

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**APRIL 20, 2009**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 20, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA and WADE were present. Council Member STURTZ was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of April 6, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

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

Mayor Hindman understood they needed to add Report E, which was a street closure request and move R80-09 from consent to new business because it had an amendment sheet. Ms. Hoppe noted she wanted to move B90-09 from consent to old business.

Mr. Wade made a motion to add Report E to the report section of the agenda, move R80-09 from the consent agenda to new business, and move B90-09 from the consent agenda to old business. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Wade.

Mayor Hindman welcomed and recognized the mid-career Korean students in Columbia as part of the Global Scholars Program at the University of Missouri.

**SPECIAL ITEMS**

**Columbia Fire Department Seatbelt Pledge Certificate Presentation.**

Mayor Hindman explained this was a program to assure the safety of the members of the Fire Department. The idea was for every member of the Fire Department to take a pledge indicating they would wear their seatbelt when in a City fire vehicle. The Columbia Fire Department had 100 percent participation. Mayor Hindman presented Chief Markgraf and Battalion Chief Warren with a certificate which acknowledged the 100 percent participation.

Chief Markgraf commented that seatbelts made a difference. They saw enough tragedies on the highway. He noted Columbia was one of seven departments in Missouri to have this seatbelt pledge signed by all members of the fire department. He pointed out Battalion Chief Warren was the individual who led the campaign that began due to a 27 year old firefighter from Amarillo, Texas, who lost his life as a result of not wearing a seatbelt.

Mayor Hindman congratulated Battalion Chief Warren.

Mayor Hindman introduced and welcomed Mr. Thornhill as the newest member of the Columbia City Council and noted this was his first regular meeting. Mr. Thornhill thanked Mayor Hindman.

**B104-09 Selecting an artist for the Fire Station No. 9 Percent for Art Project; authorizing a Percent for Art agreement with Glenn Williams.**

The bill was given second reading by the Clerk.

Kip Goodman, 9100 W. Terrapin Hills Road, stated he was the Chair of the Standing Committee on Public Art and a member of the Cultural Affairs Commission, and was representing the Commission with regard to the Percent for Art project for Fire Station No. 9. This was the tenth Percent for Art initiative designated by the Council. According to Percent for Art policies, the Standing Committee on Public Art would make an initial recommendation on the project artist. It was then considered by the Commission and the Commission's recommendation was provided to the Council for final review. At this stage, the focus was on selecting an artist versus a particular piece of artwork. Involving an artist early in the process was key in developing meaningful art to the site and surrounding community. He described the steps taken in selecting the artist and noted they had received 31 applications. He explained the Standing Committee on Public Art had been expanded to include a representative from the neighborhood near the fire station, a staff person from the Fire Department and the owner of a local arts business. The Standing Committee selected three finalists and after interviews, voted unanimously for Glenn Williams to receive the commission. Mr. Williams was an assistant professor of sculpture at Northwest Missouri State in Maryville, held a B.A. and M.F.A. from the University of Wisconsin and had shown his art, which included several outdoor sculpture exhibitions, extensively throughout the Midwest. Mr. Goodman provided examples of Mr. Williams' work on the overhead. On March 9, the Commission on Cultural Affairs collectively accepted the Standing Committee's recommendation to award the commission to Mr. Williams. It was now before the Council for consideration. If the Council endorsed the recommendation, a contract could be authorized and Mr. Williams could begin his design process. Once design concepts were submitted, the Standing Committee would initiate a review and forward a recommendation on a design to the Commission and the Council. He noted public comment would be an important part of the design process.

B104-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**SCHEDULED PUBLIC COMMENT**

**Steven Hanson – Development of the City's Sustainability Plan.**

Steven Hanson, 2105 Doris Drive, commented that he was a resident of Columbia and a student of the on-line masters program at the University of Illinois at Springfield for environmental studies with a concentration in sustainability. As part of his sustainable

development class, he was required to conduct a project concerned with bringing about sustainability in the community. He had been working with Ms. Hertwig-Hopkins to offer a view of what a sustainability plan would look like if the City was responsible for developing it. At one time, the thought was, and might still be, to hire a consultant to provide this service. The initial report he provided showed an example of what the planning process would look like if the City decided to do it without a consultant. He stated he had recently approached leaders of various grass roots organizations within Columbia that had functions related to sustainability with the purpose of finding out how much interest there was in forming an umbrella organization that would work toward sustainability in Columbia. It would be a group that functioned similarly to PedNet in relation to GetAbout Columbia. His vision was for the City to create an office of sustainability that would focus on the infrastructural transformation needed for sustainability, and the grass roots side would be responsible for coordinating with other organizations to assist in the planning process and play an integral role in the implementation of the plan. He believed a coordinated sustainability effort had several inherent benefits over other options. Funding options were of concern to both the City and the grass roots organizations, and having an integrated sustainability plan that involved public and non-profits would allow for a greater range of grants to be sought and stronger proposals. He commented that sustainability was not something the City could accomplish without strong interaction with community groups and was why coordination with grass roots organizations was so important. He noted several groups had been working tirelessly on small aspects of sustainability, and on behalf of those he had spoken with, he wanted to affirm their commitment to sustainability and communicate their desire for the City to hire a sustainability director quickly. As suggested in his full report, the City could hire a sustainability director prior to the development of a sustainability plan because many actions could be taken immediately to reduce waste and unsustainable behaviors. The identification of waste and unsustainable behaviors was the first step in the process. He shared his favorite quote from the Auden Schendler's book "Getting Green Done" and felt Columbia was a very progressive community, which could lead through example with regard to developing a sustainable infrastructure. In addition, Columbia had a strong network of community organizations that were willing to play a major role in bringing about transition to a sustainable community. He believed the central focus of the City's planning should concentrate on these levers, while immediate actions should be taken to tackle the obvious and easily remedied unsustainable behaviors.

## **PUBLIC HEARINGS**

### **B26-09 Voluntary annexation of property located on the east side of Rolling Hills Road, extended, approximately one mile north of State Route WW; establishing permanent R-1 zoning.**

The bill was read by the Clerk.

Mayor Hindman pointed out the applicant had requested this item be tabled to the May 18, 2009 Council meeting.

Mayor Hindman opened the public hearing.

Mr. Wade made a motion to table B26-09 to the May 18, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

There being no comment, Mayor Hindman continued the public hearing to the May 18, 2009 Council meeting.

**B67-09 Authorizing construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this ordinance would appropriate funds for the COLT railroad overpass over U. S. Highway 63 and for the repairs to Highway 63 as they removed the old tracks. The Council had previously authorized an agreement with MoDOT, which had been executed, and MoDOT had agreed to provide up to \$9 million for this stimulus project. He note this was one of four or five fairly major construction projects in District 5, so they had been successful in getting a high priority project funded with stimulus funds through MoDOT. It involved 100 percent federal funding and the City had to issue a notice to proceed to the contractor no later than June 15.

Mr. Kahler commented that Highway 63 was designed during the mid-1980's, and at that time, the consensus was that the Norfolk Southern Railroad that served Columbia would be abandoned. As a result, they constructed an at-grade crossing instead of an overpass with the construction of the new highway since it was less expensive. The City purchased the railroad in October, 1987 and Highway 63 opened at about the same time. He displayed a print on the overhead and noted they would go back to the original alignment when they built the overpass. He commented that there were many safety issues with the current at-grade crossing. Traffic had increased by about 400 percent, Highway 63 was a 70 mph road, and hazardous material haulers and school buses had to stop in order to meet safety requirements, which had caused some incidents. This overpass would address the situation. They began the design of the new railroad bridge in June, 2008, and when they learned federal funds might be available for the project, they sped up the design process. The current design was a six span design and a total of 458 feet with a minimum clearance of 17 feet and 7 inches. He displayed prints showing the spans on the overhead. He noted new track would be constructed and the existing crossing would be removed after the new overpass was in place. In addition, the pavement would be repaired and the crossing signals would be removed. The project estimate was \$7.8 million. Mr. Watkins explained staff believed MoDOT might have overestimated the cost in preparing the initial stimulus budget because they could not come in low.

Mayor Hindman opened the public hearing.

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

Mayor Hindman commented that he had received many e-mails and telephone calls about the need for this bridge.

Ms. Hoppe stated it was long needed and she believed it was a good use of the funds.

Mr. Wade noted he had received e-mails that were not supportive because they would be spending a lot of money for a bridge on Highway 63, when the money could be used for better purposes. He stated he strongly supported this. He felt this was a project that should

have been done in the original construction of Highway 63. He commented that this was a major freeway and a characteristic of a freeway built for safety was to eliminate cross traffic. It took a few accidents and a death or two to justify bringing Highway 63 to the normal standards for a freeway. He believed this was absolutely essential and felt the high cost was a result of not being originally constructed as it should have been.

Ms. Nauser stated she did not believe many people realized the economic value of the railroad to the community. It was key component to the City's long term economic plans.

Mr. Skala commented that they were talking about public safety and that took precedence. He thought it was absolutely necessary.

Ms. Hoppe noted that when this had come up earlier, they had recommended staff contact MoDOT to reduce the speed limit on Highway 63 within the city limits and asked if that had been done. Mr. Watkins replied they had made contact, but he did not know where it was at this point.

B67-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B70-09 Authorizing the construction of improvements to the A. Perry Philips Park Phase I; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained they had been working on this project for quite a while and had previously brought it to the Council in terms of grants with the Missouri Department of Conservation. This project involved making the Perry Philips Lake, which was donated to the City, accessible and usable for fishing and low power boat uses. It also included a walking trail and a small restroom. The total project cost was about \$407,000. \$250,000 would come from the dedicated parks sales tax and \$157,500 would come from a grant received from the Department of Conservation. If Council elected to proceed, they would begin the construction of these amenities later this summer.

Mr. Hood stated they had worked closely with the Missouri Department of Conservation on the design of the facilities and had modeled much of the design after similar facilities they had at many public fishing lakes of about this size. He noted they were working on the master plan for the entire Philips Park and Gans Creek Recreation Area that adjoined this. He hoped to have the master plan for the entire site in front of the Council for review by mid to late summer. He pointed out this development was included in all of the options of the master plan.

Mayor Hindman opened the public hearing.

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

B70-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B91-09 Authorizing modifications to the water treatment process at the McBaine Water Treatment Plant; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this ordinance would authorize them to change the residual chlorination of the drinking water supply. About a year ago, the City had received notice from DNR that the trihalomethane levels in some areas of the distribution system were too high. In working with DNR and the University, it had been determined that the short term solution was to change the chlorination process by adding an ammonium sulfate solution to the finished water. Prior to changing any drinking water processes to this extent, DNR required a public hearing. In addition, the City would send notices to its customers. He commented that he personally believed this was the solution to the trihalomethane problem, however, the Water and Light Department was proceeding to bring on a consultant to help them look at potentially changing the way they disinfected and filtered the water. They were finding they could measure things today that they did not know was in the water ten years ago. Now there were discussions about other chemicals they could hardly measure, but in a few years, those could be areas of concern. As a result, they needed to determine if they wanted to go with a newer technology that would allow them to eliminate things that could be a problem in the future. While this was something they would move forward with if they received all of the approvals, it was an interim step as they would be studying other options in order to do a better job of protecting the City's drinking water.

Mr. Kahler commented that they currently disinfected with chlorine only, and with the conversion to chloramines, they would still chlorinate the water but would add ammonia to form the chloramines. They anticipated this project would reduce the total trihalomethanes in the water. The ammonia sulfate would be injected near the Water Treatment Plant in the two 36 inch mains that delivered water to the City of Columbia. He noted they had hired the University of Missouri to conduct a study that would help them come into compliance with this issue. They had currently completed the third quarter study and had run 989 tests to date. Recently, they had conducted a jar test by taking finish water and testing it for total trihalomethanes by dosing some with chlorine and some with chloramines. They found that the total trihalomethanes were reduced by 50 percent. In all recent tests, they had about 50 micrograms per liter, which were parts per billion, when they used chlorine only, and when they used the chloramines, the number dropped to 25 micrograms per liter or 25 parts per billion. He noted the standard they needed to maintain was 80 parts per billion or less.

Mr. Skala understood this was an interim step, but wondered if this would affect the taste of the water. He also asked if studies would continue to determine the potential source of the trihalomethanes. Mr. Kahler replied it could affect the taste and odor of the water. It would be perceptible to some while not perceptible to others. Although there were other methods of disinfection, the use of chloramines was one of the more common methods. He explained trihalomethanes were formed when methane in the water reacted with chlorine and bromine, which were halogen atoms, and the bromine, chlorine or a combination of the two replaced the hydrogen atoms on the methane molecule. He noted it started with the methane molecule. There was naturally occurring bromine, typically from salt deposits in the water and the City added chlorine for disinfection. This was how the trihalomethanes were formed. In going to the chloramines, they anticipated the total trihalomethanes would drop by half.

Mr. Skala commented that there had been discussion indicating this was moving downhill toward the water source from some of the wetlands sources and asked if that would

continue to be investigated. Mr. Kahler replied yes. He stated they would continue to work with the USGS. They currently had an ongoing study to test for many of those constituents and additional pharmaceuticals. He was not aware of any direct link between the wetlands and the water from the wells, but noted they were continuing to study it. If they detected a problem and were unable to meet standards, they would take immediate and swift action to rectify the situation.

Ms. Hoppe understood the cost would be \$58,000 this year and \$100,000 each year thereafter and asked how much of the ammonia sulfate solution and chlorine they would be using. Mr. Kahler replied he did not have that number and would have to get it her. He noted the cost was for the additional chemical, which was the ammonia sulfate, because they already used chlorine in the current disinfection process.

Mayor Hindman opened the public hearing.

Dick Parker, 215 W. Sexton, stated he thought this was a good program. His only concern was that this should have been identified and done four years ago.

Hank Ottinger, 511 Westwood, commented that this was a complex issue and they did not know exactly what was causing the trihalomethanes to occur. They knew organic matter was getting into the pipes and was being detected. He suggested they start thinking about drawing water from across the river in the Overton bottoms in case the wells were compromised at their present location. He thought it was a fish and wildlife area and involved untrammled land. He believed the aquifers there were about as pure as they would find. In terms of transporting water underneath the river, he did not think that was a problem because Jefferson City transported its sewage underneath the river. He felt it might be farsighted for the City to look ahead by conducting some preliminary exploration.

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

Mayor Hindman noted there might be some long term questions, but believed this was the step to take at this point.

B91-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B95-09 Authorizing the construction of exterior repairs to the J.W. “Blind” Boone Home; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained they had received a grant from the Convention and Visitors Bureau for the initial restoration of the exterior of the house. This would not cover the total renovation cost, but they would at least have something that looked good and showed the appropriate respect for one of the more famous residents of Columbia.

Ms. Hertwig-Hopkins commented that in an effort to complete the design and get the construction underway as soon as possible, the formal public hearing was being run parallel with the actual bidding process. The grant was for a set amount, so the cost for design and construction had to be that exact dollar amount. They requested a base bid in order to try to establish those requirements that were important to get the home stabilized and to get the exterior to look the best it could. They also had three alternate bids in the event the base bid

came in at less than that dollar amount. With regard to the exterior of the house, the authentic paint chip indicated the maroon color was the oldest color on the house, although they had been accustomed to seeing it in white. She asked the Council to provide any thoughts they had regarding the color rendering. She stated the Historic Preservation people did not care whether they went with the maroon or the white.

Mr. Thornhill asked about the exterior siding material and if it would have to be continually maintained. Ms. Hertwig-Hopkins replied the exterior was wood. Mr. Thornhill asked if it would remain wood. Mr. Hertwig-Hopkins replied it would. Mr. Watkins pointed out they had to restore this building according to the U.S. Secretary's regulations, which were extensive and expensive, because it was on the Federal Register.

Mr. Wade asked if they had any evidence of the exterior color when Blind Boone lived in the home. Ms. Hertwig-Hopkins replied all of the historical pictures rendered it as being white. Mr. Watkins pointed out the house was built for Blind Boone, so one would think the first color on the house as identified by the scientific paint chip analysis would have been the color when it was built. Ms. Hertwig-Hopkins stated it was probably maroon.

Mayor Hindman opened the public hearing.

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

Mr. Skala commented that he liked the maroon color and thought it was a reasonable to take the analysis from the paint chip. He stated he was glad this was happening.

Ms. Hoppe stated she was supportive of the original color, which was maroon. She commented that she believed this was an important continuation in preserving this home. It was not only an important part of Columbia history, but it was also an economic draw. They were receiving many benefits from the investment.

Mr. Wade noted his piano had been restored to its original condition and the restoration of the home was long overdue. In terms of importance, this went beyond it just being Blind Boone's home. Blind Boone was important in the history of some of the authentic American music. He believed this had the potential of being a treasure for Columbia as the house could become a significant living museum. He thought they needed to move it forward as fast as possible.

Mayor Hindman stated he agreed. He pointed out that when the decision was made to preserve this home, it was very controversial. He was happy to see it at this stage of approval.

B95-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**(A) Construction of street improvements to Scott Boulevard Phase 2 from Brookview Terrace to Vawter School Road and Scott Boulevard Phase 3 from Vawter School Road to State Route KK.**

Item A was read by the Clerk.

Mr. Watkins noted this was a required public hearing and was the first of what might be several. An interested parties meeting was held on December 2, 2008 at Mill Creek Elementary School and comments were received from about 15 people. He explained this was Phases 2 and 3 of the Scott Boulevard project. All three phases had been approved by

the voters or were included in the list of projects to be constructed from the 2005 capital improvement ballot issue. These projects were designated to be constructed in the 2011-2013 timeframe, so they were a couple of years away from seeing much construction. The current cost estimates were about \$4.5 million for Scott Boulevard - Phase 2 and \$8.6 million for Scott Boulevard – Phase 3. The projects included new bridges over the Hinkson Creek as well as some other bridge projects. The identified funding sources for the projects were the capital fund balance accounts, the county road tax rebate funds and the capital improvement sales tax.

Mr. Glascock described the project using drawings on the overhead. With regard to Phase 2, they were proposing sidewalks on the west side by the portion that was built by the County. It already had curb and gutter so they did not see a need for that section to be widened. They were looking to buy four lane right-of-way while they were there to ensure it could be widened in the future to accommodate traffic. The proposed reconstructed two lane was at the bridge and at Vawter where they were looking at a round-a-bout and relocating Brushwood Lake Road to tie into it. For Phase 3, they provided two typical sections. One had a median and the other had a turn lane. Houses backed up to the street in the portion of the incorporated area of Phase 3, so there were no driveways along it. In the unincorporated portion, however, there were some driveways so access restriction might be warranted. It was something they needed to look into. Within the city limits, they already had a half-width of over 50 feet. They would try to obtain a 76 foot wide right-of-way, which was a narrow right-of-way. The maximum for a minor arterial was 84 feet. In Phase 1 they would take out some of the wide turn area and restrict movements to better help with traffic problems at the intersection, but the real intersection improvements would come with Phase 2 and the round-a-bout.

Mr. Skala understood there was a restriction if they had to go to two lanes in each direction because the right-of-way was narrower. He also understood there was a trend to go to two traveled lanes with turn lanes in between, and asked if there was plenty of right-of-way for it and the amenities for bicycles and pedestrians. Mr. Glascock asked if he was referring to the 76 foot right-of-way. Mr. Skala replied yes. Mr. Glascock stated they had enough right-of-way.

Ms. Nauser asked if the grass median would be consistent all along Scott Boulevard, to include Phase 1. Mr. Glascock replied Phase 1 had a grass median.

Mayor Hindman opened the public hearing.

Joseph Kurzejeski, 4651 Scotts Boulevard, stated he had concerns about both Phases 2 and 3, but would limit his comments to Phase 3. He explained he provided the Council with a memorandum dated April 14, 2009, which outlined his concerns. There was one error, however, relating to the eight foot sidewalk, which he indicated was on the west side. It was actually on the east side. There was no doubt in his mind that with the way the road was to be constructed, it would have a negative effect on the value of his home and land. The information provided to him indicated the road with its bike lanes and sidewalks could come as close as 40 feet to his home. He believed the current setback requirement was 50 feet from the property line. He explained they currently had a natural berm in front of their home with numerous trees, which protected them from the view and noise of the road. If this was

eliminated, it would eliminate the privacy they had enjoyed for some 18 years. In addition, to further devalue their property, the planners would eliminate their ability to make a left turn onto Scotts from their driveway by installing an eight foot grassy median. He stated this would require them, their visitors, delivery people, and emergency vehicles to turn south from his driveway to the first turn lane and make a U-turn to come back north to Columbia. This would cause the same problem for people who came to visit them from the south. He believed this situation was costly and unsafe. He noted they needed to get to the back part of their property several times per year to plow, garden, bale hay, etc., and getting farming equipment in and out of the back part of their land with a left turn restriction would create significant problems. He pointed out that if they looked from Broadway down Scott and beyond Route KK, there was no left hand restriction for any private property owner. He felt to put this restriction on several of them on Scotts Boulevard was discriminatory. He was also concerned with the nearness of the road to their pond, which could be disturbed by construction and invite trespassers on the property due to the sidewalks and bike lanes. Since there were sidewalks planned on both sides of the street with five feet on the west side where he lived and eight feet with a pedway on the east side, he suggested the sidewalk on the west side of the street be eliminated. He also suggested they eliminate the bike lane on the west side of the street. This would alleviate encroachment upon his property and would save some arguments about right-of-way. He noted most homes would be built on the east side of Scott Boulevard. In addition, he was concerned with putting in five miles of sidewalk where no one would walk. He commented that they did not see many bike riders going up and down Scott either, so these amenities seemed expensive and unnecessary. He thought they should take a close look at the situation because it was creating a lot of problems for a number of them.

Eric Kurzejeski, 4320 S. Brushwood Lake Road, stated he had property that abutted Phase 3 of this planned expansion of Scott Boulevard, and about a week ago, a number of concerned residents that had property in the County along Scott Boulevard had met with Mr. Glascock and County Commissioner Karen Miller. He thought it was a very good exchange and had followed up with an e-mail, so they were aware of his concerns. He asked that as they considered making a motion to proceed with this project that they direct City staff to work with the neighbors in the County and the County Commission in an effort to resolve two issues. The most important one to him was the inability to turn out of what was already a permanent driveway on his property either left or right because of the proposed median. He believed there were a number of solutions and understood they could end up with turn lanes at all existing driveways. They could also pave the whole median. He believed it was important for them to have access to turn both left and right. He could not see why a City street on the east side would have access, but a County driveway on the west side would be denied that access. He also asked the Council to consider any way they might be able to potentially reduce the necessary right-of-way. He understood it included an eight foot pedway on the east on which people could ride bicycles as well as walk. In addition, it included a four foot bike lane on the east and west and a sidewalk on the west. He thought the pedway could serve as both a means for both pedestrian and bicycle use in an effort to reduce the potential right-of-way. He provided other suggestions in a handout he left with the

Council. He reiterated he would like for the Council to direct City staff to work with the neighbors and the County in resolving these issues as they proceeded with their motion.

John Gage, a realtor with Reece and Nichols Realty, stated he was representing Marjorie McGrath who lived on Scott Boulevard as she and her family had lived there for over 100 years. The City was growing fast toward the southwest with Thornbrook and Windham Ridge already being within the city limits, but Scott Boulevard was aligned with the County on two sides. He noted the City had granted a variance to the sidewalk requirement to one of the newest subdivisions on the east side. The request to enlarge Scott Boulevard through large and small acreages was good, but at the same time he believed they needed to think about the best way to control traffic. He understood the median was for safety purposes, but with six houses or lanes on the west and two more small private acreages on the east side, he believed a large eight foot wide median with grass and no turn lanes needed to be looked at seriously. The two sidewalks with the two bike lanes and median would be very expensive at \$8.6 million. In addition, the maintenance of 9,800 linear feet down to Route KK would be extensive. He understood the median could be used to control the traffic, but felt they could also put in some turn lanes, which would allow the people to access their property safely while still allowing the City to control what they needed in the way of growth. He asked the Council to take a good hard look at it and to take timing into consideration. He noted one sidewalk would hold a lot of traffic for many years, especially all of the way down from Windham Ridge and Thornbrook.

Rick Webel, 4251 S. Scott Boulevard, stated he had some concerns regarding Phase 2 and asked that the Council take a look at the cost-effectiveness of what they were trying to accomplish. He wondered if they could use the bridge that was recently constructed instead of tearing it down and rebuilding it. He thought that could save money. He did not believe it had been overtopped yet, even though the road section north of it had since the 1993 flood. He felt doing an interim change at the intersection of Vawter School Road and Scott Boulevard was a waste of money since it would only be there for a couple of years. With regard Phase 3, his issue was the freedom to have access to northbound Scott from their driveways. The grass median would not allow them to do that. They would have to turn south and find a way to turn around. In addition, he thought there was a redundancy in having an eight foot wide pedway, which was a bicycle-way and a walkway, and bike lanes within the roadway, and felt they could save a substantial amount of money if part of the concrete was eliminated. Also, if the grass median was eliminated and the entire roadway was narrowed by the additional 12 feet, it would eliminate two 9,800 sections of curb going both ways. From a cost point of view, it would save a substantial amount of money. He hoped the information he provided would impact their decision.

Linda Cooperstock, 4051 S. Scott Boulevard, stated her home was the one that was visible from the potential round-a-bout, so they had some concerns and wanted to be sure they could work with the people creating the plans. She stated they were also interested in access to the back of their property as they were not sure what the Brushwood Lake revision would entail. She explained their property went all of the way down to a point there. She stated they were not opposed to progress. They just wanted to be able to get to work safely. They had to make the left turn, which would be particularly precarious with it being close to

the round-a-bout. Their driveways would be disrupted as well. She noted they had all of the concerns of a single-family home and understood the City could not make decisions based on one person, but asked that they be part of the planning process.

Karen Miller stated she was the District Commissioner representing the citizens of the unincorporated area of this project and noted she was in the support of the residents there. She stated she was willing to work with City staff and the Council to find the right plan for this. She pointed out the Commission did not have a formal position as they had just received these letters. She understood this was a long overdue project and appreciated the City taking the lead on it similar to them taking the lead on Rolling Hills. She commented that they liked working together as local governments and always seemed to find the right middle ground. She knew the citizens of the unincorporated area would be treated the same as the citizens in the incorporated area. She reiterated she was available to work with the City as they moved forward.

Carl Smith commented that the bridge over Mill Creek was a smaller bridge at difficult angle. It was constructed to align with the original Brushwood Lake Road. He understood they would eliminate the problem of the existing Brushwood Lake to Scott Boulevard, but thought they would have the same problem at the bridge because they would be dividing a piece of property there. In addition, it would deny Ms. Cooperstock access to her land unless there was another road off of that. If it was straightened it would necessitate another, but would eliminate future problems if the road was used more. Traffic flow would be better and there would not be another bottleneck. He stated that currently, they were splitting a piece of property in half at the curvature, so they would need another access road. If they straightened it and put in a new bridge, the problem would be eliminated on both sides of the road.

Paul Landis, 4904 S. Scotts Boulevard, stated he was on the east side. It was a beautiful area with a lot of bike traffic, and possibly more pedestrian traffic, and was as dangerous as could be. He liked the idea of the road coming there, but had a problem with the median. He explained he lived in Thornbrook, but had property on Scott Boulevard, and there were a couple of cul-de-sacs that would only have access from one direction with a median. It would be dangerous to see people going the wrong way just because they were in a hurry. He suggested they address the issue of allowing everyone to have access to the road, both north and south.

Ken Pearson stated he was the Presiding Commissioner of Boone County and thanked staff for their excellent work in preparation of Scott Boulevard. It was long overdue and they were very happy to be partners in the project. He noted they would encourage the Council and staff to look at the concerns expressed by the residents in the County. He was sure they would be able to work them out and noted they would be happy to help in the process.

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

Mayor Hindman stated he was sure they all agreed this was a project that needed to be done. It was understandable that some people, especially those on the west side, would be concerned because it would change things some with regard to access and the inability to make a left turn. He thought that after the road was put in, it would become a higher speed

road than it was currently and the left turn situation out of the driveways would be dangerous. When making a left turn out of a driveway onto a major road, the conflicts increased. He understood they did not want to make a right turn and then try to figure out how to turn around. He suggested it might be possible to put in some round-a-bouts, so they could make a right turn, go a short distance, take the round-a-bout and return. He thought that might solve a few problems. He noted it would impact the overall speed on the road causing it to be safer. He pointed out it was just a possibility and he was not guaranteeing a solution. With regard to property values, he felt property along a street built with a grass median was more valuable than property on a street with a solid concrete median because people liked it better. With regard to the sidewalk and bicycle lanes, he pointed out this was the street standard that had been adopted, and it had been adopted for a good reason. He stated he saw a sign indicating property for sale on the west side and guessed it was property to be developed. As a result, he thought it was only fair to anticipate there would be development on the west side of the road. He agreed there were only few houses on the west side of the road now, but saw that changing. If there was not a sidewalk on the west side of the road, people living on the west side would have to cross mid-block on a fast road in order to get to the sidewalk or pedway on the east side, which was an unsafe situation. He felt they needed to provide the sidewalks according to the street standards. The bicycle lanes in the street were four foot wide and that was the absolute minimum that could be tolerated. In addition, it did not have much impact on the overall width. He commented that he did not know what the situation was for the variance on the east side. One speaker had indicated there was a lot of pedestrian and bicycle traffic and he thought that was bound to grow as they eliminated the hills and made it a more attractive place. He agreed they wanted to be as careful as they could about such things as the berm. He understood 40 feet was mentioned and thought that was 40 feet from the edge of the right-of-way to the house. If that was the case, the sidewalk would be about 40 feet from the house and the street would be significantly more than 40 feet from the house. He understood some of the berm would be coming out and the property owner was asking for it to be replaced if it did come out. He thought that could be a part of the project. He believed the plan looked good in general and suggested they consider such things as round-a-bouts, etc.

Mr. Skala wondered if staff could consider some of the specifics of the requests that had been made as he generally deferred to the experts with regard to decisions about the roadway. He stated this had been a long process and they were getting down to the end, but it was very compelling for the people whose property was being jeopardized. There were a lot of good suggestions with regard to round-a-bouts, turning lanes, etc. There was also a consideration with the median in terms of maintenance. He recalled serving on the Street Standards Committee, and stated it was true that the sidewalks should not be treated as just amenities because they were a part of the roadway, but the street standards also had enough flexibility to offer people variations given certain exigencies. He asked if staff could accommodate the difficulties expressed, such as the inability to turn left, a reduction of the right-of-way and the possibility of considering pedestrian and bicycle traffic on one side. He was not suggesting those were solutions. He only wanted to know staff's. Mr. Glascock commented that after the meeting, the staff had gone back and looked at Phase 3 on the

west side where it was unincorporated. With regard to the driveway on the corner, access would be restricted. He thought they might be able to provide another access. This would allow them to make a right out and use the round-a-bout to get out and use the access to get in. He pointed to an area on the overhead which had two driveways, and noted they could potentially buy an easement to make a combination driveway where it lined up with the street and had a left in to the street access. He commented that Mayor Hindman had mentioned a round-a-bout and showed the location on the overhead they would consider for a round-a-bout to serve the two properties so they could make a U-turn. He referred to another area on the overhead and stated they would try to line up those areas to City streets to have left turns into the areas. As far as the right-of-way width, he pointed out they were not going to the maximum they could because of one particular house. Mr. Skala understood some compromises might be possible.

Ms. Nauser believed staff was willing to work with the County residents and the County Commission with regard to some of the access issues and noted she would encourage it. She pointed out they were not planning for only the next couple of years. They were planning out into the future. They already had Thornbrook, Steeplechase Estates and Windham Ridge. The newer extension of Scott Boulevard that connected to Route K would have a new subdivision that would be developed in the next 10-15 years. All of the property across from Thornbrook had a lease option and would be developed within the next 10-15 years. As a result, there was the potential for hundreds of new homes in this area. She believed this needed to be consistent with the work that was being done on Scott Boulevard in Phase 1. She was confident in staff working with the residents and the County to help alleviate some of the issues. She did not believe anyone would be truly happy with the outcome, but thought they could look at the possibilities mentioned by Mr. Glascock. She stated this was a much needed project, and this phase of Scott Boulevard was dangerous. There was wildlife, bicyclists and people walking down the road. In addition, some people drove 60-70 mph down that stretch of road, so it was definitely a safety concern they needed to take into consideration. She was confident in asking staff to continue to work with the residents while moving forward with the project.

Mr. Wade stated he had appreciated the concerns that were expressed. In 20-25 years, they had seen this area change from an area that was quite comfortably served with a two lane road to what would become Columbia's western most north-south arterial road. It was a huge change in the nature and function the street played and they had one shot to do it right, which meant it needed to serve the area 20-30 years from now. When making the conversion from a country road with open access to a minor arterial, it was very significant and access management needed to be a part of it. The ideal for arterials was for access to only be at major intersections. Since this arterial already had development, it had to be adjusted. In his opinion, there were three or four considerations that had to be taken into account. The traffic needed to flow smoothly, they needed to address issues of safety, and they needed to address the aesthetic impact because the road was important in how they framed and created the image of who they were as a community. If they did not have access management, the road would not be adequate for that purpose in that location. On a road designed as a freeway with no center median, those from the driveways that entered onto the

road were the ones that ended up in the accidents. He believed those who did not want access management would find they were at the greatest risk in terms of safety. He thought it would take a few weeks to get accustomed to the situation as long as there was a way to turn right and get around to go the other way in a safe manner. He thought they needed to be careful so they did not end up with a thoroughfare without access management causing major issues of safety or a road that would not meet the needs of the area in 10-20 years.

Ms. Hoppe understood that while they would pay attention to access management, there were adjustments and accommodations that could be made for the existing people, and that was how they would go forward, which she thought was a reasonable approach.

Mr. Skala commented that he agreed with the concept of access management, but believed there was more than one way of doing access management. There were different kinds of permutations and he believed staff was headed in that direction. Ms. Hoppe stated that was what she meant by her comment. She was not necessarily in favor of a right turn only for every situation. She agreed there were different ways of doing it and working with staff was her approach.

Ms. Nauser made a motion to direct staff to proceed with the plans and specifications for this project and to continue working with the County residents and the County Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(B) Construction of sanitary sewers in Sewer District No. 142 (Anthony Street).**

Item B was read by the Clerk.

Mr. Watkins explained this was the public hearing for a public improvement on the construction of a sanitary sewer district on Anthony Street. The District would consist of about 13 parcels of land that were currently connected to a private common collector. The resolution estimate for the District was \$110,000 and would come from the sanitary sewer utility. He noted this District had been formed in 1997, but had died due to easement problems. He thought those could now be overcome, particularly because funding would come from the sanitary sewer utility as opposed to tax bills.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe made a motion directing staff to proceed. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**OLD BUSINESS**

**R44-09 Approving the Preliminary Plat of Hawthorne Woods located east of Rolling Hills Drive, extended, approximately one mile north of State Route WW; granting a variance from the Subdivision Regulations.**

The resolution was read by the Clerk.

Mayor Hindman noted the applicant had requested this item be tabled.

Ms. Hoppe made a motion to table R44-09 to the May 18, 2009 Council meeting. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**B83-09 Authorizing construction of a new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins pointed out this would be the final time Council would deliberate on the actual construction of the proposed new parking garage, which would be located across from the Post Office on Walnut should they elect to move forward. The facility would provide for 660 parking spaces and 48 spaces in a secure area for police parking. Additionally, there would be approximately 13,000 square feet of retail space on the ground level on Walnut. Two stair and elevator towers would be located at the northwest and southeast corners. The estimate for the project was \$15 million and would be funded by the parking utility. Two public hearings had already been held for the project and it was consistent with the last downtown parking study that had been completed. That study indicated they needed to add a couple of levels on the plaza behind City Hall and build this garage in this location. An engineering analysis determined it was not cost-effective to build the two levels on the plaza. As a result, they suggested building the additional parking space capacity into this parking garage.

Mr. Glascock noted the site plan showed access off of Fifth Street and Sixth Street. It was an exit only off of Sixth Street. The police entrance to the lower level for their secured parking came off of Fifth Street. He displayed drawings of the garage on the overhead.

Mayor Hindman asked about the ADA accessibility. Mr. Glascock described the ADA accessible area on the overhead.

Mr. Skala thought they had mentioned trying to soften the side of this with some indigenous plantings. He understood there might be maintenance and other issues, but noted it would be a very large building so it might be worth considering. He understood they needed to go up since they could not continue to spread out. Mr. Glascock commented that they had tried to soften the northwest corner with the overhang, meeting area. He explained there was not another area at which they could do that since the garage spiraled up.

Mr. Wade stated some concerns had been expressed to him with regard to the ground level retail and the potential to undercut private renters, and asked how its management would be handled so the cost was competitive without undercutting downtown rental retail space. Mr. Glascock replied a part of the City charge would be the tax equal to what the property taxes would be for that space.

Mr. Thornhill asked if there was an alternate plan if the spaces were not leased in a reasonable amount of time. He wondered if it was critical to the repayment of the bond to have the spaces rented. Mr. Watkins understood he was asking if they needed the income from the rental of the 13,000 square feet to pay the bonds and stated they did not.

Ms. Hoppe asked how much money they received per year from the parking meters and what would be needed to pay back the bond. Mr. Watkins replied the bonds were proposed to be paid over 20 years, and as they paid off the bonds for the other structures, additional revenue would be forthcoming. He pointed out parking garages did not pay for themselves, so they subsidized some of that parking with parking meters. Every year, as part of the budget, they authorized a transfer from some of those fees to the parking utility. Ms.

Hoppe asked how much they took in from the parking meters and the parking structures per year. Mr. Watkins replied he did not have those numbers, but could get them. He noted they were part of the budget and the audit they just approved.

Elton Fay provided a handout and stated he owned the building at 11 N. Fifth Street. He explained the City began this project with two public input sessions, and during that time, the tallest building that was proposed was six stories. It was now an eight story building that would be out of character with that part of the City. He noted he had asked for safety in the area and crosswalks at Fifth and Walnut, but still did not have them. He believed it was the most dangerous intersection in the downtown and someone would be killed there. He felt this would be an eyesore in the downtown. He had asked for the height to be limited so it was consistent with the other parking garages. He felt spending \$15 million on one of the tallest buildings downtown for parking was a terrible message to send to the voters in these tough times. It was two blocks from where it was needed, which was City Hall. He understood it would cost more to tear down the structure between City Hall and the Courthouse, but believed it made sense in the long run because employees could enter and exit the building without going outside. He commented that they were going to buy new window shades for their building due to the morning sun, but would now not have to because the citizens of Columbia would be purchasing a \$15 million awning for their building. He explained his building was refurbished 15 years ago and if they had damage as a result of this size of structure being built so close to their existing structure, they would have the City repair the damage. The engineers they had consulted with believed there would be damage due to the size and scope of what was needed to build the structure. He encouraged the Council to decrease it.

Mayor Hindman understood there was a proposed traffic signal at Fifth and Walnut, and a right hand turn lane off of Walnut on to Fifth would be added. He asked for clarification regarding the crosswalk Mr. Fay had addressed. Mr. Fay replied there were no crosswalks at Fifth and Walnut. Mr. Glascock stated crosswalks would be put in with the signal. Mr. Fay suggested they put in the crosswalks ahead of time so no one would get hurt.

Mr. Skala commented that it made sense to suggest the parking structure behind City Hall be made to accommodate some of this parking, but understood it would be a hugely more expensive project to tear down the parking garage and build it to the specifications necessary to accommodate the overflow from City Hall and the extra parking needed on this side of town. Mr. Glascock noted the problem was what they would do with all of the vehicles that were permitted to park in it now. When they looked at putting two new levels on it, the cost was \$6 million for 160 spaces. He commented that they had to have enough spaces to generate revenue to pay for it. If they reduced it by a couple of floors, the Finance Director would have to recalculate the numbers to make sure they could still pay for it. He noted it would be very expensive to tear down the plaza structure.

Mr. Thornhill asked if there was any control mechanism for the type of tenants that would be allowed to rent the retail spaces or if it would be totally up to the management company. He understood Mr. Fay was concerned with the type of tenant that might be allowed. Mr. Glascock replied they would restrict it. He explained they would do an RFP to

obtain a management company, which would indicate the type of tenants that could go there, and it would come to Council for approval.

Mr. Wade believed a lot of Mr. Fay's concerns had been addressed in terms of the intersection, control of the renters and how they would move traffic. The underlying issue for him was the City's responsibility to begin to create a downtown that had parking spaces for people to be downtown and for the land to be used for something other than street level parking. The only way to remove street level parking and make it available for more intensive commercial and business uses was to start going upward with parking. This was part of the transformation that would have to take place in the downtown to create a growing economic engine. He believed this was an important step and that they needed to move forward. He agreed this would be an important visual impact in the downtown and did not believe it looked like a parking garage. He did not see it as disconnected with the architecture downtown, but agreed it would clearly be a new building in the downtown. He reiterated it was part of the transformation and having a strong vital economy in the downtown.

Ms. Hoppe stated they were looking at good land use in the downtown and the trade off with building it higher was that they would hopefully not have to build as many parking lots in the future. She liked the aspect of the retail on the bottom because it was a good use of land and provided connectivity. In addition, it was pedestrian friendly and safer than an empty parking lot. It created the continuity of the City on the first level. She noted the Visioning process recommended they have a public transportation commission, and as they moved forward with that, she hoped they would have ways for people to get downtown other than driving a car. If they worked on all of these different aspects, she thought they could reduce the number of parking structures needed in the future.

B83-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B85-09 Amending Chapter 22 of the City Code as it relates to special pickup fees of unlawfully placed material.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a proposal to increase the trash out early fees from \$25 to \$50 because the current fee of \$25 did not cover the City's costs.

Bonnie Bourne, 1503 University Avenue, stated the East Campus neighborhood had trash problems so they were in favor of trash out early fines. She agreed \$25 was not enough because it did not cover the City's cost, but wondered if they could consider something a little less for the first fine, such as \$40. She noted the landlords did not usually pay it. The students paid it. She suggested they have three fines, such as \$40, \$80 and \$100 or something similar that was prohibitive. She also wanted the City to consider a little more education and training at the beginning of the school year. As a neighborhood association, they tried doing that and would continue to visit their new neighbors every fall in an effort to inform them of when the trash should go out. She wondered if the City could work with them by providing a brochure or something similar. She felt they might not have so

many problems if they spent time with them when they first moved in. She reiterated they were in favor of this.

Ms. Hoppe stated she had originally raised this issue and had since talked to the neighbors. Some would be reluctant to report anything if the fee was large, so she felt they needed a balance between having a mechanism to send a message and requiring payment to the City for the cost. She suggested they charge \$40-\$45 for the first pick up, \$75 for the second pick up and \$100 for the third. Mr. Watkins thought there was a practical problem. With a duplex as an example, they would need to determine which side put the trash out early and whether it was their first or second offense. He wondered how they would determine responsibility in the East Campus area where they had three or four units in a house. Ms. Hoppe pointed out they did it now. Mr. Skala noted the report indicated it was attributed to whoever held the utility account. Mr. Watkins stated that was correct, but noted in some cases they had multiple utilities. He suggested the Council allow staff to really consider the practical issues if that was something they really wanted to do. Ms. Hoppe stated they could stay with the two tiers and have it as \$45 for the first offense and \$75 for any other offense.

Mayor Hindman stated it seemed as though they were imposing a fine and asked if that was a problem. Mr. Boeckmann replied this was not a fine. He noted they used to do fines and it was a nightmare because it had to go through Municipal Court. This had replaced that and the theory was that they did a special pick up. When it was left on the curb, the City was being asked to provide a service and was recouping the cost for pick up. Theoretically, if they raised the top to \$100 and that was the City's cost, the \$50 charge was only recovering only part of the cost. He pointed out this was supposed to recover the cost. It was not supposed to be punitive. Mayor Hindman understood that if they charged more than the cost, it became punitive. Mr. Boeckmann stated they should not be charging more than the cost of the service.

Mr. Wade commented that given the cost he did not have a problem with \$50 and \$100 charges. Ms. Hoppe thought that would be beyond the cost as the memo indicated the cost for the truck and refuse collector alone was approximately \$40.37. Since it did not include fringe benefits, they could determine \$50 as being the cost. Mr. Boeckmann agreed the memo indicated \$50 covered all of the costs so they should not go over \$50. Mr. Skala understood it should be \$50 across the board. Mr. Wade did not think the \$50 covered the entire cost as it did not cover fringe benefits, supervisory staff time or administrative staff time. Mr. Glascock explained that in order for them to check the number of special pick ups, someone other than the collector was involved, and that was the reason it was higher. Ms. Hoppe commented that if that was the case, she was suggesting \$40 for the first time and \$65 for the second time.

Ms. Hoppe made a motion to amend B85-09 by changing the cost of the pick up fee to \$40 for the first time and \$65 for every time thereafter.

Mr. Thornhill suggested they establish the actual cost involved with the second pick up, so they were not charging more than they should. He understood \$50 was accurate, but \$100 was not. He thought they should determine the true cost of the second pick up. Ms. Hoppe stated it appeared they had an estimate the last time the costs were fixed. Mr.

Glascock stated they could leave it at \$50. For the second pick up, a supervisor was involved in checking how many times this had happened in the past year. He did not think they would recoup all of the costs when checking accounts. Ms. Hoppe asked if Mr. Glascock was suggesting \$40 for the first time and \$50 for the second time. Mr. Glascock stated that was up to them, but he did not think \$100 would recoup the cost.

Mr. Thornhill asked if he was able to figure out what the supervisory involvement would be. Mr. Glascock replied they could go back and look at it if that was what Council wanted. Ms. Hoppe stated she would be fine with tabling to the next meeting in order to have that information.

Ms. Hoppe made a motion to table B85-09 to the May 4, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**B89-09      Appropriating sidewalk variance funds for landscaping as part of the Chapel Hill Road project and to offset expenditures for the use of tax bill funds for the construction of Chapel Hill Road.**

The bill was given second reading by the Clerk.

Mr. Glascock explained they were trying to wrap up the Chapel Hill project, which was west of Scott Boulevard, and wanted to do about \$25,000 of landscaping. He noted there were some tax bills on the books that were not assessed after they accepted the job, and they needed about \$44,200 from the sidewalk variance money that people paid into the project. He noted they were trying to appropriate money for the landscaping and close out the tax bills.

Mayor Hindman asked if they were taking sidewalk variance money and shifting it to another use. Mr. Glascock replied the variance was on Chapel Hill and the money was paid on this project. He only wanted to use that money on this project. Mayor Hindman understood, but pointed out it was sidewalk variance money. He noted he was in favor of landscaping, but thought it should be a part of every street project. He asked why they would not pay for the landscaping with street money and use the sidewalk variance money for sidewalks elsewhere. Mr. Glascock noted they had paid for all of the sidewalks as part of the project. They did not use the variance money, even though they could have. If they had, money would have been in the street fund. Mayor Hindman understood he was saying they, in effect, used the variance money to build the sidewalks on the street. Mr. Glascock stated that was correct.

Mayor Hindman commented that he was a little concerned that they would start using sidewalk variance money for something beside sidewalks. He believed that when they did a street, they needed to include landscaping in the cost of the street.

Mr. Wade understood that because the money to build the sidewalk came out of the project, it was not there for the landscaping. They could have used the sidewalk variance money to build the sidewalks, and if they had, the landscaping money would have been in the project. If they did not do this, the people in the Chapel Hill and Stonecrest area would not get what they were assured they would, which was some trees for landscaping.

Mayor Hindman stated he was willing to go along with this, but wanted to be sure they were not taking sidewalk variance money and using it for something beside sidewalks. He

thought there was enough justification in this case, but believed every street project should have enough money to cover landscaping.

Mr. Skala noted several years ago, they had an idea about a payment in lieu of sidewalks for variances, but Mr. Boeckmann had indicated that was not legitimate because the monies for the variances had to be spent on the properties providing the variance money. They could not take sidewalk funds and spend them someplace else. Mr. Boeckmann commented that it did not have to be on the property where the variance was granted, but it had to be someplace where it would benefit the neighborhood. Mayor Hindman understood this would do that.

B89-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B90-09      Appropriating funds for the Maguire Boulevard extension project.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the development agreements with the two developers on either end of this project indicated they would build a part of the street and do some grading. When the plans and specifications to bid the project were developed, it was determined it would be more cost-effective and they would get a better project if the City took control of the entire construction project. As a result, the developers agreed to post a \$950,000 cashier's check and the City agreed to build these pieces of the road and do the grading. They now needed to appropriate that \$950,000 to the project. This would allow for consistency and the City would have control. Although they believed this was the right amount, the agreement allowed for an adjustment either way after the project was done.

Mr. Skala asked if the City had contracted with someone to do this project. Mr. Watkins replied yes. Mr. Skala asked who was doing the work. Mr. Watkins replied the low bidder was Emery Sapp and Sons.

Ms. Hoppe asked if the contractor was responsible for the stormwater control measures during the construction. Mr. Watkins replied they were. Ms. Hoppe asked if that was going on. Mr. Watkins replied the City had to do some of the initial tree clearing to avoid a problem with the requirement on the Indiana Bat, so Emery Sapp and Sons had not yet been mobilized.

Mr. Skala asked who did the tree cutting and grading that had occurred. Mr. Glascock replied Rohrer Excavation did the tree clearing for the City. Ms. Hoppe asked if they had provided any of the stormwater measures that were out there now. Mr. Glascock replied they only did those within the footprint and showed the location on the overhead. He noted they were in compliance. Mr. Skala asked about the area outside of the footprint. Mr. Glascock replied that was done by private development. He thought that involved Crosscreek, Ameren, and a third party. They did not touch anything on the private side. Mr. Skala understood several groups of people doing the clearing and grading. Mr. Glascock stated the Crosscreek site was basically inactive and the Ameren site was inactive until they started constructing the building. He noted he did not know what was going on at the other site.

Mayor Hindman asked where the Ameren building would be located. Mr. Glascock described the location on the overhead. Mr. Skala pointed out it had been table-topped just like the Crosscreek area.

Ken Midkiff, 1005 Bellview Court, commented that when the Lemone/Maguire extension bridge was proposed for funding, they had stated some concerns, and among those concerns, were erosion control and stormwater runoff into the Grindstone Creek and on into the Hinkson Creek. They were told privately and publicly that this would not happen and that the bridge would be green. The pictures he saw today were disgusting, and regardless of what Mr. Glascock had stated, he thought it was done by Rohrer Excavating on the site within the footprint. He believed the City was responsible for ensuring erosion control measures were effective in preventing runoff into the Grindstone Creek, and that did not happen. He stated they had not had a massive torrential rain event, only mild rainfall. He asked that erosion control measures be put in place prior to the next rainfall event, which was predicted in one week, so they did not have a recurrence of sedimentation entering into the Grindstone Creek. The Grindstone Creek was already impaired for bacteria and Hinkson Creek was impaired for both bacteria and sediment. He commented that it looked like the Grindstone Creek might be headed there as well.

Hank Ottinger, 511 Westwood, stated he was speaking as Chair of the Osage Group of the Sierra Club and had talked to the Council about this project about a year ago. He was assured the City would do everything it could to mitigate any kind of activity that would impair the creek. In view of the photographs, he was not sure that was the case. He felt that if they had a policy, it needed to be enforced. He urged the Council to address the issue as soon as they could.

Ms. Hoppe stated she had e-mailed pictures of the area to the Council and noted she stood under the area where the bridge would be located. Regardless of whether the fences that were breaking were technically under the bridge, they were close to the area and the erosion was coming from the area under the bridge. She stated she was concerned about the entire area and it was called to her attention that there were some serious problems. She described the pictures shown on the overhead. There was netting on the lower end of the slope, but not on the higher end, so when it rained, deep trenches were being formed in every which way. It went under the meshing and breached the plastic fencing. She believed someone needed to get out there and correct the problem before the next rain occurred. Someone also needed to ensure all provisions were made so this did not happen again. She commented that she toured the area with two people who were experienced in stormwater control and they were saying the netting needed to be all of the way up the slope and needed to be seeded with some grass that would take quickly. Mr. Skala noted they typically planted emergency rye because it sprouted within a week or so. Ms. Hoppe stated mounds of rock had also been dumped to control some of the erosion, but the water went around the rock. She understood the rock at each terrace level needed to be uniform throughout instead of having little piles that did not correct the situation. It did not appear as though anyone was inspecting it to ensure it was done right. She pointed to some silt in the photos. Mr. Glascock stated the fence did what it was supposed to do there as it stopped the silt. Ms. Hoppe commented that if the silt was not removed, it would be breached with the next rain.

Mr. Glascock agreed and noted that was part of the maintenance. By permit, this was to be corrected within seven days. Ms. Hoppe stated there were many breaches on the Crosscreek side and silt was in the creek. The goal was to keep the silt out by getting it repaired before the next rain and seven days might be too long. Mr. Glascock pointed out the DNR permit allowed seven days. Ms. Hoppe asked who was inspecting it. She understood the person who had alerted her had been out there more than seven days prior to then and nothing had been done. Mr. Glascock asked if they had alerted staff so something could be done about it. Ms. Hoppe stated she did not know. Mr. Glascock explained they did not receive a report indicating there was an issue. Ms. Hoppe asked if they were relying on citizens. She noted something was not working and needed to be fixed.

Mr. Skala stated some of the silt fences were failing and that meant the silt needed to be removed and the fences needed to be repaired per DNR standards. He noted his concern involved how the silt got there in the first place. There had been failures of proper erosion control. Anyone who had looked at this from both the south and north sides of where the bridge was supposed to be could see these were steep slopes that would require terracing and netting all of the way down the slopes to the silt fence with some emergency grass cover. He understood it was complete on the Crosscreek side, and if that was the case, the rip-rap and outlets were totally blocked. Water was streaming down what looked like a 50 degree slope, which was the topping of the Crosscreek area that was dumped over the edge of the property line. He thought that now constituted the buffer between the creek and the property itself. He stated there was only a natural riparian area of about 20 feet or so and some of those silt fences were breached. In addition, whoever cleared the trees apparently piled them up in order to burn them. A best management practice would suggest using that stuff to slow the water down on some of the slopes. Since the slopes were sufficiently steep, silt fences would not keep the silt out of the creek. If the creek continued to be degraded, it would be irreversible if it was not already. This meant they had to do something before the next rain. In addition, the BMP's needed to be taken up the hill.

Mr. Glascock stated he and staff were out on the City's project today and they were in compliance with DNR requirements. The silt fences were up. He showed the pictures they had taken on the overhead and described the items on the City's site. He noted the Ameren site had not been maintained because they were not doing any active work. He pointed to other areas and noted they were not within the City's corridor for the road. He commented that they had contacted the developers to let them know they had a problem and had 5-7 days to correct it depending on what was determined.

Ms. Hoppe asked if the Public Works Department approved the plan the developer had to control it. Mr. Glascock replied DNR approved the plan. The Public Works Department looked it over for compliance, and if it looked okay, they would send it on to DNR. DNR wrote the permit. Ms. Hoppe asked if DNR approved that they just put the meshing on the very bottom of the slope and do nothing higher on slope. Mr. Glascock replied yes. Ms. Hoppe believed that was a prescription for failure. Mr. Glascock agreed there were problems out there, but the City's CIP project for which they only cleared the trees was well protected.

Mayor Hindman asked what Ameren was doing. Mr. Watkins replied they were building a conference center. Mr. Skala noted they would have a nice view of a degraded stream if the problem was not fixed. Mr. Glascock stated they had contacted Ameren a couple of times to correct the problem.

Ms. Hoppe asked if there were any fines. Mr. Glascock replied the only thing he could do was to send them to court. He did not have fining capabilities. Ms. Hoppe asked if the City sent anyone out there on a regular basis to inspect it. Mr. Glascock replied that since the CIP project had started, they had people out there, but he did not know if they inspected the private development site. He noted he would look into it and ensure they look at everything when out there.

Mr. Skala asked if there was any mechanism by which they could put a temporary hold on this until some of the BMP's were addressed and the erosion control was corrected. He asked if they had that kind of oversight capability. Mr. Glascock replied they did not on the private development site. He stated they could only put a hold on the City's CIP project, which was in compliance. Mr. Skala asked if the only way to resolve this was to complain to Ameren even if it was impacting the City's footprint. He noted the City was trying to protect the waterways in the interest of the entire community. He asked if they had to address each individual dirt mover. Mr. Glascock replied they had to address each person with a land disturbance permit. Mr. Skala felt they needed to do it, if that was the case.

Mayor Hindman commented that they could try to do what they could with Ameren, but there were probably some limitations with respect to the City's authority. When it came to the City's project, it was extremely important they build this in a demonstration method. He thought they should show a project like this could be done without detriment. He stated that was the deal they made and noted it might mean going significantly beyond the DNR requirements. He commented that he was disappointed that any kind of issue had been raised as his hope had been that they would be careful to ensure it would not come up. He thought they needed to get ahead of issues causing problems even when the City was in compliance with DNR regulations. He understood it might cost more, but felt they needed to get ahead of any problems. He believed they needed to be prepared for the normal kinds of rain events during construction. He reiterated that he thought they wanted to make this a true demonstration project because if they were successful, they would have a better opportunity to deal with projects in sensitive areas in the future.

Mr. Skala thought there were things that could be done within the City's footprint, such as terracing.

Ms. Hoppe referred to the photograph of the road on the Crosscreek side and noted both sides of the road were being undermined. The hay bales had failed and water was going underneath it eating out the earth underneath the road. She noted there were major problems away from the stream as well.

Mr. Wade stated he was in strong support of Mayor Hindman's comments. An important part of his commitment to the appropriateness of this project involved the environmental design on the bridge and best practices. It was more than just legal compliance. It was doing it in a way that protected the viability of the creek. They had the design characteristics on the bridge, but in getting there, it appeared there were some major

breakdowns in what was being done. He felt it simply needed to be fixed whether it was the City or a private developer. He stated it all had to be fixed together because fixing one made no difference. It was the whole system working with best practices and going beyond the legal requirements. He asked where the inspection was and why this was being seen now. He asked if DNR did inspections. Mr. Glascock replied DNR normally came in when there were complaints. DNR relied on the City to make sure the job was done and the Ameren and Crosscreek projects were inactive. Mr. Wade asked if the City would have to go beyond its normal response in terms of inspections and be more aggressive with doing more than just the minimal practices. Mr. Glascock replied yes. Mr. Wade stated this needed to be a demonstration project of best practices rather than a demonstration project of typical practices that did not work.

B90-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

## CONSENT AGENDA

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

- B79-09**      **Amending Chapter 29 of the City Code as it relates to the definition of duplex and villa dwelling units.**
- B80-09**      **Amending Chapter 29 of the City Code as it relates to allowing funeral homes and mortuaries as a permitted or conditional use in zoning Districts O-1 and O-P.**
- B81-09**      **Approving the Final Plat of I-70 Eagle Stop Plat 1 located on the northeast corner of Providence Road and Texas Avenue; authorizing a performance contract.**
- B82-09**      **Vacating a water line easement located generally east of South Ninth Street and north of University Avenue.**
- B84-09**      **Authorizing construction of sewers in Sewer District No. 159 (Route K); calling for bids through the Purchasing Division.**
- B86-09**      **Authorizing the acquisition of easements for construction of the Clear Creek Pump Station Force Main improvement project.**
- B87-09**      **Appropriating funds for the purchase of five (5) transit buses.**
- B88-09**      **Appropriating funds for the purchase of a runway sweeper at Columbia Regional Airport.**
- B92-09**      **Authorizing a supplemental agreement for highway/rail crossing improvements with the Missouri Highways and Transportation Commission to upgrade the railroad active warning device at the Columbia Terminal Railroad's (COLT) intersection with Route B; appropriating funds.**
- B93-09**      **Appropriating funds for construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.**
- B94-09**      **Accepting conveyances for utility purposes.**

- B96-09 Authorizing an agreement with the Columbia School District for a playground improvement project at Fairview Elementary School.
- B97-09 Amending Chapter 2 of the City Code as it relates to membership on the Substance Abuse Advisory Commission.
- B98-09 Authorizing an agreement with The Curators of the University of Missouri and Boone Hospital Center relating to the Columbia Fire Department Advanced Life Support Program.
- B99-09 Accepting the FY 2008 Missouri State Homeland Security Grant; authorizing a grant agreement; appropriating funds.
- B100-09 Amending the FY 2009 Annual Budget and the Classification Plan and Pay Plan to establish the position of Deputy Police Chief and to upgrade the position of Assistant Fire Chief to Deputy Fire Chief.
- B101-09 Amending Chapter 19 of the City Code as it relates to unclassified positions.
- B102-09 Accepting an Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.
- B103-09 Appropriating funds to be received from the Missouri Department of Transportation – Highway Safety Division for the purchase of radar guns for use in traffic enforcement activities.
- R79-09 Setting a public hearing: voluntary annexation of property located at the western terminus of West Smiley Lane (415 W. Smiley Lane).
- R81-09 Authorizing an agreement with The Curators of the University of Missouri on behalf of the School of Nursing to provide health clinic experience for nursing students.
- R82-09 Authorizing agreements for sports development funding under the Tourism Development Program.
- R83-09 Transferring funds for the CARE program.
- R84-09 Authorizing a water sprinkler, fire hydrant and water service contract with Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the police training facility.
- R85-09 Authorizing an agreement with Bartlett and West, Inc. for engineering services relating to the design and construction of the Hinkson Creek Bank Stabilization Project.
- R86-09 Authorizing preliminary funding agreements with The Tiger Columns, LLC and 10<sup>th</sup> & Locust, LLC relating to tax increment financing of redevelopment projects.
- R87-09 Authorizing an artist’s commission agreement with Dennis Murphy relating to the Traffic Box Art Program.

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

## NEW BUSINESS

### **R80-09      Setting a public hearing: construction of the County House Branch Trail project from the Twin Lakes Recreation Area to Stadium Boulevard.**

The resolution was read by the Clerk.

Mr. Watkins explained this involved the construction of the County House Branch Trail project from the Twin Lakes Recreation Area to Stadium Boulevard. It would normally have been on the consent agenda, but there was an amendment sheet.

Mr. Skala made a motion amend R80-09 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

The vote on R80-09, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

### **R88-09      Authorizing an agreement with Burns & McDonnell Engineering, Inc. for engineering services relating to preparation of a federal funding application and an Energy Efficiency and Conservation Strategy Plan.**

The resolution was read by the Clerk.

Mr. Watkins noted the City had been designated to receive over \$1 million in stimulus funds for energy efficiency and conservation. The timeframe the City had to get the strategy and application to the Department of Energy did not allow as much time as they would normally take in terms of selecting a consultant. He had asked staff to try to negotiate an agreement with Burns and McDonnell as they had worked on the IRP, and the agreement was now being brought to Council for review. Included in the schedule were two joint meetings between the Environment and Energy Commission and the Water and Light Advisory Board to review it. Ms. Hertwig-Hopkins stated the first one was scheduled for Thursday, April 23 at 5:30 p.m. Mr. Watkins explained it was an opportunity for those commissions to weigh in before anything was done. The goal would be for Burns and McDonnell to come back with some proposals and obtain feedback from the second joint meeting. It would then be brought to Council for review and ultimate approval in June. Ms. Hertwig-Hopkins referred to the draft timeline and pointed out staff had made every effort to give as much opportunity for public input as they could given the short turnaround time.

Mayor Hindman understood a Energy Star strategy for City buildings and a pilot project for building code modifications that reflected Energy Star strategies were included in the list of things they would consider. He noted they had discussed modifications to the building codes that would not just include Energy Star strategies, but more stringent and insulation type revisions. He wanted to ensure they looked at more than just Energy Star strategies. He also wanted them to look at building code adjustments that would include more radical insulation standards.

Mr. Watkins recalled the Council suggesting they potentially look at using some of the money to bring in an outside consultant to assist with the review of building codes, and they were in the process of doing that. He noted Mr. Glascock had ordered the “green” codes to distribute to the building codes people. Mayor Hindman stated he just wanted to be sure they were not overlooking anything.

Mr. Wade stated he would support this, but not enthusiastically because he felt there was the potential for different kinds of services. He felt they were being backed into an energy efficiency and conservation strategy plan created only for this money. It was not the kind of long term strategic plan they needed. He hoped they understood this would not be a substitute for what they would need to do as a community strategic plan for long term energy conservation and efficiency.

Ms. Hertwig-Hopkins commented that in reviewing the application and guidelines, the Department of Energy did not want the applicants to be short-sighted or to do this strictly for the sake of energy efficiency and energy reduction. They wanted to see a higher level of thinking, but the challenge was the short turn around time. They were looking for creativity, innovation and the sustainability of how this would continue throughout the entire community. Mr. Wade noted that would not happen overnight. Ms. Hertwig-Hopkins agreed.

The vote on R88-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

**R89-09 Authorizing application to the Missouri Department of Transportation for Surface Transportation Enhancement funds under the American Recovery and Reinvestment Act (ARRA) of 2009.**

The resolution was read by the Clerk.

Mr. Watkins explained the City had the opportunity to pick up some additional stimulus money for an enhancement project. There were some restrictions and a limit as to the number of applications one community could make, so they had to make a decision with regard to what they wanted to do.

Mr. Teddy stated MoDOT District 5 had \$889,900 in stimulus funds available, but the District included 13 counties so it would be very competitive. The rules were different than the regular enhancement funds they had competed for in the past. Only one application would be considered per local agency and no more than \$300,000 would be awarded per project. Those funds, however, were available as 100 percent federal funds for construction. No local match was required. It required projects to be ready to go or substantially ready to go, and for this program, that was defined as final plans being ready by the end of the year. There could be no environmental issues at the time of application, such as a requirement for environmental certifications or clearances. In addition, there could be no right-of-way or easement acquisitions required. The applications were due by May 1. Generally speaking, most of these funds tended to go to pedestrian and bicycle facilities, however, in the past, the City had received enhancement funds for the Wabash Station renovation and for streetscape projects. He noted staff had identified five projects and described those. He noted there was an error in the staff memo with regard to the MKT connectors. They had it as a total of \$225,000, but the three connectors together would exceed the \$300,000. He commented that the Stadium Boulevard Sidewalk/Pedway project would require some local match in the form of capital improvement sales tax, a reduction in scope or a segmentation into a GetAbout section. The intersection safety and accessibility enhancements at Stadium Boulevard would also require a local match or scope reduction.

Mayor Hindman believed they were all good projects and thought they might want to consider strategy. The project along the north side of Stadium, between College and Providence, was along a MoDOT road and their right-of-way could be used. He understood they would have to provide some funds for leverage though.

Mr. Skala stated there were a lot of ways to approach this and agreed they were all good projects. They would have to reduce the scope or provide some funds for the more expensive ones.

Mr. Wade stated he tended to support the Stadium sidewalk and pedway project because it was a heavy pedestrian use area and in an area of the City where they were deficient. They had unsafe conditions due to the nature of Stadium and no facilities for pedestrians or the handicapped. Mayor Hindman noted they might be able to join the University as co-applicants on the project. Mr. Teddy thought the University could qualify as a local agency. Mr. Wade believed that project met the greatest need at this time in terms of heavy traffic with pedestrian, bike and handicap use.

Ms. Hoppe asked if they could add the Stadium and College intersection to that project. Mayor Hindman pointed out they were already at \$400,000 and \$300,000 was the maximum. Ms. Hoppe stated the intersection of Ashland and Stadium was a safety issue as well. Mr. Skala commented that he thought they should consider how much the City would have to provide. Ms. Hoppe thought they could remove Old 63 and Stadium because that cost the most.

Mr. Skala asked if staff thought there might be any particular advantage with any of these projects. Mr. Teddy replied the application asked them to comment on how the project would alleviate safety concerns, so he believed projects with a safety element might have an advantage.

Mr. Thornhill stated he agreed with Mr. Wade with regard to the Stadium project because anyone who had made that walk during a football game understood they were taking their lives in their own hands. He noted he would lean toward that project.

Ms. Nausser commented that she agreed with Mr. Wade regarding the Stadium project identified as number 3.

Mayor Hindman suggested staff talk to the University as it might give the application some strength.

Mr. Wade made a motion directing staff to proceed with submitting an application for the Stadium Boulevard Sidewalk/Pedway project from College to Providence, which was identified as number 3 in the resolution. The motion was seconded by Ms. Nausser and approved unanimously by voice vote.

The vote on R89-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

**R90-09 Authorizing an increase in the amount of funding for the Energy Conservation Loan Program.**

The resolution was read by the Clerk.

Mr. Watkins explained the electric utility had a low interest loan program to encourage people to make energy conservation improvements to their properties. They were currently loaning out money faster than it was being paid back. He noted they put liens against the properties, so they were not unsecured loans. The average amount was just over \$8,000 and it involved ten year payback. Staff was asking Council to authorize a total additional pool of \$1 million. He pointed out they would draw it down at no more than \$250,000 per year.

Mr. Thornhill asked what controls there were to ensure the work had been done in a cost-effective manner. Mr. Kahler replied there was a receipt for the work that had been done when they signed off on them. A lien was placed on the house, and most liens were in the range of \$7,000 to \$12,000 with a maximum \$15,000 per project.

The vote on R90-09 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: STURTZ. 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.

- B105-09**     Approving the Final Plat of Broadway Marketplace – Plat 2 located on the north side of Trimble Road, west of Brickton Road; authorizing a performance contract.
- B106-09**     Approving the Final Plat of Vine Subdivision Plat 1, a Replat of Part of Lot 20 of Wellington Gordon and M.R. Conley’s Subdivision, located on the southeast corner of Vine Street and Charles Street; authorizing a performance contract.
- B107-09**     Vacating a portion of alley right-of-way located between Austin Avenue and Business Loop 70.
- B108-09**     Vacating a portion of a drainage easement between Lots 13 and 14 within Jenne Hill Subdivision, located on the north side of Jenne Hill Drive, approximately 100 feet west of Jenne Court.
- B109-09**     Vacating electric utility easements located on the east side of Tenth Street, north of Park Avenue.
- B110-09**     Authorizing reconstruction of the Old Route K Bridge over Hinkson Creek, south of Reactor Park; calling for bids through the Purchasing Division.
- B111-09**     Authorizing acquisition of easements relating to reconstruction of the Old Route K Bridge over Hinkson Creek, south of Reactor Park.
- B112-09**     Authorizing a cost-share agreement with the County of Boone relating to the installation of water quality features at Fire Station No. 7; appropriating funds.
- B113-09**     Accepting conveyances for utility purposes.
- B114-09**     Amending Chapter 22 of the City Code to adopt a relocation policy for the relocation of businesses and residences due to redevelopment plans and projects.
- B115-09**     Accepting funds from the County of Boone from the U.S. Department of Justice 2008 Byrne Justice Assistance Grant to purchase Taser<sup>®</sup> equipment for the Police Department; appropriating funds.

**B116-09     Appropriating asset forfeiture funds to be used by the Police Department in a proactive auto theft program (Bait Car Program).**

**REPORTS AND PETITIONS**

**(A)     Intra-Departmental Transfer of Funds Requests.**

Mayor Hindman noted this report was provided for informational purposes.

**(B)     North Grindstone Outfall Extension Sewers, Phases I & II – Trail Easements.**

Mr. Watkins explained the Council had asked staff to look at acquiring right-of-way as they acquired sewer easements for Phases I and II of the Grindstone. Phase I was under construction with the Regional Sewer District taking the lead on it. Phase II would take that extension under I-70 and extend service the new high school. It was suggested staff look at trail easements at the same time. While a significant amount of the sewer easements would work for trails, in the past, Council had prioritized trails, and the Grindstone was a second priority. He noted they could divert the balance of the trail money that was not spoken for to cover a significant amount of what they might need for the Grindstone. Staff needed guidance from the Council on what they wanted to do.

Mr. Hood noted they had a lot of different potential trail projects they could pursue, but they had a fairly limited amount of funding, so it became a priority decision.

Mayor Hindman asked if the trails were on the Master Plan. Mr. Hood replied yes. He pointed out the connector over to Sunrise Estates was not in the Master Plan, but the main North Grindstone Trail was shown on the Master Plan. Mayor Hindman asked if the connector would use the sewer easements. Mr. Hood replied it would predominantly use the sewer easement. Mayor Hindman suggested they add the connector to the Master Plan and do nothing else at this time. If they decided to come back and acquire it at a later date, it would be on the Master Plan and no one would be surprised.

Mayor Hindman commented that there had been a few instances where people claimed a trail easement had been provided behind their home and they knew nothing about it. He wondered if there was a way to record the Master Plan, so the title company would pick that up. Ms. Nauser stated they would have to have a legal description before they could attach any kind of easement to a property. As a result, it would have to be surveyed.

Mayor Hindman asked if there was some way they could file an affidavit or something indicating there was a master plan that called for a trail at some point so people would be aware of it. Mr. Skala noted they would be aware of the sewer easements. Mayor Hindman understood and stated they might not know about the trail. Mr. Skala wondered if there might be some way to join those so it was expected along the sewer easement. Ms. Nauser suggested they speak to a real estate attorney. Mr. Boeckmann pointed out they could affect the value of property if they told people someday they might be doing something. Mayor Hindman asked if they could just have something showing it was on a master plan. Mr. Boeckmann asked for the purpose of that. Mayor Hindman replied they showed streets, etc. on master plans and that would affect the value of property the same. Mr. Boeckmann pointed out they did not file anything of record to put the public on notice with regard to it.

Ms. Nauser stated they could make an argument that the person selling or buying the property should go to the due diligence of viewing any records associated with the property. She commented that there might be fallout if they started recording things against people's properties without their knowledge. They would have to go through some kind of public process before anything could be recorded.

Ms. Nauser suggested providing neighborhood associations the information to pass on to their members if the neighborhood had a neighborhood association. Mr. Thornhill noted most of the newer neighborhoods would have organized or recorded associations. Mr. Skala asked if the Plan was on the website. Mr. Watkins replied he believed the Trail Plan was on the website.

Mr. Wade noted the real question in this report was whether Council wanted to spend the money for trail easement acquisition. He concurred with staff regarding the minimum balance so they had a reserve for the unexpected. He commented that he did not have a sense of where the priorities should be in terms of getting trail easements. He wondered what would happen if they spent the money for trail easements. He felt this was a CIP priority question and was having trouble responding to the report because it was out of context with the entire CIP trail needs.

Mayor Hindman noted that opportunities came along and sometimes they should look at those, but he agreed with Mr. Wade in that they should hold on to the money for something else that might come up.

Mr. Wade stated they were being asked to make a decision without any kind of understanding of what the lost opportunities might be.

Mayor Hindman made a motion directing staff to not acquire the easements at this time, but to put the connector on the Trail Master Plan. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(C) Roots N' Blues N' BBQ 2009.**

Mr. Watkins noted the Council received a request from the organizers of the Roots N' Blues festival at the last Council meeting. At the request of staff, Council deferred any discussion until they had a chance to review the proposal. He pointed out a multi-department committee looked at some of the bigger events so they were as efficient and safe as possible. Staff was generally supportive of the festival and believed things could be worked out. He suggested they enter into a written operations agreement with the festival organizers that would include things like the boundaries, the hours, which streets were closed, etc. There were four questions, which Thumper had asked, for which they needed Council input. He explained there was an outstanding invoice of \$38,000 from last year for which they were requesting relief. In addition, they had asked if there might be funding for the 2009 festival. The Council needed to determine if they would provide funding, and if so, how much and from what funding source. He understood they were considering a paid admission and the Council needed to determine if that was acceptable and how it would work. The last issue involved the open container throughout the festival footprint. In the past, there had been roped off areas where beer or wine was sold. The organizers were asking that it be eliminated and they do away with the open container requirement for the entire festival area.

They also read the request to indicate the open container allowances to be for beverages sold by Thumper only, so a patron of a downtown establishment with a beverage would not be in compliance. He noted if they could get Council direction, he thought they could work with Thumper regarding an operations agreement. He pointed out they wanted to provide the agreement to Council in June or early July with commitments as to what the festival would entail.

Mr. Skala understood open containers raised all kinds of enforcement issues and could be problematic depending on how it was structured. Mr. Watkins replied that was correct depending upon how the Council wanted to structure it. They needed direction as to whether Council was willing to think about options other than a roped off area where beer was sold and consumed. Mr. Skala understood there were roped off areas before, but people competing in the barbecue contest were permitted to drink beverages as long as they did not leave their space. Mr. Watkins stated that was correct.

Ms. Nauser asked if they needed to make these decisions this evening. Mr. Watkins replied that if they wanted to move forward, the people putting the festival together needed some guidance. Ms. Nauser stated if that was the case, she needed to recuse herself from voting on any matters dealing with alcoholic beverages and open containers.

Ms. Hoppe asked about the funding source related to the \$38,000 invoice from last year. Mr. Watkins replied some of it would go to solid waste, but other portions were for police service, etc. so it would impact the general fund. Ms. Hoppe stated she was reluctant to lose that money in the general fund, and asked if there was any way it could come from Convention and Visitors Bureau money. Mayor Hindman pointed out they had already donated substantially to it. Mr. Watkins stated they put \$100,000 into the festival last year. Ms. Hoppe asked if there was any more money that could come from that fund.

Mayor Hindman asked about some sort of compromise, such as a reduction. Mr. Watkins pointed out the original cost was more than \$38,000. In negotiations, it had been reduced to \$38,000.

Mr. Thornhill asked how much they were asking for this time. Mr. Watkins replied they had not received a real number yet. During discussions involving the budget in January or February, it was discussed that there would probably not be money for festivals this year.

Mr. Wade commented that he could justify requiring them to be responsible for the \$38,000 because it was a negotiated and contractual agreement, but asked for comments regarding why they should not hold Thumper responsible for it.

Terry Woodruff of Thumper Entertainment stated they enlisted volunteers to handle all of the solid waste during the first year as the anticipated numbers were much less than they realized. They tried to estimate what the second year attendance would be and contracted with the City for solid waste and police services. They had significant losses on the festival, and because they did not believe there would be City funding for 2009, relief of the \$38,000 bill would help them move forward. Mr. Wade asked why there were significant losses in 2008. Mr. Woodruff replied one of the major revenue items was beverage sales and those were much lower than anticipated. Mayor Hindman asked if there was a weather factor. Mr. Woodruff replied it was hard to say. Mr. Wade understood Thumper's revenues from the festival were down from what was anticipated. Mr. Woodruff stated that was correct. Ms.

Hoppe asked if their expenses had been higher. Mr. Woodruff replied they had. They ran into a lot of unanticipated expenses within the last 30 days to make it happen. This included such things as additional fencing, production costs and staging. There was an incredible scope creep with this project.

Mayor Hindman commented that in planning for 2009, they could not sustain those same losses and asked if the way to prevent that was to charge admission. Mr. Woodruff explained they were looking at a nominal admission charge of \$10-\$12 per day. Mayor Hindman asked if that would be enough. Mr. Woodruff replied the current budget showed they would at least break even. He noted a paid admission with this type of festival created a much better crowd. They understood the numbers would drop a little, but also understood it was typically a good thing for a festival.

Ms. Hoppe asked if they were a for-profit organization. Mr. Woodruff replied they were not a 501(c)(3) and were not listed as a non-profit. Ms. Hoppe noted they had not been provided with any information in terms of how much people had been paid for their services, etc. Mr. Woodruff stated no one had been paid for their services. Ms. Hoppe asked if that included the organizers. Mr. Woodruff replied yes. Ms. Hoppe asked if Woodruff-Sweitzer had been paid. Mr. Woodruff replied they received some out of pocket expenses. He noted the hours the agency put in on this were astronomical.

Mr. Skala commented that given the City's predicament with the budget, it did not leave them a lot of choice. In addition, he thought it might be impossible to continue the event without a fee since they would only break even with a \$10-\$12 admission fee. He asked if there was any possibility for more funding from the Convention and Visitors Bureau. Mr. Watkins believed any funding that might come from the Convention and Visitors Bureau would have to come from their fund balance, but they had been eating into the fund balance over the last couple of years.

Mr. Wade stated he thought those were issues that would come back to them from the negotiations and discussions between staff and Thumper. Mr. Watkins commented that he did not want to have those discussions without getting a sense from the Council as to whether that was even on the table.

Mr. Wade stated he could reluctantly support the waiver of \$38,000 since it was money already spent, although it was revenue that would not be received. He commented that he was having trouble sorting through all of this. Mr. Watkins noted they would have to come back to the Council with another appropriation because that money was spent since it was booked as a revenue based on the contract. Ms. Hoppe understood they would not have money for something else. Mr. Watkins explained it would be a revenue shortfall. Mr. Wade understood they were being asked to waive a stipulation of contract that was well past the due date. Mr. Skala understood Mr. Woodruff was suggesting that without the forgiveness of the \$38,000, it would raise the cost of the paid admission if they would agree to some sort of paid admission. Mr. Woodruff commented that they would try to keep the admission fee reasonable and noted part of the footprint, the Flat Branch area, would still be free.

Mr. Watkins stated he thought he was hearing that there might be some ticket price that was acceptable. Mayor Hindman stated that was correct. Mr. Thornhill stated he loved

the festival and felt they needed to find a way to make it work. He noted he would have no issue paying \$10 to see the bands that he had seen for free before. Mr. Wade stated he did not hold that position because he believed there were some serious issues with tickets that they had not discussed. He believed it changed the nature of the festival. Mr. Thornhill pointed out it would keep the festival.

Mr. Wade noted they had all this data about the huge impact it had in terms of contribution to the Columbia economy and they did not seem to have any way to extract the information for some small costs relative to the impact on the economy. He felt something was missing. If it had that much impact, he thought they needed to find a way to put some of that into supporting the kind of festival they wanted. He noted they were trapped with only a hotel bed tax as the way in which a huge economic impact to the City, beyond sales tax, was contributed.

Ms. Hoppe understood they were talking about a way to make it happen with a minimal fee. She could not imagine people not paying \$10 to attend. Mr. Skala noted there were some very successful festivals that charged a lot more.

Mr. Thornhill asked if it was reasonable to attempt to reimburse themselves for the \$38,000 by way of 50 cents for every \$10 ticket that was sold. Mr. Woodruff stated they had discussed that option. Mr. Thornhill stated he would like to get the money back because it was overdue. He noted he was willing to support something like that until such point the City was reimbursed for the money they were out. Mr. Skala thought that was a good idea. Mayor Hindman agreed.

Upon her request, Mayor Hindman made the motion that Ms. Nauser be allowed to abstain from any vote regarding the sale of alcohol or open containers associated with Report C. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Ms. Nauser commented that as far as the fee was concerned, she agreed the event would lend itself to people paying to see it. She also liked Mr. Thornhill's idea of trying to recoup some of the City's money. She stated she was willing to give staff some leeway on coming up with a repayment schedule for last year's invoice instead of forgiving it.

Mayor Hindman understood there had been an issue with the open container and the restaurants downtown. In addition, if there was going to be a charge to get onto the grounds, they would still need to find a way to allow people to go to the restaurants within the roped areas for free. He could not recall the exact complaint of some of the restaurants last year. Mr. Skala thought one complaint involved moving some of the port-a-potties in front of some of the store fronts. Mr. Woodruff commented that they had made a commitment to ensure they had the right number of port-a-potties in the footprint and thought they had done a good job. They also tried to allocate them in strategic locations on each block. Last year, they had located them a little further up Cherry Street, but when they were delivered, it was at too much of an angle. As a result, they were in front of what was a vacant building that was leased by someone else who pulled a temporary business or picnic license to be able to sell alcohol out of that building. He thought that might be the incident they were discussing.

Mayor Hindman stated he did not think the idea of the roped off area was a bad one. Mr. Woodruff commented that last year they had two blocks in front of each stage that had alcohol vendors. They were along Eighth Street in front of the stage between Cherry and

Broadway, and adjacent to Peace Park for two blocks. The footprint had been situated so the Eighth and Cherry stage had been relocated and would not affect as many open businesses. They were now asking for another block to be opened up so people could walk between stages because as people tried to walk out of an alcohol footprint they could not carry their beer to the other stage. As a result, they had a problem with policing and people walking in and out of those zones. Mr. Skala understood that area would not impact other businesses. Mr. Woodruff commented that the Asian Grocery might be within that walkway between the two stages.

Steve Sweitzer, 902 Wayne Road, stated fewer restaurants and active retail businesses would be affected by the footprint, and they were asking for the open container to be allowed between the two different stages.

Mr. Wade pointed out the information in front of them indicated the Columbia Police Department and the MU Police Department did not support the request for the extension of the temporary open container permit throughout the festival footprint. Mr. Thornhill asked if they were suggesting the entire footprint be allowed for open containers. Mr. Sweitzer replied they were not.

Ms. Rhodes explained the scheduled public comment request that was submitted and discussed at the last Council meeting stated an extension of the temporary open container permit to festival owners throughout festival footprint during festival hours of operation. The Special Event Committee took that to mean they wanted a waiver of the open container law for the entire footprint. She commented that there were two significant issues Mayor Hindman referred to earlier pertaining to alcohol. They involved alcohol being served within the confines of the alcohol zones and alcohol served outside the defined alcohol zone. There were several downtown bars and restaurants that were located inside the alcohol zone where someone drinking beer from the festival was not subject to arrest but a customer stepping out of the restaurant with a drink was subject to arrest. This caused a lot of heartburn with the downtown bars and restaurants. She pointed out the Columbia Police Department and the Division of Alcohol stated that was simply unenforceable. They could not monitor whose beer came from which beer stand or restaurant.

Mayor Hindman understood they were being asked to apply the waiver to the open container law to everyone within the confines of the area they were defining for the waiver. Mr. Sweitzer stated the way he understood the laws, a restaurant or bar did not have a liquor to go license, so they could not sell beer in their establishment and send it out the door, and this was the basis of their objection. Mr. Boeckmann noted that was not correct. The City ordinance did not deal with who sold the beverage. It only stated it could not be possessed outside. If a bar sold beer in a paper cup, it was not a violation of City ordinance. The problem occurred when the person walked out of the door. They did not go after the bar owner. They went after the person with the liquor.

Mr. Skala understood if something like that happened, the person who purchased and had the open container would be in violation until they were within the confines of the area where it was permissible to sell alcohol, and at that point they would be indistinguishable from anyone else. Mr. Thornhill thought that would involve a limited number of people because they would have to go into a restaurant scheming that they could get a beer outside and into

the zone. Mayor Hindman pointed out the problem came from the restaurant owners who felt they were not able to sell to people at the festival.

Richard King, 109 West Parkway, stated he owned the Blue Note and had spoken with many bar and restaurant owners in Columbia. The vast majority were fine with the way it was set up and stayed within the open container ordinance. He noted Bengals had turned their parking lot into a miniature stadium and had potentially one of the best weekends ever. He agreed there were a few people who were unhappy with the way it worked, but a majority was supportive of the festival and wanted to see it continue.

Mr. Skala understood Thumper was indicating they would not request a waiver of the open container law throughout the entire footprint of the festival. It would just be in those areas adjacent to the stage and in between two of the stages. Mr. King explained some of the enforcement problems they had last year involved people going from one stage to the other because they could not take their drink. Another problem was people being able to go to one of the vendors with a drink in their hand. They discussed having picnic areas, so they could go to the food and alcohol vendors and eat within the footprint. He thought they were creating more headaches by stopping them. He pointed out the festival, according to the Police Department, was pretty well-behaved in terms of the audience.

Mr. Wade commented that his tendency would be to follow the lead of the Police Department because they were the ones that had the responsibility for enforcement. He assumed the opportunity for a shared food-drink place could be worked out. He thought negotiations needed to take place based upon what the Police Department was comfortable with given the cost of the support services. Anything that increased the cost of law enforcement service did not make sense given the budget issues. Mr. Wade noted this had been a family event and they would be creating a two-tiered festival if there was an admission fee because they would have some places that were free and other places that were not.

Mr. Thornhill commented that as someone with kids, he would take advantage of hearing the music without having to be close to the speakers. He would pay the \$10 if he wanted to see the band and be close to the speakers. Mr. Wade noted they did not know where the \$10 would allow one to go.

Mr. King explained they had discussed allowing children in for free. They were trying to decide the age and were somewhere between 12 and 16 years old. He stated they understood the value of a family event and did not want to lose that.

Mr. Wade asked who would enforce access to ticketed versus non-ticketed areas. He thought they were talking about two festivals with one being free and the other not. Mr. King thought it could be mapped out be managed simply. He explained he had done Summerfest for the last few years and had very little problems with it.

Mr. Wade stated he was uncomfortable with the dual system for a festival like this. Festivals with the high prices had one entrance for the entire festival. Mr. Skala agreed, but noted there were ways of dealing with it, such as bracelets and credentials.

Mr. Sweitzer stated the original intention was for the Roots N Blues N BBQ festival to be all-inclusive. They looked at charging a small admission fee for the entire festival footprint, but the more they talked, they decided they wanted to provide an option for someone who might not be able to pay the \$10. He understood the comment of it being like

two festivals, but felt that could be overcome with programming, content and the availability of refreshments and food. He also pointed out the \$115,000 they were provided last year had been earmarked for talent. With \$100,000 being taken out of the equation, they had to scramble for talent dollars.

Mr. Watkins stated he understood the Council was willing to consider some kind of paid admission with the understanding there would be some area open to the public and no ticket price for kids of an age yet to be determined. In addition, there was probably no City funding for the upcoming year. He also understood Council wanted staff to come back with some open container policy and a map indicating where those beverages could be sold after consulting with the promoters. He did not believe there was an interest in opening the festival up to whatever wanted to happen. He thought there was a reluctance to give up the \$38,000 from last year and to consider taking a percentage of the ticket price for the upcoming year to recover that amount in full or part. He noted he was proposing that they come up with an operational agreement with a plan after consultation with the promoters for Council consideration. He suggested there be a public hearing on it so they did not have issues of people not understanding the situation. If there were problems, they could be worked out in advance of the festival. He stated he wanted to see this in front of the Council in June or July. It did not give them much time to get things worked out, but provided everyone the certainty of the rules.

Mr. Wade stated he was impressed with what Thumper had done and was highly supportive. He agreed it needed to be kept as an internationally recognized event. He noted his questions were within that context. He was not trying to block it.

**(D) Shovel Ready Sites, CAJF, Sewer Extension Request.**

Mr. Watkins explained they had received a request from the Columbia Area Jobs Foundation (CAJF), which was a 501(c)(3) that was sponsored by REDI to try to develop shovel ready sites for new businesses in the greater Columbia community. They had been working on some ground on Rangeline. He understood they had worked out option agreements and secured interim low interest funding to get things started through Boone Electric. They would talk to the neighbors this week and submit applications to the County for zoning as it was outside of the city limits. One of the big issues was sanitary sewer availability and they were asking the City to provide that sewer as a Grindstone Phase III extension, which would continue the sanitary sewer up to the top of the drainage basin for the Grindstone. He stated he was agreeable based upon a number of provisions to include an annexation agreement, a special tie-in fee to help recover the cost, and ensuring all other appropriate agreements were received. He noted he had drafted a response to CAJF, which was part of the report, so there was no concern of a private deal being made.

Mr. Wade understood the agreement was fairly standard in terms of extending sewers and this was part of the same project that would extend the sewers to the school. Mr. Watkins stated they would add a third phase to the school sewer. Mr. Skala understood it would address the recovery of some of the cost and would be contingent upon annexation. Mr. Watkins explained they would require an annexation agreement. He pointed out they were quite a distance away from the City, so it would be a pre-annexation agreement. The

agreement with the Regional Sewer District for other parts of the Grindstone was to annex or sign a pre-annexation agreement in order to tie-in. This area would at some point become part of the city limits. As they moved forward with infrastructure in the area, he thought it would happen sooner than they anticipated.

Ms. Hoppe asked how the sewer capacity for the area was determined. Mr. Watkins replied they looked at the land use for the area to be served. If residential, they figured so many gallons per household per day. If it was a heavier use, the capacity might be higher. He noted they had already upgraded the size of the sewer line coming under I-70 because they thought the solution for providing sewers long term up to the Hominy would be a pump station to pump it down into the sewer line, so they believed there was more than adequate capacity for both the Hominy and the extension of the Grindstone up to Phase II.

Ms. Nauser noted they had talked about having shovel ready sites for some time now and thought they should move forward. If they could recoup costs, this was just an advance and would be more palatable for people in the community. Since they would be adding to the economic growth for the future as well, she believed this was a win-win situation and was in support of moving forward.

Mr. Watkins stated this would ultimately be a partnership between Boone Electric, the sewer utility, the City, County and CAJF. There were a lot of players and each had to do their part.

Ms. Nauser made a motion authorizing the City Manager to propose a response. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**(E) Street Closure Request.**

Mr. Watkins stated this was a request by a Stephens' group with some backing from Stephens College to close an alley west of Ninth Street between Ninth and Tenth Streets.

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

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr. Skala wondered if they might want to consider interviews for some of these board and commissions. He thought it was appropriate for the Planning and Zoning Commission vacancy as it was something they routinely did. Mr. Wade stated he concurred. Ms. Hoppe agreed as well. Mayor Hindman noted they would interview for the Planning and Zoning Commission vacancies before making the appointment.

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

**AIRPORT ADVISORY BOARD**

Jenne, Matthew, 3304 Wooddale Avenue, Ward 5, Term to expire May 16, 2013

Sobel, Annette, 3611 Holly Hills Court, Ward 5, Term to expire May 16, 2013

**BOARD OF ADJUSTMENT**

Clithero, Philip, 4208 South Wappel Drive, Ward 4, Term to expire May 1, 2014

**COLUMBIA VISION COMMISSION**

Dokken, Dee, 804 Again Street, Ward 1, Term to expire December 15, 2013.

**DOWNTOWN COLUMBIA LEADERSHIP COUNCIL**

Peckham, Nick, 15 S. Tenth Street (Business), County, Term to expire May 1, 2012.

**SUBSTANCE ABUSE ADVISORY COMMISSION**

Hamilton, Carolyn, 5000 Derby Ridge Drive, #305, County, Term to expire October 31, 2009.

**UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF BOONE COUNTY**

Wiedmeyer, Charles, 202 Haywood Court, Ward 4, Term to expire March 1, 2011.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Wade commented that as they moved into the budget decision process, he realized he was not clear on the policies currently in place related to cost recovery for specific areas of City services.

Mr. Wade made a motion directing staff to provide information regarding (1) the existing policies for cost recovery for providing general government services, such as but not limited to, inspections and environmental enforcement activities and an indication of formal policies and informal guidelines and (2) the policies relating to the subsidy levels of the three enterprise centers receiving general revenue or dedicated tax revenue, specifically recreation services programs, bus operations and the airport, and that the information be provided prior to the mini-retreat on the budget. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Wade stated the City Manager and staff had clearly communicated the budget realities of the next several years due to the impact of the economic downturn. This was the first economic downturn the City had faced since the depression that was more than one or two years in duration. Because of the City's history of sound fiscal practices and the fundamentally sound Columbia economy, the City did not have a budget crisis as other cities now experienced. As a result, they had the opportunity to make budget decisions that avoided a financial crisis for the City, especially in 2011. When talking to people at the Fourth Ward forum on the budget last Thursday, he talked about budget decisions that maintained core services. Fortunately, no one asked what he meant. After thinking about it over the weekend, he determined he did not have an answer and that was what Council policy, as it related to budget decisions, was all about. In order to clarify the concept of core services, he needed more information.

Mr. Wade made the motion directing staff provide information listing (1) the services/programs mandated by Federal or State law or the City Charter, (2) the services/programs provided due to City ordinances, and (3) the other services/programs the City provided, and that the information be received prior to the mini-retreat on the budget.

Mr. Wade pointed out much of this information had been provided at an earlier work session on the budget, but he wanted to see it in a different format. Whether they wanted to admit it or not, the Council defined core services by broad policy and the budget decisions it

made. He believed this was an area where they needed to be very clear and explicit, and not just accept what had evolved into City programs during the long periods of good years. This was where Council goals became essential. He wanted to receive this information prior to the mini-retreat on the budget. Mr. Watkins stated they would put it together, but did not have it in that form.

The motion made by Mr. Wade was seconded by Ms. Nauser.

Mayor Hindman thought this was a reasonable request, but asked staff to let Council know of the difficulties they were having, if they had any.

The motion made by Mr. Wade and seconded by Ms. Nauser was approved unanimously by voice vote.

Ms. Nauser stated the Lake Woodrail Homeowners Association was requesting no parking signs for one side of the street. They provided her a petition and she wanted staff to review it. She understood they wanted the no parking on the north side of Woodrail Avenue, from Forum Boulevard to West Creek Circle.

Ms. Hoppe commented that with regard to the stormwater issue that was raised earlier in the meeting, she understood staff would check it regularly so they did not need a motion. She noted her larger concern was that they did not have the staff to check those things regularly. She wanted recommendations on how that could be funded. She suggested charging an appropriate fee to the development so the City could fund staff to follow up sufficiently.

Ms. Hoppe made a motion directing staff to provide a report with recommendations on how they could fund additional staff to sufficiently inspect stormwater issues on developments. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe recalled a motion being made asking staff to contact MoDOT with regard to reducing the speed limit on Highway 63 near the COLT crossing, similar to what they had on I-70 and asked for a status. Mr. Watkins replied he would check. He believed the conversation occurred, but did not know the status. Ms. Hoppe commented that if there was a problem in reducing the speed, she wanted to know the specifics.

Ms. Hoppe recalled the Council voting to proceed with streaming the Council meetings. She understood less people were using cable, so more people did not have access to Council meetings. She asked for a staff report regarding the status. Ms. Amin stated she sent the Council an e-mail a couple of weeks ago indicating it would be tested at the April 6 meeting, and again today. Assuming things went well, they would go live in May.

Ms. Hoppe recalled a motion being made asking for a visioning impact statement with ordinances and resolutions and asked for its status. She wondered if that was in the works and when they would be seeing it.

Ms. Hoppe recalled a motion being made with regard to establishing a bus or public transportation commission and asked for a status report indicating where that was in the

process. If staff needed something further from Council, she wanted to know that as well. Mr. Watkins stated they were working on it, but it would take a little while for them to come up with something that would work. He noted he would provide her a timeline.

Mr. Skala stated the City Manger's tracking system was working extraordinarily well. He asked if he could be provided a list of the active and retired items, so he could keep track of who he needed to provide answers to if he was asked. He also asked if he could be provided a list of the items he had asked for under council comments so he could keep track and be reminded of what he and others had asked. He asked if this could be provided on a semi-regular basis. He noted he was just asking for those aides.

The meeting adjourned at 12:05 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk