

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
MAY 6, 2013**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 6, 2013, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

Ms. Hoppe stated she had a correction to the last paragraph on page 25 of the draft minutes. She asked that the sentence that began with “she felt” be changed to “the staff report indicated.”

The minutes of the regular meeting of April 15, 2013 with the change requested by Ms. Hoppe was approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Ms. Nausser.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Ms. Nausser explained a constituent had requested R82-13 be moved from the consent agenda to new business.

Upon his request, Mayor McDavid made a motion to allow Mr. Thomas to abstain from voting on B109-13 due to a conflict of interest. The motion was seconded by Ms. Nausser and approved unanimously by voice vote. Mr. Thomas indicated on the Disclosure of Interest form that, as the former Executive Director of PedNet, he had set in motion the contract under which the City would implement the improvements with funding from grant funds held by PedNet.

The agenda, to include the consent agenda with R82-13 being moved to new business, was approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Ms. Nausser.

**SPECIAL ITEMS**

**2013 Business Award of Excellence presented to 3M Foundation for their contribution and support of the MKT wetland restoration project.**

Mayor McDavid invited Nick Kuhn from the Department of Conservation and Bill Moore from 3M Foundation to the podium.

Mr. Kuhn explained he was the Community Forestry Coordinator for the Department of Conservation, and with the help of the Missouri Community Forestry Council, statewide, non-profit group, the Department of Conservation coordinated the Missouri Arbor Awards of Excellence. He described the application and process and noted they chose winners within four categories. The best application this year in terms of partnership was the one that

brought the 3M Corporation and the City of Columbia together on a project, which showed the benefits of trees in terms of improving waterways and the community forest. He pointed out the City was now eligible for a cost share match bonus when it applied for a grant next year as a result of this recognition. He presented the award for the 3M Wetland Project to Mr. Moore of the 3M Corporation.

Bill Moore stated his appreciation to the City Council, City Manager and Parks and Recreation Department staff as 3M had a great working relationship with the City. He explained this project allowed 3M to be involved financially and through employee participation as employees were able to plant trees in the wetland project area. He commented that they looked forward to continuing to contribute to the community in which they lived.

**2013 Award of Continued Excellence (ACE) from American Public Power Association (APPA) Demonstration of Energy Efficiency Developments (DEED) to the Water and Light Department.**

Mayor McDavid stated the Columbia Water and Light Department had received the Award of Continued Excellence from the American Public Power Association (APPA). He explained Columbia had participated in the APPA Demonstration of Energy and Efficiency Developments (DEED) program since 1983 and the award recognized Columbia's continued commitment to research and development of efficiency and renewable resources. The City had received multiple DEED grants over the years, which helped efforts in these areas. They had completed a guide for implementing energy efficiency programs, conducted solar marketing research, and was currently working on a collaborative biomass project.

Mayor McDavid presented the 2013 Award of Continued Excellence to Tina Worley, Manager of Utility Services, and thanked her for her work over the years to make Columbia known nationally as a leader in energy efficiency and renewable energy projects.

**2013-2015 Platinum Award of Reliable Public Power Provider (RP3) from American Public Power Association (APPA) to the Water and Light Department.**

Mayor McDavid commented that the Columbia Water and Light Department had received another award from the American Public Power Association, and explained the Reliable Public Power Provider (RP3) recognized public power utilities that demonstrated proficiency in the four key disciplines of reliability, safety, training and system improvement. Criteria within each category were based on sound business practices and represented a utility-wide commitment to the safe and reliable delivery of electricity. Columbia was one of 184 of the nation's more than 2,000 public power utilities to earn the RP3 recognition. Reliable electric service was important to everyone, and this recognition was wonderful in terms of recognizing the great job that had been done with the City's system through the years. He noted the City's electric utility was part of what made Columbia a great place to live.

Mayor McDavid presented the RP3 Award to Tony Cunningham, Electric Distribution Manager, and Carol Schafer, Management Support Specialist.

**2013 TreeLine USA Re-certification from Missouri Department of Conservation to the Water and Light Department.**

Mayor McDavid asked Angela Beldan with the Missouri Department of Conservation and Morgan Long with the City of Columbia Water and Light Department to come to the podium.

Ms. Beldan commented that trees were a vital component of the infrastructure within cities as they provided many benefits to citizens, and explained the TreeLine USA Designation recognized public and private utilities that demonstrated practices that protected and enhanced America's urban forests. Utility companies, such as Columbia Water and Light, that promoted the dual goals of safe, reliable electric service and abundant, healthy trees across the utility service areas deserved recognition and thanks. She presented the TreeLine USA Designation to Mr. Long of the Columbia Water and Light Department on behalf of the Arbor Day Foundation and the National Association of State Foresters.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**SCHEDULED PUBLIC COMMENT**

**Robert Powell – Purpose of the Citizens Police Review Board.**

Robert Powell explained he had been arrested in November 2012 and believed he had been treated unfairly. He noted he had been carrying a weapon he owned at work when a few drunk, college students accused him of brandishing a firearm at them, which he had not done. The case had since been dismissed with all charges dropped, and he had received his weapon back. He commented that his issue was that the wording in the flyer of the Citizens Police Review Board (CPRB) indicated unfair treatment could be addressed, but the website used the term misconduct, and it was hard to show misconduct and for a misconduct situation to be heard by the CPRB. He wondered why there were two different standards as he believed he had been treated unfairly. He was also concerned with the make-up of the CPRB as there were a few ex-law enforcement officers on the Board. He felt that was counterproductive as they would lean toward the ruling of the Police Chief. He commented that in his situation, the officer that had rushed to judgment and locked him up could have changed his life in terms of a plea bargain for three years in the State Penitentiary. He noted he had to pay thousands of dollars in attorney fees, had his gun taken from him and was ridiculed and mocked in the Columbia Tribune when he had not done anything wrong. He wondered why the CPRB had been established as he believed the Board needed to be for what was right and fair.

**Shari Korthuis – Purchase of an armored personnel carrier and alternative uses of funding other than the militarization of the community.**

Shari Korthuis, 2987 Running Deer Court, commented that she hoped the Council would consider rescinding its decision to purchase an armored personnel carrier (APC) for police protection. The ordinance was passed by Council on April 1, 2013 with only one vote against it by Mr. Trapp. She stated she had read the staff report and all three examples of

the APC saving an officer's life involved a lone individual and an AK-47. She did not feel those three examples justified the City spending \$227,587 to purchase an APC. She understood the current APC had been purchased in 2001 and required \$35,000 in repairs in just twelve years. The APC had been used in Columbia 66 times for SWAT related activities, but it had also been used 18 times for search warrants when someone was thought to be armed, which was a concern for her. She was also concerned with the potential use of the APC for civil disobedience in terms of crowds and protests. She understood the staff report indicated the Police Department would not use the APC for that type of activity, but noted the Police Department had borrowed a BearCat from the Missouri State Highway Patrol in 2008 to assist with the National Socialist Movement, which had over 100 armed officers for security. This was a clear example of using an APC for civil disobedience. She questioned how the APC would have saved citizens from gun fire. She commented that the Council had approved the purchase of the APC without any guidelines, protocols, codes or policies as she understood the SWAT commander made the decision for its use in SWAT situations. She stated she was uncomfortable with the fact the APC could be used any time the SWAT was activated, which had been 66 times in the past five years, since the SWAT commander had sole authority and did not operate under any guidelines. She did not believe the purchase of an APC was necessary for the City of Columbia, and noted the City could borrow one through mutual aid agreements with the Missouri State Highway Patrol or any of the twelve metro areas of Kansas City, St. Louis and Springfield. She stated she did not believe enough time had been provided for the public to comment as the ordinance was first read on March 4, 2013 with a second reading on March 18, 2013 and the final vote on April 1, 2013, which was prior to the election, which affected the make-up of the Council. She believed the \$227,587 could be better spent on building a homeless shelter, implementing restorative justice programs, etc. She hoped the City would not allow the purchase of the APC.

## **PUBLIC HEARINGS**

### **B108-13 Authorizing the permanent closure of Deep Well No. 2 located on Oak View Drive; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Skala understood \$105,000 had already appropriated and asked for clarification.

Mr. Johnsen replied he thought it was money that was already in the budgeted account since this was not the first well that had been decommissioned.

Mayor McDavid opened the public hearing.

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

B108-13 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### **B109-13 Authorizing the construction of concrete walkways and the installation of wrought iron fencing, a small memorial bench with paver patio and landscaping and turf projects as part of the Douglass High School infrastructure project; calling for bids through the Purchasing Division; appropriating funds; authorizing an agreement with the PedNet Coalition, Inc.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe stated this appeared to be a great project with improvements that were really needed, and would be an asset to the area and Douglass High School.

B109-13 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. ABSTAINING: THOMAS. Bill declared enacted, reading as follows:

**(A) Consider the Water and Light 2013 Renewable Energy Report.**

Item A was read by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Hoppe understood two percent was the requirement in 2004, and this requirement had increased to five percent for 2013. Mr. Johnsen stated he believed the initiative was passed by the voters in 2004, and that the two percent requirement did not begin until 2007 and ended in 2012, so December 31, 2012 was the date when they had to meet the five percent requirement.

Mayor McDavid asked for clarification regarding the Crystal Lake contract as he understood the City had contracted for 21,000 megawatt hours, but had received 35,000 megawatt hours and was selling a portion of it to the University. Mr. Johnsen replied the intent was to split the amount of energy received through the Crystal Lake contract with the University of Missouri, and noted the City had a subagreement with the University. The reason the City had more during the first year of the contact was because it had been easier to provide the City all of the megawatts during the first 2-3 months of operation, and a change was subsequently made in the commercial model in terms of metering to change to enable everyone to receive its appropriate share. He reiterated this was the reason it was higher than what they expected during this next year. He pointed out they were splitting both the cost and the energy with the University through a short term contract.

Mr. Thomas asked if there was data from other cities that had similar ordinances in terms of what those ordinances looked like and how they were performing against their targets. Mr. Johnsen replied he had not done a specific survey, and noted Columbia had one of the first ordinances of this kind, which the State of Missouri had used as a model. He did not believe the City was behind the curve, but he also did not believe they were leading the curve either. He had not heard of any entities or municipalities that had been unable to meet their requirements, but reiterated he had not done a survey to provide a good representative sample.

Ms. Hoppe asked Mr. Johnsen to discuss how far below the three percent the City was in terms of cost. Mr. Johnsen replied the City was currently operating at 1.8 percent based upon the methodology established three years ago, and the cost varied depending on the resource since intermittent resources generated whenever possible and others like the landfill gas were truly dispatchable resources. He explained that based on the methodology, landfill

gas had turned out to be an economically viable way to generate energy, but its potential was limited since there was only so much landfill gas. Energy prices were generally low in the spring and fall when wind was generated and there was little capacity associated with it. He pointed out the City was working on photovoltaics, which had the same methodology as wind, but because photovoltaics generated energy when the load was higher, it tended to do better with the same megawatt hours annually due to its timing when it was more valuable to the City.

Mr. Schmidt understood that even though an energy source impacted the three percent more heavily in terms of cost, it might be more beneficial if it replaced peak value electricity. Mr. Johnsen stated that was correct. Mr. Schmidt understood there was room for the expansion of photovoltaics. Mr. Johnsen stated that was correct since Columbia Water and Light was a summer peaking utility. Mr. Schmidt understood the City charged the same flat cents per kilowatt hour throughout the year. Mr. Johnsen stated that was correct in terms of the charge to the customer as the City did not have any time of use pricing on the system at this time.

Ms. Hoppe understood the City received one-ninth of the output from Blue Grass Wind Energy and that a lot of the cost was associated with transmission, which was a fixed cost, and asked what was preventing the City from obtaining more than one-ninth of the wind energy output, which would reduce costs. Mr. Johnsen replied he did not know if more was available, but explained the problem was that they had a physical path that was capable of delivering six megawatts, which was the size of the contract. There were times of the year where it was producing six megawatts, and if they increased the capacity from a contractual perspective, they would not have the transmission to allow it to flow at peak. They would have to decide what to do with the excess since they did not have the transmission to support it. He pointed out this was one of the issues of a base load type transmission contract for intermittent resources. They could flow six megawatts 24 hours per day, 365 days per year, but those six megawatts were not always generated. It was an underutilized resource. He explained they preferred to keep those resources in MISO because the transmission issues were easier to handle, and pointed out that was why the second resource they had put together was in MISO.

Mr. Skala understood when discussing net metering, they were not talking about individually disbursed photovoltaics that allowed people to sell energy back to the supplier for a discount, and asked about the limitations of the ability of Free Power to deliver the type of photovoltaics they might want to see established. Mr. Johnsen replied Free Power was not a net metering type of arrangement. Net metering involved a customer installing photovoltaic generation behind the meter to offset the use of energy by the customer behind the meter. Free Power was a “in front of the meter” type of photovoltaic system in which the City paid the developer based upon the number of megawatt hours produced. Both systems provided the City the potential to claim those as renewable energy to meet the requirements of the ordinance. Mr. Skala asked if there was a limitation on the ability of Free Power to deliver what the City wanted. Mr. Johnsen replied that contractually, there were 6,000 and 12,000 megawatt hurdles, which had not been met by Free Power due to technical difficulties. He explained they were working through the issues and proceeding with the projects. It was a

rate based issue so there was not a lot of capital investment the City was not recovering since the City paid for the amount of megawatts produced.

Ms. Nauser understood ten percent of electric retail sales needed to be from renewable energy by December 31, 2017 and asked if this goal could be met. Mr. Johnsen replied the Water and Light Department was in the process of completing the Integrated Resource Plan, and it discussed the development of net metering on the photovoltaic side of house, so the City needed to be prepared in terms of how that would be integrated into the system. It was not necessarily a reliability issue, but more of how the cost was structured. If too much of the fixed costs were buried in the rates recovered, a subsidy issue would be created. They needed to ensure the rate structure fairly compensated for the use of the system for those that received the advantages from the proliferation of net metering on the system. He noted there would also be different uses on the system due to electric vehicles, etc. that could significantly impact the system.

Mayor McDavid understood the math in terms of pricing was complicated with regard to intermittent energy in comparison to dispatchable electricity, but noted they were also relying on that match since the citizens indicated they wanted as much renewable energy as possible without spending more than three percent over non-renewable sources. The Crystal Lake contract was for \$39.46 per megawatt hour while the base was \$48.49 per megawatt hour for coal, and there were other expenses with wind energy. The contract with Crystal Lake cost the City \$1,420,481 extra for the 35,998 megawatt hours received, and if assuming a base of \$48.49, the City paid \$87.96 per megawatt hour for wind energy or the \$1.4 million was overstated. Similarly, the Blue Grass Wind contract was purported to be about \$67.58 per megawatt hour over the \$48.49 base. The cost was \$93.52 per megawatt hour when considering the excess cost of \$608,385 with 14,844 megawatt hours, so the City was overstating the loss from wind energy or understating the cost of wind energy. He commented that the City burned wood from Lebanon and understood it took a ton of wood to get a megawatt hour at a cost of about \$36, which did not make sense to him. He asked staff to further clarify the math because he believed it was important to have numbers that were more understandable. Mr. Johnsen pointed out the two wind resources were operated completely differently as one was outside of MISO through a physical path and the other resource was inside MISO and settled at the node with a price. He noted they tried to determine the cost of each to the utility as best as they could. He stated staff would be more than happy to explain the numbers when Mayor McDavid had time. He commented that in one situation they owned the energy and in the other they purchased it. They were not apples to apples comparisons, but staff had tried to represent them in that manner.

Mayor McDavid asked if the City had to pay someone \$10 per megawatt hour for deemed energy if that meant the City used the system but had to pay a penalty because they did not contribute to it. Mr. Johnsen replied deemed energy was a cost to the City for not generating the energy. If MISO prices went the wrong way, the City could pay money to someone else to generate the energy, and they could ask the entity to stop generating in order to avoid losing money. He stated they had to pay the base rates but did not necessarily lose money on the market side if the units were taken down.

Mayor McDavid understood the City would be at six percent next year because they were dispatching some of the Crystal Lake wind to the University. He also understood the City had to get to ten percent within four years, but he did not see it coming from photovoltaics. He thought it would have to come from judicious wind contracts. Mr. Johnsen explained staff surveyed the landscape every other year to determine whether there was more renewable energy out there and how the portfolio should be accommodated. He noted the City was always looking for more landfill projects, but as they were further away from the system, there would be more of a transmission impact for those landfill projects. He pointed out the wood stream was a liability for the company producing it so they charged the City what it took to get it as they would then not have to pay waste costs to get rid of it. It was a good arrangement for both parties.

Mr. Schmidt commented that photovoltaic was small and had the advantage of providing electricity at peak, and asked what the City was doing to encourage it. Mr. Johnsen replied they were working with the Free Power contract, which was rate based, because it typically took a lot of capital to make photovoltaics happen. He thought they needed to be careful in terms of capital investments before determining if it was a workable resource for the City.

Ms. Hoppe understood the City was currently at 7.94 percent in terms of renewable energy, but would have less next year since some energy would be sold to the University. Mr. Johnsen pointed out the contract with the University had not changed since the inception of this program. During the first 2-3 months of the contract, the City received substantially more because the entity just gave them the first 21 megawatts of production since that was the only way they knew how to account for it then. The model had since changed, so the City would not receive as much. He explained they expected to do better than the six percent though, and noted they would add a third landfill gas generator, which could affect the percentage depending on when it came on line.

Ms. Hoppe understood the cost of solar power was decreasing for individual residences and a federal tax credit was in effect through 2015, and asked if the City was looking at increasing solar for individual families through a loan program. Mr. Johnsen replied they would entertain photovoltaic projects with the loan program. He pointed out they were also looking into doing a community solar project, which people could buy into, because a lot of people did not have the space or orientation on their homes. Ms. Hoppe asked if that could be counted as renewable energy. Mr. Johnsen replied yes. Mr. Skala stated this hybrid idea was wonderful in terms of encouraging net metering for individuals who could do it and a community-based pool for those did not have the space or the wherewithal.

Mayor McDavid opened the public hearing.

Ken Midkiff, 1005 Belleview Court, stated he served on the group that helped initiate the proposal, and they had scaled back the amount of the increase proposed in terms of renewable energy so the Water and Light Department could meet its goals. They felt this was a floor, and not a ceiling, and would be delighted if the City could reach 100 percent renewable energy. With the increasing number of wind turbines and photovoltaic sources, he did not believe the City of Columbia would have a problem meeting the goal, and looked forward to the City exceeding the goal.



Winifred Colwill stated she was speaking on behalf of the League of Women Voters of Columbia- Boone County and noted their appreciation for the Water and Light Department staff and the 2013 Renewable Energy Report. The detailed report showed that almost eight percent of Columbia's electricity had been generated by renewable energy sources last year, which was three percent more than required by ordinance. Columbia had earned the unenviable reputation as a leader in terms renewable energy, which was a reputation that benefited the entire community, and Columbia voters had approved the renewable energy ordinance four years before Missouri citizens passed the State's renewable energy standard. She applauded the City for continuing to advance renewable energy and clean electric power, and pointed out the report showed Columbia could obtain more renewable energy without exceeding the renewable energy ordinance cost limit. The League of Women Voters supported substantially raising Columbia's renewable energy goals and for early acquisition of more renewable energy to supply a larger share of future power needs. The League also supported reducing Columbia's electric demand by directing more resources to programs that would upgrade the energy efficiency of housing and commercial buildings. They felt the regular adoption of up to date energy standards for new construction was critically important as well. The League believed the pursuit of these three policies would benefit citizens and help the City meet its obligation under the Mayor's Climate Protection Agreement to reduce local greenhouse gases. The report indicated Columbia currently had nine customers who had installed net metered wind or solar energy systems, and the excess power from these systems helped meet local energy needs. The League recommended the Water and Light Department consider increasing the amount of the solar rebate, which was currently \$500 per kilowatt, in order to encourage more customers to install solar systems before the 30 percent federal tax credit for solar expired in 2016.

Linda Green, 206 Anderson, commented that she believed it was important to look at both the long-term and short-term view when figuring energy costs, and to consider environmental costs as well as fiscal costs. Chernobyl, Three Mile Island and Fukushima were illustrations of the dangers of nuclear reactors, coal was dirty, and natural gas now involved fracking, which poisoned land and water. She believed they needed to consider long-term safety, and not ask their children or grandchildren to pay for dirty energy by living in a deteriorated environment. She appreciated everything Columbia had done to have a renewable energy standard that was forward thinking and felt more could be done. She asked the Council to raise the renewable energy standards as high as possible for a safe future.

Andrew Linhares, 910 E. Broadway, stated he was the staff attorney for Renew Missouri, a non-profit group that worked on statewide policy for renewable energy and energy efficiency, and thanked the City for doing so much for renewable energy. He believed Columbia was an example for other municipal utilities and in a statewide context. He explained Renew Missouri had helped draft and pass Proposition C in 2008, which was based on Columbia's standards for renewable energy, but had been having trouble implementing it statewide. Columbia, however, had done an excellent job in meeting the standard. He understood Columbia had a \$500 per kilowatt rebate, which was fifty cents per watt with a maximum of ten kilowatts or \$5,000, and suggested raising the solar rebate level.

He commented that someone from Austin, Texas, had spoken about the value of the grid in terms of solar energy at the Advancing Renewables in the Midwest Conference, and had come up with an added value of about twelve cents per kilowatt hour, which he thought should be considered by the City in the future.

Rachel Brekhus, 703 Hilltop Drive, agreed in substance with previous comments made and stated she had confidence the City could handle raising the renewable energy standard in order to address climate change.

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

Mayor McDavid understood the contract with Free Power was a no risk contract, but was with an Omaha based company that had no transparency, so there was a lot of uncertainty. The City would pay \$54 for every megawatt hour produced, and the company could provide 6,000 megawatt hours during the first year and 12,000 megawatt hours the following year, with a potential of 30,000-50,000 megawatt hours in the future. He understood the company had provided 247 megawatts to date. He suggested restraint and caution with Free Power because they remained entirely non-transparent. The City had no idea how much business they were doing or their financial situation. He thought it was in the best interest of the City to limit the relationship with Free Power to one in which the City would only pay if they produced the energy. He noted Hubbell Power Systems, which was located in Centralia, Missouri, made galvanized anchors for solar panels. The company had 790 employees of which 110 were from Columbia. He stated he mentioned this to point out there was a local employer in the business of producing a component of solar panels. He understood 1,000 posts were required for one megawatt of power, and hoped the City could do business with Hubbell in the future. He commented that he believed the citizens had spoken clearly in 2004 that they were willing to pay up to three percent more for renewable energy, so the City needed to ensure they did not overstate the effect of the wind contracts. He stated he hoped photovoltaics would become a profitable line of business, but thought the City would likely need to search for more wind contracts in the future.

Mr. Schmidt stated he thought everyone was pleased with the way things were going in terms of renewable energy and was glad staff was being conservative in terms of what could be delivered and their associated costs. He felt people wanted and were willing to pay for renewable energy. He noted a lot of this renewable energy involved local employment as well.

Ms. Hoppe commented that the goal had been two percent, which had been met with five percent by December 31, 2012, and the next goals were ten percent in 2017 and fifteen percent in 2020. She understood the Environment and Energy Commission (EEC) had recommended the City increase its renewable energy portfolio by two percent so that it would be about 22 percent by 2022, which was doable based upon how they stood in terms of the cost limit. She stated local solar was a growing area, and believed they had a better opportunity of keeping the \$140 million spent on energy locally by providing more local energy. The community would be wealthier, more independent and safer as a result as well. In addition, more jobs and companies would be created. She suggested the standard be raised to the percentage suggested by the EEC while keeping within the cost limitation.

Mr. Skala understood a lot of people had suggested the City proceed as aggressively as possible. He also understood the emphasis nationally had gone away from renewable energy due to recent technology and fracking, and hoped the City did not fall prey to that type of cheap energy even with the City considering shifts toward natural gas. He hoped the City would continue its forward progress with renewable energy for the reasons others had suggested, such as jobs and security.

Ms. Hoppe pointed out renewables were only half of the picture, and that energy conservation was the other half as indicated by the representative of the League of Women Voters. The more they did to conserve energy, the cheaper it would cost, and this would also allow them to keep more money in the community.

Mayor McDavid made a motion to accept the 2013 Renewable Energy Report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(B) Voluntary annexation of property located on the west side of Old Plank Road and south of Glasgow Drive (1111 Old Plank Road).**

Item B was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid opened the public hearing.

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

**OLD BUSINESS**

**B30-13 Vacating sidewalk easements on Lot 321A and Lot 322A within Copperstone, Plat 7 located along Blue Hollow Court.**

The bill was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid made a motion to amend B30-13 per the amendment sheet. The motion was seconded by Ms. Hoppe.

Mr. Schmidt understood the sidewalk would be along the lot line. Mr. Teddy stated it would be split between the two lots. Mr. Schmidt asked if it would still meet ADA in terms of it following the lay of the land as opposed to meeting the maximum slope. Mr. Teddy replied there were ADA standards for sidewalks that connected facilities and ADA standards for recreational trails, and there was some allowance for the latter to be at the steeper 12 to 1 slope for a distance of up to 200 feet. An argument could be made for this being a recreational trail unless it was considered to be a necessary connection between facilities. Mr. Schmidt understood this was not ideal, but was workable, and the amendment provided an alternative to what would be removed.

The motion made by Mayor McDavid and seconded by Ms. Hoppe to amend B30-13 per the amendment sheet was approved unanimously by voice vote.

Mayor McDavid made a motion to table B30-13, as amended, to the May 20, 2013 Council Meeting. The motion was seconded by Mr. Skala.

Mr. Thomas asked if the Disabilities Commission had been provided a chance to compare the original and current proposals. Mr. Teddy replied it had not been referred to the Commission, so they would not have reviewed it unless they had been tracking the agenda

item on their own. Mr. Thomas asked if it was appropriate to ask the Disabilities Commission to review it. Mr. Schmidt asked if the Disabilities Commission would meet between now and May 20, 2013. Mr. Teddy replied he understood they would meet this week. Mayor McDavid suggested this be referred to the Disabilities Commission for their input.

The motion made by Mayor McDavid and seconded by Mr. Skala to table B30-13, as amended, to the May 20, 2013 Council Meeting was approved unanimously by voice vote.

**B100-13 Voluntary annexation of property located on the east side of Highway 63 South, west of Rolling Hills Road and south of Old Millers Road (5950 Rolling Hills Road); establishing permanent RMH (Residential Manufactured Home) zoning; approving the Preliminary RMH Development Plan of High Hill Circle Mobile Home Park Old Millers Road/Rolling Hills Road; designating nonconforming conditions.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood the two Planning and Zoning Commission Members that had been opposed to this were concerned about this area being beyond City limits envisioned in the Comprehensive Plan. Mr. Teddy explained there had been discussion in the preparation of the Comprehensive Plan of an urban services area that was not necessarily a growth limit line, but an area that would indicate a preference for development. The idea was that the area the City had already invested in infrastructure or had committed to in terms of investments in public infrastructure would be a preferred area to channel new development activity. He believed the concern was whether they would be abandoning that principle since this was outside of that area. He stated he would argue they were not abandoning the idea if the applicant was taking on the burden of establishing the services to its mostly existing development. Ms. Hoppe asked how far outside of the urban boundary this was located. Mr. Teddy replied it was on the border and noted the South Farm formed the existing City limit in that area. He pointed out the sewer would be pumped a mile or more north of this point, so it was diverting from one watershed area to another, and testimony had indicated there was sufficient capacity in the watershed the sanitary system was located within to handle this flow.

Ms. Hoppe understood the applicant was going to pay for the sewer in terms of design and installation and that part of this would be in the Bonne Femme Watershed, and asked what oversight there would be in terms of ensuring the sewer was appropriate for karst areas, sink holes and losing streams. Mr. Teddy replied the City would review it as it would require land disturbance permits, etc. Ms. Hoppe asked if the applicant would have to comply with the Bonne Femme Watershed study. Mr. Teddy replied yes, if there was something they could apply in the form of ordinances. Ms. Hoppe understood the sewer connection did not necessarily commit the Council to any kind of upzoning for the area in the future. Mr. Teddy stated that was correct. He explained a pressure system would not allow connections of adjacent the properties. There would have to be an extension of a gravity system along properties.

Garrett Taylor, an attorney with offices at 1103 E. Broadway, provided a handout and explained he was speaking on behalf of the applicant with regard to this annexation. The site currently utilized an existing lagoon system that was permitted by the Department of Natural Resources (DNR). It was a two cell system that had been in place for 30 years. The original

discharge location for this system had been on-site, which was within the Bonne Femme Watershed that had losing features within two miles downstream of the lagoon treatment system, but approximately 15 years ago, the lagoon effluent was permitted by DNR to be pumped to the next watershed to the north of the property, which was the Gans Watershed and on to property owned by the University. The existing lagoon system was still in compliance with the DNR permit, but the lagoon system had met its useful life. His applicant had met with DNR and the City numerous times to determine the best alternative to remedy the problem, and although five alternatives had been considered, they had determined that connecting to the City sewer system to the north was the best and most eco-friendly alternative. They were requesting the approval of the annexation and zoning, while they continued to proceed with obtaining easements with the University of Missouri in order to tie into the City's sewer system to the north. Since they were working backwards on this site in terms of there being an existing mobile home park at the location, they were also asking for several non-conforming conditions. He pointed out the High Hills Circle Mobile Home Park was well maintained and crime free. They would be bringing affordable housing into the City limits of Columbia and tying into the City's sewer system, thus eliminating discharge into the Gans Creek Watershed. He asked the Council to annex the 25.2 acres of land into the City with the RMH zoning.

Ms. Hoppe asked what kind of protections would be in place when the sewer was installed as it would disturb the Bonne Femme Watershed area. Mr. Taylor replied they would be required to meet City ordinances when going through the permitting process.

Mr. Skala asked for clarification regarding the need for the screening variance. Mr. Taylor replied they were requesting a variance for the screening around the entire perimeter of the mobile home park. He explained Highway 63 had expanded so close to the property that the screening would be within the Highway 63 right-of-way. He pointed out they would have to go before the Board of Adjustment in order to obtain the screening variance because it was impossible to build the fence all of the way around the perimeter of the property due to the lay of the land.

Chad Sayer stated he was an engineer with Allstate Consultants and explained it would be a force main sewer and current City standard for this size of force main required 48 inches of cover. They hoped to go along existing disturbed areas along Highway 63 where there was already a utility corridor, and not toward the Bonne Femme Watershed. He pointed out they had not obtained easements yet, so another potential was along Rolling Hills. He reiterated they would focus on areas with existing disturbances and would try to run parallel to those areas. He was not concerned about having a negative effect on the karst topography due to the depth of construction and the alignment. He commented that the screening requirements required an old fashion fence, which was a concern as that was the not the feel they wanted for the park.

Ms. Hoppe made a motion to amend B100-13 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe stated she felt this was good and appropriate as there was a need for more affordable housing. She was happy it was existing affordable housing as well. It would also solve a lagoon problem in the Bonne Femme Watershed. She understood it was only slightly

outside of the urban boundary identified in the Comprehensive Plan, and stated she was happy to support it.

Ms. Nauser commented that it was nice to see a mobile home park coming into the City with the zoning designation of what it was currently being used as rather than a commercial designation that would displace people. She felt this showed mobile home parks could fit into the community and believed they were a much needed asset in terms of affordable housing. In addition, as indicated by Ms. Hoppe, this would also create a healthier environment since the lagoon would be removed. She stated she would gladly support it.

Mr. Skala explained he had argued on the basis of affordable housing and environmental relief when this was discussed at the Planning and Zoning Commission meeting. He noted this would provide an opportunity for more affordable housing and they were not yet at the comprehensive plan stage. In addition, this did not seem to be too much of a breach of the spirit of the Comprehensive Plan in terms of the urban services boundaries. He stated he planned to support this on the same basis he supported it as a Planning and Zoning Commissioner.

B100-13, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B110-13 Authorizing an internship program agreement with the Society of Municipal Arborists to sponsor an urban/community forestry intern at the Parks and Recreation Department; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Ms. Hoppe understood there was value to the intern for being in this program and asked what value would be received by the City. Mr. Griggs replied the City would be provided an opinion from someone else. He explained the intern was a graduating student who would be able to help staff and who likely saw things differently. In addition, they would have another forester for ten weeks to help with projects.

Ms. Hoppe understood the contract indicated the intern would assist in planning the urban forest and maintaining the urban forest, and asked what the City goals were for this effort. Mr. Griggs replied this was looked into whenever an individual or regional park master plan was developed and was site specific. For a site, such as Philips Lake, which was mainly pasture, the goal was to plan and restore forest areas where they could, and with a site, such as the Gans Creek Recreation Area, which was heavily forested, the goal was to minimize any impact. Ms. Hoppe asked if there was a specific ordinance, resolution or policy on the urban forest. Mr. Griggs replied the City forester had the Arboriculture Society goals and standards, and beyond that they had the policies they had worked out with Council in terms of tree removal and what trees were planted. He thought the City forester would be able to answer the question.

Mr. Skala asked if it was fair to assume the intern might be an urban forester or urban canopy advocate to some degree. He commented that several years ago the idea of a tree board had been discussed to assist the City arborist in terms of watching for liabilities. He

asked if this would fit with that approach. Mr. Griggs replied it would, and explained they were more into the tree canopy and using the Natural Resource Inventory to help guide it.

B110-13 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B112-13 Extending a moratorium on illuminated window signs that have electronic changeable copy.**

The bill was given second reading by the Clerk.

Ms. Hoppe provided the background on this issue and referred Council to the staff report received with a similar ordinance on March 18, 2013.

Aaron Smith stated he was the owner of the A. W. Smith Law Firm and believed this moratorium was initially passed in response to an electronic message board located on the corner of Stadium Boulevard and Broadway, where his office was located. He was disappointed when he found out this moratorium would be extended another six months as he had two units in the building he wanted to rent, and those renters were asking if they could install an electronic message board sign as well. He felt six months had been sufficient for a report to be provided to Council regarding the issue. He referred to an article, which indicated studies had shown that LED signage was no more distracting to drivers than traditional static signs, and even though LED signs were shown to make a great impression on onlookers, they did not pose a threat to road users. He pointed out MoDOT had implemented electronic message signs on I-70 and in town, and believed drivers took the same amount of time to look at a static sign as they did an electronic changeable sign. He showed photos of various electronic message signs throughout the community, which included the back of the University of Missouri football field scoreboard, the front of the City buses, MoDOT, banks, Rock Bridge High School, liquor stores, etc. He commented that he had listened to his neighbors and the former Ward 4 Council Member by toning down the brightness of the sign at his business. He noted he placed public service announcements on his sign, such as “Go Tigers,” “Buckle Up” and “Drive Safe.” He provided a handout of some documents and the photos he had shown, and stated he hoped this could be resolved soon.

Curtis Bohl, 116 W. El Cortez Drive, commented that he was surprised the Planning and Zoning Commission could not get this issue resolved in seven months. Based on his interpretation of the proposed ordinance, the signs on top of the gas pumps at the Break Time gas stations were LED signs and would be illegal. Break Time had spent a lot of money on those, and its parent company, MFA Oil, was located in Columbia. In addition, the company, Pump Top Network, that had come up with the pump top signage were based out of Columbia, and the decision of Council might put this company out of business. He pointed out the Missouri Lottery had signs in convenience store windows, which was controlled by a division of the State of Missouri and could not be regulated by the City. He suggested the signage be allowed. It generated revenue due to the sign permitting process and allowed people to be employed by area sign companies. He asked the Council to not approve the extension of the moratorium.

Mr. Schmidt commented that he believed the two speakers had made an eloquent case for the City to look more heavily into sign regulations as some of the examples were worse than the signage that had precipitated the discussion. He stated he did not believe it mattered whether safety was an issue. He felt it was a matter of aesthetics and preserving the quality of life in the community.

Mr. Skala explained he had worked on this issue when he served on the Planning and Zoning Commission and believed the Commission was almost ready to forward a recommendation to the City Council as most of the staff report had been prepared. He commented that he believed one of the most egregious signs was located at College and Business Loop because it was animated and had really bright colors at an intersection. He noted his decision making process was driven by the signs being located at intersections. He did not believe the moratorium was a solution in search of a problem, and felt the moratorium would allow for the careful consideration of something that had not yet been forwarded to the Council in terms of flashing and message based visual distraction at intersections. He commented that MoDOT LED signs were usually on divided highways versus intersections. He believed animated signs at intersections were a public safety hazard and noted he would vote in favor of the moratorium to allow time for a recommendation from City staff and the Planning and Zoning Commission to be provided to the Council.

Ms. Nauser stated she was not sure the question of aesthetics should be left up to the seven Council Members. She pointed out people had complained numerous times regarding the noise and other attributes of the annual Fourth of July shows. In addition, there were advertisements behind planes during MU games. She believed this was an over-reaction to one specific sign. She agreed this issue was one they might want to look into and address, but did not believe a moratorium until September was necessary or fair, especially if it was due to the fact the City was slow in its process. She commented that in terms of the signs at Break Time and on the highway, she found them informative and did not believe they were distracting. She stated she was more distracted by comments on the radio or the kids in her car. She noted she was adamantly opposed to moratoriums in general and felt the City needed to address situations such as this in a timely manner. She commented that she would not support the moratorium, and if it was passed, she would suggest reducing the time of the moratorium to two months.

Ms. Hoppe understood the Planning and Zoning Commission had provided Council a draft of the proposed ordinance and had only asked for additional time to allow for public input. She believed the speakers had addressed the issue of whether digital electronic signs should be restricted versus whether the moratorium should be extended. The moratorium would allow time for public input while maintaining the status quo, and she felt it was appropriate for a limited time. She noted she would be happy to reduce the time of the moratorium if the Planning and Zoning Commission thought it could provide feedback to Council sooner.

Mr. Thomas stated he was supportive of a reduced time on the moratorium extension and noted he appreciated Mr. Smith's presentation as it showed there were a lot of examples of these kinds of signs around town. He believed the recommendations for any change in the



ordinance should have time to be discussed and considered. He stated he would support the moratorium, but would be happy to reduce the time frame.

Ms. Hoppe made a motion to amend B112-13 by changing the September 3, 2013 date in Section 6 to August 6, 2013. The motion was seconded by Mr. Trapp and approved by voice vote with only Mr. Schmidt voting no.

B112-13, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HOPPE, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NAUSER, MCDAVID. Bill declared enacted, reading as follows:

## CONSENT AGENDA

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

- B101-13 Approving a revision to the Missouri Annual Conference of the United Methodist Church O-P Site Plan for property located on the north side of Amron Court and east of Woodard Drive (3601 Amron Court).
- B102-13 Approving the Final Plat of Keevins Estate Plat 1 located on the west side of Rock Quarry Road and north of Stags Way; authorizing a performance contract.
- B103-13 Vacating scenic conservation bikeway/walkway easements within the Hominy Branch stream corridor located south of the intersection of Hillsdale Road and Oak Mount Drive.
- B104-13 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.
- B105-13 Authorizing a road maintenance cooperative agreement with Boone County, Missouri for 2013 pavement preservation projects.
- B106-13 Accepting conveyances for sewer, sidewalk, utility and access to storm water facilities purposes.
- B107-13 Accepting Stormwater Management/BMP Facilities Covenants.
- B111-13 Authorizing a Statewide Transportation Improvement Program (STIP) agreement with the Missouri Highways and Transportation Commission for On Call Work Zone Enforcement activities.
- R83-13 Setting a public hearing: voluntary annexation of property located on the west side of Greenfield Court within Country Meadows Subdivision (3261 Greenfield Court).
- R84-13 Setting a public hearing: considering the Neighborhood Stabilization Program land bank plan.
- R85-13 Authorizing a memorandum of understanding with the Missouri Department of Corrections to provide tuberculosis screening and testing services and Hepatitis A, Hepatitis B, and Twinrix vaccines.
- R86-13 Authorizing an Adopt a Spot agreement with the Columbia Housing Authority.
- R87-13 Authorizing the acceptance of emergency response kits to be used by the Fire Department and purchased with FY 2009 Homeland Security grant funds.

- R88-13 Authorizing an agreement for professional engineering services with Carollo Engineers, Inc. for a best professional judgment study to identify alternatives for the disposal of potable water treatment residuals at the McBaine Water Treatment Plant.
- R89-13 Authorizing Amendment No. 2 to the agreement with Alta Planning + Design, Inc. for consulting services relating to the Non-Motorized Transportation Project, Phase II Bike/Pedestrian program evaluation.
- R90-13 Authorizing federal certifications and assurances for Federal Transit Administration assistance programs.
- R91-13 Authorizing an agreement with Columbia Farmer's Market for Saturday morning transit services to the Farmer's Market at the Activity and Recreation Center (ARC) from May 25, 2013 through October 26, 2013.
- R92-13 Authorizing agreements for transportation services with American Campus Communities d/b/a Grindstone Canyon and The Cottages of Columbia.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

#### **NEW BUSINESS**

**R82-13 Setting a public hearing: construction of street improvements on Providence Road from Stadium Boulevard to Stewart Road.**

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thomas understood the intent of the message from Mr. Root, who had asked for this to be removed from the consent agenda, was whether moving forward with a public hearing within the next few weeks was the right process. Mr. Skala stated Mr. Root had also suggested the order in which these were presented might not be proper and that there was no mention of the eminent domain component of the options that involved eminent domain. Mr. Matthes explained the options provided were what staff understood the Council wanted per discussion at the last meeting.

Ms. Nauser wondered why Option 9 had been provided since it was the one that had been rescinded. Mr. Glascock replied a person had requested Option 9 be considered with Bingham being left open at the previous meeting. It should have been referred to as Option 9A instead of Option 9. Ms. Nauser understood Option 9 involved the removal of two homes.

Mr. Thomas understood MoDOT had initially indicated Bingham had to be closed for Option 9 and had now changed their mind. Mr. Glascock stated that was not correct. He explained staff had not talked to MoDOT yet and noted they would try to sell the option decided upon by Council to MoDOT once determined. Mr. Thomas asked whether he expected MoDOT to allow the right in/right out at Bingham. Mr. Glascock replied he could not speak for MoDOT. Mayor McDavid stated he had heard two MoDOT presentations and did not believe MoDOT wanted any part of this. He thought they would go with whatever the City wanted as long as it did not make the situation worse.

Mr. Thomas asked for clarification regarding the time frame. Mr. Glascock replied the public hearing would be held at the June 3, 2013 Council Meeting. Mr. Thomas asked if there would be any scheduled discussions between now and then. Mr. Glascock replied no.

The vote on R82-13 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. 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.

- B113-13**     Voluntary annexation of property located on the west side of Old Plank Road and south of Glasgow Drive (1111 Old Plank Road); establishing permanent R-1 zoning.
- B114-13**     Consenting to the establishment of Veterans United Drive as a private street; authorizing a right of use permit with Veterans United Home Loan to allow the installation and maintenance of private street signs in a portion of the Chapel Plaza Court right-of-way.
- B115-13**     Approving the Final Plat of Village at Bearfield, Plat No. 1 located on the west side of Bearfield Road and south of Nifong Boulevard; authorizing a performance contract.
- B116-13**     Approving the Final Plat of Steeplechase Estates Plat 4 located on the west side of Spicewood Drive and north of Steeplechase Drive; authorizing a performance contract.
- B117-13**     Vacating a utility easement on Lot 2 within Landmark Subdivision Plat 1 located north of Country Club Drive and south of McAlester Street.
- B118-13**     Authorizing construction of the Worley Street Sidewalk Phase 2 project on the north side of Worley Street between Bernadette Drive and Clinkscales Road; calling for bids through the Purchasing Division.
- B119-13**     Authorizing the acquisition of easements for the construction of the Worley Street Sidewalk Phase 2 project on the north side of Worley Street between Bernadette Drive and Clinkscales Road.
- B120-13**     Amending Chapter 14 of the City Code to establish hotel registration zones within the Central Business District.
- B121-13**     Amending Chapter 14 of the City Code to expand the North Village parking district.
- B122-13**     Authorizing application for transit planning, operating and capital assistance grants with the Federal Transit Administration.
- B123-13**     Authorizing a sidewalk improvements agreement with the Missouri Highways and Transportation Commission relating to the North Providence Road pedway project from Business Loop 70 to Vandiver Drive.
- B124-13**     Authorizing a right of use permit with Columbia Hotel Investments to allow construction, improvement, operation and maintenance of a heated sidewalk loop, architectural planters and electrical service to tree grates within a portion of the Eighth Street right-of-way (23 South Eighth Street).

- B125-13 Authorizing construction of the Northeast Pressure Zone 16-inch water main loop project, from Lake of the Woods Road northward along Route PP and Heller Road to the Stephens Station Water Tower; calling for bids through the Purchasing Division.
  
- B126-13 Authorizing the acquisition of easements for construction of the Northeast Pressure Zone 16-inch water main loop project, from Lake of the Woods Road northward along Route PP and Heller Road to the Stephens Station Water Tower.
  
- B127-13 Amending the FY 2013 Annual Budget to add and delete positions in the Water and Light Department and Public Works Department; amending the FY 2013 Pay Plan and Classification Plan to reclassify, make title changes and close positions in the Water and Light Department and Public Works Department.
  
- B128-13 Accepting a conveyance for utility purposes.
  
- B129-13 Authorizing a facilities and services agreement with The Curators of the University of Missouri for the use of Peace Park for the Fourth of July Celebration and Fireworks Display.
  
- B130-13 Accepting a donation from the Home Fire Sprinkler Coalition to be used by the Fire Department for a fire sprinkler education program; appropriating funds.
  
- B131-13 Amending the FY 2013 Annual Budget to add a position in the Public Communications Office and to delete positions in the Public Communications Office and the Sustainability Fund.
  
- B132-13 Appropriating FY 2012 General Fund savings to General Fund departments.
  
- B133-12 Amending Chapter 2 and Chapter 19 of the City Code as it relates to conflict of interest.
  
- B134-13 Amending the FY 2013 Annual Budget to add positions in the Information Technologies Department; transferring funds.
  
- B135-13 Amending the FY 2013 Pay Plan and Classification Plan to upgrade the Manager of Cultural Affairs position in the Office of Cultural Affairs.

## REPORTS AND PETITIONS

### REP64-13 Removal of Tree at 401 S. Garth.

Mr. Johnsen provided a staff report.

Mr. Schmidt understood this might not be applicable in this situation due to how much the tree leaned, but asked if the power line could be moved instead of the tree. Mr. Johnsen commented that undergrounding a power line involved additional work as they would need to ensure connections existed, change easements from overhead to underground, and still might need to remove trees to underground it. Mr. Schmidt stated he was thinking in terms of moving that stretch across the street while keeping an overhead line. Mr. Johnsen explained the other side of the street would likely have the same issues in terms of trimming trees.

Mr. Schmidt understood Columbia had more reliable power than the St. Louis area due to its tree trimming program. Mr. Johnsen stated staff was proud of the tree trimming program and felt they did a great job. He explained the City primarily trimmed trees and did not always remove them, but this was one they felt needed to be removed, and noted it would

be replaced even though it would not be replaced by a tree of the same size. It would be replaced with a tree that was more suitable for the location.

Ms. Hoppe explained she had recently visited Georgetown, Kentucky, and they did what Mr. Schmidt had suggested in that they routed the line behind the tree when possible. She wondered if the limb that was leaning on the telephone line could be cut. Mr. Johnsen replied the report of the arborist had indicated this tree had other issues and would eventually fail. Ms. Hoppe stated all trees would eventually die, but it did not mean they did not have 30 good years left. Mr. Johnsen commented that they relied on the report of the arborist. He pointed out it was not necessarily cheaper for them to remove a tree than to trim it. There were a lot of risks in the situation in terms of traffic at the intersection, the telephone line and the electric line. In addition, the property owner wanted it removed.

Mr. Schmidt stated he believed the process was still good in terms of this discussion at the Council level even if the tree was eventually removed.

Ms. Nauser asked why this was being discussed when the City had a policy in place and asked if it had been brought to Council because the public did not want the tree removed. Mr. Johnsen replied that was correct. Mr. Thomas stated he had received many e-mails from people on both sides of the issue. Ms. Nauser commented that she hoped this did not lead to all tree removals coming to Council for discussion. Mr. Schmidt thought it would only be brought to the Council if the public raised the issue, which he did not believe happened very often. She stated she valued trees, but hoped situations when a tree was dangerous or would affect a power line would not always come before Council.

Mayor McDavid made a motion directing staff to remove the tree and replace it utilizing the Trade-A-Tree program. The motion was seconded by Ms. Nauser.

Mr. Thomas stated he understood several people were initially against the removal of the tree, but had changed their mind once they visited it. He thought most people believed it needed to be removed.

Mr. Skala commented that he would support the removal of this tree, but would make a few comments at the end of the meeting in an effort to broaden the discussion on these types of situations.

Ms. Hoppe stated the Parks and Recreation Department had a policy to report to Council any trees of a certain dimension that were recommended for removal since there was a wide variation on how long the trees would live.

The motion made by Mayor McDavid and seconded by Ms. Nauser directing staff to remove the tree and replace it utilizing the Trade-A-Tree program was approved unanimously by voice vote.

### **REP65-13 Third Party Rental Inspections.**

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

Mayor McDavid commented that if Boulder, Colorado allowed inspections by the private sector given their culture, he thought it could be done, and would support the staff recommendation.

Mr. Schmidt asked if the use of private contractors for other building inspections would be explored. Mr. Teddy replied not at this time. Mr. Matthes commented that if they were to

proceed with this and it worked in terms of adding value to the community, they might look at other types of inspections. He explained private inspections for rental property was less risky from the perspective of staff than initial construction due to the safety factors, so staff was willing to try it out for rental inspections.

Mr. Skala understood considering private inspections from the perspective of being overloaded or if they anticipated a back log in the future, but thought staff had caught up on those rental inspections, so this was not necessarily needed. He commented that he had no particular objection if it was managed properly, but understood there were some management issues that needed to be addressed. In addition, he did not see the need for it currently.

Mr. Schmidt thought they might want to try the pilot because they might not have time to develop a program when a back log occurred.

Ms. Nauser commented that the back log could occur again due to the proliferation of new student housing and thought it was beneficial to transfer this workload to the private sector. It would free up time for City inspectors to address neighborhood response issues and other complaints. If the City was to move forward and complaints were continually made about certain landlords, she hoped they would not be allowed to have a private inspection and would be required to have a City inspection.

Mayor McDavid made a motion directing staff to bring forward a draft an ordinance to amend Chapter 22 to allow third party inspectors of the Rental Unit Conservation Law.

Ms. Hoppe stated she agreed with Ms. Nauser in terms of not allowing some landlords to have the option of a private inspection if there were a lot of problems attributed to the landlord. She also suggested a random inspection be conducted to ensure the program was going well.

Ms. Nauser asked who staff would confer with when drafting the ordinance. She thought they needed to be inclusive and transparent and involve stakeholders prior to bringing an ordinance to Council. Ms. Britt stated they intended to involve property owners and inspectors that could conduct the service. Ms. Nauser suggested the Board of Realtors be included as well.

The motion made by Mayor McDavid directing staff to bring forward a draft an ordinance to amend Chapter 22 to allow third party inspectors of the Rental Unit Conservation Law was seconded by Mr. Trapp and approved unanimously by voice vote.

**REP66-13 Resident Survey - Impact of MKT Trail on Nearby Property Owners.**

Mayor McDavid understood most of the property owners near the MKT Trail generally felt positive about its impact on them. He noted his property was within 30 feet of the Hominy Branch Trail, which was partially completed. Some of his neighbors were horrified by the trail and one set of neighbors moved from the neighborhood, but were replaced by people that loved the trail. He commented that people reacted negatively to the intrusion of a public trail, but as a homeowner that abutted a trail, he thought the part that was completed was spectacular. It would extend from St. Charles Road to Stephens Lake Park, which he thought was wonderful. He stated his experience matched the feelings of the survey.

Mr. Thomas stated this survey vindicated what most of them knew anecdotally in terms of people being concerned about a trail when it was an idea, but the majority of the people liking it once it was built. He explained that when he was campaigning, three separate homeowners had invited him to the back of their homes to view the County House Branch Trail as they were proud of it and felt it was an enormous asset to their property even though they initially had some concerns.

Ms. Hoppe commented that she did not believe the MKT Trail could be analogized to every trail. She noted there had been public uproar when the paving of the MKT Trail had been discussed, and as a result, it was never paved. In addition, the trees had been cleared long ago when the railroad was constructed, so additional natural area was not removed, and it was not in the buffer zone of a creek. She felt those were caveats that needed to be considered and noted she would suggest a revised policy at the end of the meeting. She stated it was a valuable survey, but reiterated it was important to note the MKT Trail was different than other trails in Columbia.

**REP67-13 Intra-Departmental Transfer of Funds Request.**

Ms. Hoppe understood there was a transfer of \$700,000 involving the Water and Light Department for the Stadium TDD area and asked if the City would be reimbursed by the TDD. Mr. Matthes replied he did not know, but would research it and get back to her.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Matthew Akins provided the Council a handout, and explained he was the founder of Citizens for Justice and wanted to talk about asset forfeiture in terms of the Columbia Police Department failing to file reports required by Section 513.653 of the Missouri Revised Statute to the Missouri Auditor. This was a violation of State law, and funding by the Department of Public Safety was dependent upon the filing of the reports. He explained the information he had handed out included e-mail conversations between him, the Department of Public Safety and the Missouri Auditor's Office, which confirmed no reports were filed for 2011 and listed the programs the Police Department received funding for by the Department of Public Safety. He commented that he had gone to the Citizens Police Review Board with this and they had directed him to the City Council. He asked the Council to direct the Police Department to file the required reports, so the public could view it. He stated his next step would be to contact the Attorney General and Department of Justice.

Kathleen Weinschenck, 1540 Sylvan Lane, commented that a friend of hers wanted to talk to the Council, but had to leave in order to catch a bus to go home. She thought it was a shame for people to not be able to tell the Council what was on their mind and asked Council to provide another way for people to communicate with Council when they were here.

Marilyn Cashon, 2011 Rainwood Drive, pointed out Veterans United Loans owned one of the two buildings on Chapel Plaza Court, which they wanted to rename to Veterans United Drive. They owned 2101 Chapel Plaza Court, but did not own any of the space in the 2011 Chapel Plaza Court building, which was a condominium with seven different owners. They were only leasing a portion of the space. She understood a number of the condominium

owners were in favor of the name change because they were leasing heavily to Veterans United. She explained the name change was a difficult proposition for her as a solo practitioner of psychology with only part-time clerical assistance. She pointed out her business ran on third party payments, and changing an address took a year to adequately complete since insurance companies did not get the changes made until after being notified multiple times. The difficulty it would pose to her as an individual business owner and an owner of property at that location appeared to be disproportionate given the fact she could not identify much specific benefit to anyone of having the address changed. She noted it was already difficult for her clients to locate her business and thought this would make it more confusing. She suggested the side road be named Veterans United, and that be utilized for addressing purposes instead, as it would not require a change of address for the building in which she was located.

Barbara Wren, 615 Bluffdale Drive, commented that she had spoken and displayed photos of the clear cutting of land for a GetAbout trail at the previous meeting. She had recently learned the trees had not been cleared to build the trail itself, but had been cleared for the construction area, and that more trees had been removed since then for the trail itself. She believed there was a lack of oversight for this project and explained a man who had identified himself as the project manager did not know his crew was clearing brush on the side of road today when they had been assured that would not happen until June or July and would be provided more input in terms of the clearing of land prior to it being cleared. She also understood the contractor had the rights to the lumber, and this made her wonder if more trees were removed than were needed. She stated City staff had indicated only three trees that were 12-15 inches had been removed, but she and Ms. Hoppe had found 27 inch trunks in a brush pile that was hidden and other trees had been cut. No one was taking responsibility for the removal of those trees. She understood the plans should have had specifics regarding the types of trees, etc. prior to Council approving the project. The Council was only shown a line on the map when this was approved and the plans were drawn up afterward. She reiterated oversight was lacking on the project. She suggested the contractor not be provided rights to the lumber in the future to alleviate any conflict of interest and for more oversight on this and future projects.

Greg Ahrens, 1504 Sylvan Lane, commented that fifty years ago a man named Bucky Fuller suggested the Bering Strait be connected electrically so Europe, Asia and Africa shared electricity with North America and South America because the spinning of the earth underneath the sun would result in peak load being reduced by half. He thought this was a “think locally and act globally” type of concept.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the Columbia Climate Change Coalition and People’s Visioning and felt Columbia was known for its trees and its environmental willingness to accept trees as an asset to the community. She asked that the tree ordinance be strengthened. She understood Council had voted on legislation involving a portion of the Hominy Branch Trail earlier in the evening and thought the City should keep those types of easements in the future as she believed it should be



connected as initially discussed and to St. Charles Road. She commented that the groups she was representing were supportive of a strong movement in the area of renewable energy, and would like to discuss their ideas with the Council.

Rachel Brekhus, 703 Hilltop Drive, stated she agreed it appeared to be a conflict of interest for the people removing the trees to be provided the rights to the lumber and suggested Council look into that issue in case it was not a common practice. She explained she had talked to a friend who lived off of Green Meadows and was happy there was a bike trail that would allow her to commute to the University of Missouri campus and take her kid to daycare as she was able to remove her car from the roads. She noted trees had to be destroyed to build bike paths, but felt taking more cars off of the roads would mean roads would not need to be widened, etc., which would also save some trees.

Mr. Thomas understood the ordinance involving Veterans United Drive that had been given first reading tonight allowed for only one of the two buildings to have its address changed, and he would strongly support that change. He stated Ms. Cashon was supportive of that as it would not disrupt her business. He commented that he was surprised this ordinance had been prepared without speaking to Ms. Cashon as he had put her in touch with staff three weeks ago. He hoped this would be properly resolved at the next meeting.

Mr. Thomas stated he wanted to see specific guidelines for contractors and staff with regard to on how much land disturbance was necessary and how many trees needed to be cleared for a given configuration of a trail. He agreed it appeared to be potentially dangerous to allow a contractor to keep the lumber from the trees that were removed. He wanted clarification on the amount of area needing to be cleared for a ten foot wide trail, etc., and thought that should be defined in writing. He believed trails were popular based on past sales tax votes, but felt there needed to be more sensitivity to the natural environment as well.

Mr. Thomas explained he wanted to make full bus service on Monday evenings a priority so members of the public could get to and from Council Meetings by the first meeting in October 2013.

Mr. Schmidt stated he agreed with Mr. Thomas regarding his comments on the clearings of trees and believed information was needed so they could better explain the situation and process.

Ms. Hoppe suggested a work session be held to discuss the tree clearing issue. She thought there needed to be more oversight and more thinking. She understood with regard to the trail by Old Highway 63 that was recently cleared, the Parks and Recreation Department had cleared a random number of smaller trees in an effort to keep homeless people out knowing a trail would be established, but without following any plan. In addition, the contractor had been given a large swath of area where trees could be cleared to bring in large construction equipment to install a bridge. She explained a low water bridge was initially going to be constructed, so winding the trail further north made sense, but the Army

Corps of Engineers had ultimately required a high water bridge. She believed the projected should have been re-thought at that point because a sewer crossing the creek near the Hinkson Bridge would have created a situation where some of those trees would not need to be removed. She felt another route with less of an environmental impact should have been considered with the change in the bridge design, especially since the project was in the Hinkson Creek area, which was an area that needed more water absorption. She commented that the Council needed to know the impact of construction on trees and vegetation for trails. She suggested a higher standard for trails in the buffer zone of creeks in terms of its impact on trees and a requirement for re-vegetation with native plantings and trees and grasses that would better absorb water. She reiterated the need for a work session and commented that something of this nature needed to be in place before she could approve any future trail project. She also felt the bid for the construction of the trail project needed to be separated from receiving the benefit of the trees because that created motivation to clear larger areas and bigger trees.

Ms. Hoppe commented that she received a call from a woman that had attended one of the City's festivals at Flat Branch Park with her kids who was concerned and distressed about individuals carrying guns visibly because she felt threatened. She suggested staff to consider the possibility of restricting guns at City festivals if that could legally be restricted.

Ms. Hoppe reiterated she had received complaints regarding construction work taking place on Sundays, which was not allowed theoretically, but everyone seemed to be doing it. She was continuing to receive complaints, and suggested the City enforce its ordinances or change its ordinances so construction would be allowed on Sundays at a certain time. She did not believe it was good for the City to have an ordinance it did not enforce and asked for a report with a recommendation from staff.

Ms. Nauser asked if she could obtain a copy of the 2011 reports mentioned by Matthew Akins with regard to forfeiture funds. Mr. Matthes replied yes. Ms. Thompson pointed out that law went into effect in 2012. Ms. Nauser asked if that was the reason there were not reports for 2011. Ms. Thompson replied she did not know whether there were reports for 2011 or not, but noted the law did not go into effect until 2012. Ms. Nauser asked that this be looked into for clarification purposes.

Mr. Skala stated he had been contacted by a constituent regarding the reconsideration of a citizen advisory tree board due to the concerns people had with the harvesting of trees associated with trails, etc. He noted the constituent had provided suggestions, which he would provide to staff, and asked staff to come back to Council with a recommendation on how to proceed.

Mr. Skala understood a permanent sign for Albert-Oakland Park was to be placed on Blue Ridge Road and asked for an update on the issue.

Mr. Skala explained he had met with the Board of Realtors as they had concerns with the over-occupancy ordinance, which had been noted in a letter he would provide to staff, and asked for clarification regarding the issues they had.

Mr. Skala stated he had been contacted by a constituent regarding parking on Lansing Street in the Woodridge Subdivision. He explained parking was currently not allowed on the segment of Lansing Street from Keene Street to Portland Street. The constituent was concerned about more parking problems with the operation of the Ronald McDonald House and suggested additional parking restrictions on Lansing Street from Portland Street to Dene Drive. He asked staff to look into that request.

Mr. Skala commented that some residents of the Benton-Stephens Neighborhood had asked for a work session to be held to discuss the overlay and some of the controversies surrounding the R-3 development on Windsor Street. He explained the Neighborhood wanted to present information to Council and thought they might want to allow the developer to present as well. He felt this would help them better understand the overlay so the law was followed.

Mr. Trapp understood the Citizens Police Review Board had requested a mediation coordinator and asked if it was not provided due to budget issues or a policy decision as he thought that the Council should address that recommendation.

Mr. Trapp thanked Mr. Glascock and Mr. Bitterman for explaining how traffic lights worked as he found it was informative. He learned the Vandiver and Providence intersection was a MoDOT run intersection and the long delays on left turns were a result of user error. Those that pulled forward past the white line moved off of the sensor and the light would then not change until someone came behind them.

Mr. Trapp stated he continued to be impressed with the Community Development Department and the Public Health and Human Services Department as he had met with staff from those departments on various issues.

Mr. Trapp noted Jill Schlude from the Columbia Police Department had given him a great tour of the downtown Police Department offices, and stated he now understood why it was a CIP project as improvements were needed.

The meeting adjourned at 10:18 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk