other one could be replaced by a yield sign.

The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Sheela Amin
City Clerk