

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
OCTOBER 7, 2013**

INTRODUCTORY

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

APPROVAL OF THE MINUTES

The minutes of the regular meeting of September 3, 2013 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Skala.

The minutes of the regular meeting of September 16, 2013 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Schmidt.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Dave Ries, DDS, MS – Benefits of fluoride in the City water supply.

Mr. Ries explained he was a father of three small children and a practicing orthodontist in Columbia and noted he held a degree in engineering, a doctorate in dental surgery and a masters of science in oral biology. He stated he was concerned about the possible removal of fluoride from the community water supply and pointed out the Center for Disease Control had proclaimed water fluoridation as one of the ten great public health achievements of the twentieth century. He explained the fluoridation of community water was simply adjusting the naturally occurring fluoride in drinking water to the optimal level recommended by the U.S. Public Health Services. He believed water that had been fortified with fluoride was similar to fortifying milk with Vitamin D, table salt with iodine, and bread and cereals with folic acid, and did not feel any one study, personal opinion or statement taken out of context should be used to justify the removal fluoride from the water supply. He felt an illusion of a scientific controversy with regard to fluoridation had been created when no such controversy existed since the vast majority of scientific evidence collected throughout the past 65 years had consistently showed fluoridation of community water was safe and effective in preventing

dental decay in children and adults. He believed fluoride being considered a poison or neurotoxin was a matter of dose since large amounts of almost any substance, if dosed incorrectly, could be harmful. The does of 0.7 parts per million had been proven to be safe and effective. He pointed out the U.S. Public Health Services estimated \$50 dollars was saved in dental bills for every dollar spent on water fluoridation. He encouraged the Council to look at the science and avoid the half truths surrounding water fluoridation.

William Swift – Legal concerns involving the City’s present policy on the fluoridation of drinking water.

Mr. Swift understood those that were opposed to the fluoridation of the water supply were questioning its legality, which was a concern to him as a parent and an attorney. The arguments he had heard from those that opposed fluoridation were that it was a forced medication and medical treatment, there was potential liability under the Clean Water Act and a negligent act could result in liability to the City. He commented that as recently as April of 2013, the Surgeon General had issued a letter endorsing the fluoridation of water. In addition, the American Dental Association had a fluoridation of facts compendium, which over 100 groups had endorsed. The American Public Health Association website had a nice summary of many issues related to fluoridation, and it had indicated no court of last resort of any state had voided the use of fluoridation in the water or had found it was improper. He noted he found the *Readey versus St. Louis County Water Company* cased, which had been heard by the Missouri Supreme Court over 50 years ago, and the Missouri Supreme Court had found in favor of St. Louis County for the practice of fluoridating water. There was evidence to support fluoridation as a reasonable way to enhance public health so it was a proper exercise of the County’s authority. One of the arguments raised in the appeal was a due process violation since it was a compulsory medication and the response of the Missouri Supreme Court was that the County’s determination of the value of fluoridation outweighed any individual objection, while recognizing it might be burdensome or expensive to avoid County water. He stated the Missouri Supreme Court essentially rejected the notion this was forced medication. In addition, the Missouri Supreme Court mentioned the City of Columbia when the case was decided by indicating the City was already being a party to fluoridating its water. He referred to a decision out of the Florida Appellate Courts about twelve years ago in which the court had determined the fluoridation of the water was not a forced medication in that it was not being forced into anyone’s body as it stopped at the faucet. With regard to the Clean Water Act, he did not believe anyone could contend this was the discharge of pollutants. He also pointed out the City provided all kinds of services that could result in the act of negligence that could potentially impose liability, but did not stop providing those services. He urged the Council to stand by the practice of the last fifty years in terms of fluoridation because he believed it was in the best interest of the community and its children.

Ms. Nauser asked Mr. Swift if he could e-mail the Council the court cases he had cited. Mr. Swift replied he would provide those citations.

PUBLIC HEARINGS

B161-13 Adopting "Columbia Imagined - The Plan for How We Live & Grow".

The bill was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe commented that she did not see anything regarding the East Area Plan in this document, and suggested an amendment adding it to this document where ever the Metro 2020 was referenced if it had not been included. Mr. Teddy stated the Comprehensive Plan would not supersede the East Area Plan in any way. They viewed it as subarea plan so it had a little more specificity because it was an area within the City. Mr. Skala asked if it could be included as part of the appendix. Mr. Teddy understood Ms. Hoppe wanted an incorporation of the East Area Plan by reference since it was one of the plans that made up the Comprehensive Plan. He noted the resolution that had approved the Metro 2020 Plan had indicated the Thoroughfare Plan was also a part of the Comprehensive Plan. He felt to some extent it went without saying the East Area Plan was a part of this Plan, but thought they could add a clarification.

Ms. Hoppe made a motion to amend the amendment sheet associated with B161-13 by including an item that would incorporate the East Area Plan into the Comprehensive Plan by reference. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala asked why staff or those that developed the Comprehensive Plan changed the long standing policy of not extending sewers beyond the City limits. He understood sewer extensions had been contingent upon annexation or a commitment to future annexation in the past. Mr. Teddy replied he did not believe the policy had changed. They had only tried to reproduce the feedback that had been gained in the public process. Mr. Skala understood staff had only reflected the comments of the public. Mr. Teddy stated that was correct. He explained staff generally recommended annexation when there was urban development around the perimeter of the City in an effort to avoid the phenomenon of people taking advantage of City services without paying for those services. He noted at some point a sequence of annexations could be so strung out that they were committing themselves to a pattern of development that could be quite costly. He thought the feedback indicated they needed to be careful to not stray too far from the compact and contiguous principle.

Mr. Thomas stated he appreciated the fact the document reflected the public opinion expressed through a long and well structured input process and asked if the proposed language of "revise, relax or eliminate the annexation requirement" accurately reflected public opinion. He thought "consider revising, relaxing or eliminating the annexation requirement" was more appropriate. Mr. Teddy replied he felt the suggestion of Mr. Thomas was appropriate. Mr. Thomas noted he would suggest that amendment when they discussed the amendment sheet.

Mr. Thomas referred to the first strategy under Growth Management - Policy One, which indicated new development would pay a fair allocation of infrastructure costs, and asked Mr. Teddy to explain the process operationally in terms of new Council actions over the next 6-12 months to change some existing ordinances. Mr. Teddy replied he thought this

would include ramping up their analysis of development as it occurred outside and on the edge of the City. The scorecard system would involve developing a rating system, which would develop criteria and define costs and benefits as that could be done in financial terms, environmental terms, etc. Mr. Thomas asked if Council would request the development of the scorecard as a tool. Mr. Teddy replied he thought it could evolve from something informal staff used in-house to something more formal. Mr. Thomas referred to the revision of development standards and asked if documents currently existed in terms development fees that the Council would need to revise. Mr. Teddy replied he thought this could manifest itself in a number of ways. It could be incorporated any time they were reviewing a fee schedule. It could also support initiatives others might make. He noted it was intended to be general and he did not believe there was a specific activity connected to it.

Ms. Hoppe referred to plan review, evaluation and update process, and felt the first procedure should include the Council as it was important for Council to provide input. She suggested it say “a set of evaluation criteria, including indicators or metrics, together with specific action statements, will be developed for each of the seven plan elements/categories by the Planning and Zoning Commission, with the assistance of City staff, for City Council review and approval within the first two years after plan adoption.” Mr. Teddy understood the Council expected to see a report within a two year interval and wanted it included so the cycle was complete.

Ms. Hoppe made a motion to amend the amendment sheet associated with B161-13 to include an item that would change the Comprehensive Plan so the first procedure under the plan review, evaluation and update process was submitted to Council. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

Ben Jacobs, Fifth Ward, commented that he assumed the Mayor’s Climate Protection Agreement and the Vision Report were still policies of the City and wanted to ensure the proper reviews were done to ensure the Comprehensive Plan was consistent with those items. If those items had not been reviewed in that aspect, he suggested that review be done before formally approving the Plan.

Don Stamper, 2604 Stadium Boulevard, asked for clarification. He asked if the Plan submitted by the Comprehensive Plan Task Force and staff was being discussed or if the twenty-plus amendments were being discussed or if everything was being discussed. Mayor McDavid replied the discussion tonight was on the Plan and the amendment sheet with twenty potential amendments to the Plan. Mr. Stamper understood the amendment sheet had not been acted upon. Mayor McDavid stated it had not yet been acted upon and would be acted upon immediately after the public hearing. Mr. Stamper asked about the two motions that had been made. Ms. Hoppe replied the two motions were to add amendments to the amendment sheet. Mayor McDavid stated they were for clarification purposes and did not reflect policy changes. He understood Mr. Skala had indicated he would speak on annexations being tied to the sewer extension policy. Mr. Stamper asked that his exception be noted on what was being debated as it was very confusing and the process was unclear.

Mr. Stamper explained he was a member of the Comprehensive Plan Task Force and urged the Council to not approve the amendments before them as he felt approval of the

amendments would result in sending the wrong message to hundreds of volunteers, concerned citizens and members of the Comprehensive Plan Task Force. He stated this appeared to be and gave an image of being a manipulation or gerrymandering of the end result of the body of work and product. He was concerned about this process as he had submitted to a process, which included debate, discussion and compromise, and had resulted in an excellent advisory document. He felt the changes being made should be debated and any attempt to change the Plan from an advisory document to a regulatory document was a mistake. He believed the urban growth boundary should be a living boundary and should provide the opportunity for the community to continue to lead as a regional resource. Any prohibition to extending services outside of the boundary was a mistake and would likely be in violation to commitments made when accepting federal and state funds for the expansion of sewer services. He was concerned about what would happen to Columbia if the Council adopted an urban growth boundary and refused to extend services beyond it as he believed sewer would run through the City and on top of the ground. In addition, he felt it would create urban sprawl as people would jump outside of the boundary where it was cheaper, less cumbersome and less difficult to develop and grow. He reiterated the Comprehensive Plan was a body of work on behalf of people that had met for over three years and noted he was a participant that had enjoyed the debate and conflict involved in the process that would lead to the betterment of the community. He felt many of the recommendations were an attempt to shift the focus and emphasis of the document from an advisory document to a regulatory document. He urged the Council to not restrict its boundaries as it was an enormous mistake and one that could cause them to lose their tax base. He asked the Council to accept the Comprehensive Plan as an advisory document as presented. He suggested it be used as the Council debated policy, while allowing the public to participate in that debate of policy.

Mr. Thomas asked if there were any specific amendments he was concerned with as he felt the vast majority were clarifications or corrections of inaccurate statements. Mr. Stamper replied some words, which had been debated, were being changed for emphasis here and there. He reiterated he thought the body of work stood. If the Council felt it was flawed, he thought they needed to point out those flaws and refer it back to the Planning and Zoning Commission and the Comprehensive Plan Task Force. He did not think the Council should tell the Task Force their work did not matter as they had three years of experience and investment in it.

Mr. Skala commented that he did not believe anyone was suggesting the work of the Task Force did not matter. He asked Mr. Stamper if he would agree that generally speaking one of the significant parts of the Comprehensive Plan was that it tended to agree with the visioning statements created several years ago. He felt the power of the Plan was that the ideas of the visioning process had been upheld and reaffirmed, and asked Mr. Stamper if he agreed. Mr. Stamper replied he agreed the process was followed and the report that was forwarded to Council reflected those, but pointed out he did not agree with the proposed twenty amendments. He was uncertain of their origin and noted they had not been debated, vetted or discussed. He stated the amendments appeared to be a manipulation on behalf of personal preferences and individual fetishes.

John Clark, 403 N. Ninth Street, explained he had followed this process closely and noted he was quite pleased with the document in general. He did not feel the term cost-benefit was appropriate or useful as he thought they really wanted a fiscal impact analysis of the various issues on the financial situation of the City in the long and short term. He believed this was a document about City government and the impact on its ability to provide services and finance infrastructure. He felt the term cost-benefit was ambiguous and wondered to whom it was a cost or benefit and for what it was a cost or benefit. The idea of a fiscal impact on the finances of the City government and its ability to do its job was a more well-defined term. He encouraged the Council to eliminate or ignore the narrower focus of a cost-benefit analysis. He believed another issue was whether this Plan would be a guideline like the Metro 2020 as that had become a worthless and useless document in terms of growth management. He hoped this Plan would be more than guidelines and less than a mandate. He urged the Council to adopt most of the amendments and to adopt the Comprehensive Plan.

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

Mr. Skala made a motion to approve the amended amendment sheet associated with B161-13. The motion was seconded Ms. Hoppe.

Mr. Thomas made a motion to amend the amended amendment sheet associated with B161-13 so A.19 would read “consider revising, relaxing or eliminating the annexation requirement...” He understood the intent was not to mandate it. The motion was seconded by Ms. Nauser.

Mr. Skala commented that this policy had changed in the context of the Comprehensive Plan. He did not believe the intent in the past had been to extend sewers beyond the annexation or annexation agreement. In 2010, the Council had affirmed the policy to extend sewers within the context of annexations and annexation agreements. He thought they should only extend sewers when necessary in terms of public health pending Council approval or within annexed property or where they was an agreement to annex property, unless it was brought before the Council for an exception. He did not feel that policy should be changed. He felt the language of “revise, relax or eliminate the annexation requirement...” was a change in policy. He reiterated he believed they should have a policy that suggested they should only extend sewers to annexed property or property with an agreement to annex and subject to Council approval if there were exceptions for public health.

Mayor McDavid did not believe they were changing policy and asked staff if this was a change in policy. Mr. Zenner replied the recommendation was for Council to consider the annexation policy and how it had been implemented as a way of managing the allocation of infrastructure outside of the corporate limits and where it was currently funded to be improved, upgraded or extended according to the Capital Improvement Program. The idea was that staff understood there were areas outside of the City where sewers might need to be extended for the purposes of public health protection through an annexation agreement, but staff did not believe it was always in the best interest of the City to extend sewer where they did not have a more defined plan of growth due to sewer districts and territorial agreements that provided for the on-going maintenance of sewer even though it was run and

connected through the City. Mr. Skala explained his reading of the amendment in terms of “revise, relax or eliminate” was a change in policy, and noted he was comfortable with cases being brought before the Council to determine exceptions. Mr. Teddy pointed out each of these decisions would require Council action and noted the policy currently provided the Council the option to make exceptions. Mr. Skala stated “revise, relax or eliminate” had not been in the policy previously and asked for clarification. Mr. Zenner replied it was outgrowth of what had accumulated through 2 ½ years of public engagement. Public input indicated the City needed to look at ways to control the endless expansion of the City to support development on the fringes when they had a County organization that could regulate accordingly. Mr. Skala commented that the feedback he had received when running for office was that the City should not extend services they could not afford. Mr. Zenner explained the Plan, as part of the adequate cost allocation, covered development outside of the urban service area in that it was at the expense of the developer. Mr. Skala stated he felt the cost-benefit analysis or fiscal analysis should be a part of the amendment as well, and noted he wanted to use the language provided by Mr. Dudark via e-mail to the Council about two weeks ago.

Mayor McDavid commented that a part of him wanted to vote against any additional amendments because this 160 page document was a result of three years of work and he did not feel they should be wordsmithing it. It was an advisory document. It was not policy or a regulator document. He stated he would vote against all amendments as a matter of principle other than the amendment sheet.

Mr. Trapp agreed with the comments of Mayor McDavid and Mr. Stamper, and noted he thought they should resist the temptation to continue amending the document. He felt there were other forums to have more robust conversations. He had looked at some of the refinements and wondered if they had deviated, and in what ways, from conversations that were more participatory. He stated he would also vote against these amendments.

Ms. Nauser agreed with the comments of Mr. Trapp and Mayor McDavid. She felt this was similar to the vision process whereby a diverse group of people developed the advisory Vision Report, and the Council had accepted that document without manipulating it. She noted she would not support any of the amendments either. She pointed out they could hold the appropriate public hearings on all of the issues related to policy, to include sewer.

Mr. Skala stated he would vote against Mr. Thomas’ motion. He believed the power of the document was that it reaffirmed the visioning statements and felt all of the amendments, to include the text amendments, were improvements. Although he believed Mr. Thomas’ proposal was better than the initial proposal, he could not vote in favor of it since it did not include the fiscal analysis of the cost to annex as part of the sewer extension. In addition, he wanted to ensure the City did not extend sewers beyond the urban service area without Council approval for an exception due to public health.

Mr. Thomas pointed out he had attended many of the meetings that had been held by the Task Force over the 2 ½ years, and felt the slight rewording he proposed was a more accurate reflection of discussions.

The motion made by Mr. Thomas and seconded by Ms. Nauser to amend the amended amendment sheet associated with B161-13 so A.19 would read “consider revising,

relaxing or eliminating the annexation requirement” was approved by voice vote with only Mr. Trapp, Mr. Skala and Mayor McDavid voting against it.

Mr. Skala made a motion to amend the amended amendment sheet associated with B161-13 so the proposed amendment made by Mr. Thomas associated with A.19 was replaced with the conditions to have a cost-benefit analysis for any sewer extension policy and to not allow the extension of sewer services beyond the urban growth area without the approval of the City Council. The motion was seconded by Mr. Schmidt.

Mayor McDavid stated he would not vote in favor of this motion as he believed the principles were redundant and were spelled out in the rest of the document. He also felt this was an attempt to create a policy statement within an advisory document. He understood any sewer extension would come before the City Council and would be fiducially evaluated by the City Council at that time as per the due diligence expected of elected representatives.

Mr. Thomas noted A.8 on the amendment sheet added language indicating annexation should be guided by the ability to provide basic services to property and the need for a cost-benefit analysis of the revenue and environmental benefits of the annexation versus the cost of service provision. Mr. Skala explained that was included in the text, but it was not repeated in this portion of the Plan.

Mr. Skala stated he would like to see a cost-benefit analysis for any annexation or annexation agreement relating to sewer extension and did not believe the City should extend any sewer beyond the urban service area unless the City Council made an exception.

Mr. Schmidt read Mr. Dudark’s e-mail, which suggested continuing the requirement of annexation or an annexation agreement to receive City sewer service unless a waiver was granted by the City Council, and for the waiver to be dependent upon a cost-benefit analysis.

Mr. Skala revised his motion to amend the amended amendment sheet associated with B161-13 so A.19 would read “continue the requirement of annexation or annexation agreement to receive City sewer service unless a waiver was granted by the City Council pursuant to a cost-benefit analysis.” Mr. Schmidt was agreeable to the revision and seconded the revised motion.

Mayor McDavid reiterated he would vote against this as he felt it was unnecessary and redundant, and reflected a policy decision in an advisory document.

Mr. Thomas stated he would vote against it because he did not feel it accurately reflected public input.

The motion made by Mr. Skala and seconded by Mr. Schmidt to amend the amended amendment sheet associated with B161-13 so A.19 would read “continue the requirement of annexation or annexation agreement to receive City sewer service unless a waiver was granted by the City Council pursuant to a cost-benefit analysis” was defeated by voice vote with only Mr. Schmidt, Mr. Skala and Ms. Hoppe voting in favor of it.

Mayor McDavid stated he would vote in favor of the amended amendment sheet as he did not view the amendments as substantial changes in terms of the intent of the Comprehensive Plan Task Force. He viewed them as descriptive and grammatical. He noted it was a broad based advisory statement and a regulatory policy would come through the Council at another time.

Mr. Thomas explained he had reviewed the amendments carefully and felt comfortable in that they provided clarification or corrected simple errors. He asked staff for its thoughts on the changes made by the copy editor. Mr. Zenner replied the copy editor's work included clarification, correction of grammatical issues and general formatting changes. They did not believe the changes would change the intent of the document. He pointed out it did change some statements from a passive voice to an active voice, which was a standard in writing.

Ms. Thompson asked for clarification regarding the motion involving the East Area Plan that had been made by Ms. Hoppe and approved. She wanted to ensure staff had direction on where it needed to be included. She noted it was mentioned on page 66 during the discussion of small area plans and indicated small area plans were incorporated into Columbia Imagined as supplemental planning documents. She asked if they wanted something more than that or if they would leave it to staff discretion. Ms. Hoppe thought some reference should be made in the appendix, but did not need the entire plan included since it was 143 pages. Mr. Zenner asked Ms. Hoppe if she would be satisfied if they included the resolution from the County Commission as well as the ordinance adopting the East Area Plan in the appendix. Ms. Hoppe replied she would be agreeable to that. Mr. Zenner pointed out a number of ideas incorporate in the Comprehensive Plan and its policies, goals and objectives were clear references to the East Area Plan as staff had utilized it as a basis.

Mr. Skala understood one of the amendments dealt with community policing and referenced the "Broken Windows" idea, and pointed out the "Broken Windows" idea was not community policing. Crime Prevention Through Environmental Design (CPTED) and the "Broken Windows" idea were important, but it implied zero tolerance policing. He was not sure it was necessary to make changes to that amendment, but wanted to point this out.

The motion made by Mr. Skala and seconded by Ms. Hoppe to approve the amended amendment sheet associated with B161-13 was approved by voice vote with only Mr. Trapp and Ms. Nauser voting against it.

The vote on B161-13, as amended, was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B281-13 Authorizing construction of the Gans Creek Recreation Area – Phase I improvement project, more specifically to include construction of multi-sport athletic fields, a shelter with concession stand, a large picnic shelter, a playground, a dog park, a perimeter walking trail, restrooms and supporting amenities to include the installation and construction of utilities, roads and parking areas; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

Rick Shanker, 1829 Cliff Drive, asked the Council to require staff to obtain more public input with regard to the use of the remaining acreage on the site. During the initial meetings certain groups had voiced certain uses which were rejected so he wanted that dialogue to be opened again for more input to be provided.

Mr. Schmidt asked Mr. Shanker if he would name a couple of those uses. Mr. Shanker replied he preferred not to state them at this time. He noted there were a lot of uses rejected for many different reasons.

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

Ms. Nauser commented that she recalled discussions involving horses and horse trails for other parts of the property and asked if staff was considering that use. She explained she was an avid trail rider and understood other riders were looking for more trail opportunities in the region. Mr. Griggs replied that was one of the activities not chosen to be included. The bottom area was karst topography and staff was concerned about sinkholes, etc. In addition, Rock Bridge State Park was concerned that if the City opened up this area for horses, more horses would come to the Park, which had karst topography as well. Staff felt the Atkins tract north of the Boone County Fairgrounds would be a better site so they were looking at creating equestrian trails around the 80 acre tract there.

Ms. Hoppe understood an interested parties meeting was recently held on Phase I of the Gans Creek Recreation Area and noted interested parties meetings would be held on the other phases as well. Mr. Griggs stated that was correct.

Mayor McDavid thanked the previous Council and staff that had been involved in the decision to purchase and develop this land as he believed it was visionary and would be a crown jewel in the parks system. He stated he was particularly pleased about the seven athletic fields as it might allow Columbia to host a regional soccer event instead of everyone traveling to Kansas City, St. Louis and Joplin. He also thanked staff for clearly defining how they planned to spend the tax revenue as part of the ballot issues.

Mr. Skala stated he was recently appointed to the Fairgrounds Task Force and discussions regarding horse trails in the area were currently on-going.

Ms. Hoppe commented that this was a valuable and major southeast park for the growing population and an important buffer to Rock Bridge State Park. She noted she appreciated the fact the water was being directed toward Philips Lake so it would not drain into Rock Bridge State Park and the karst areas.

B281-13 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

PR194-13 Supporting a compensation philosophy for employees of the City of Columbia, Missouri that reflects the values and goals of the City.

The policy resolution was read by the Clerk.

Ms. Buckler provided a staff report.

The vote on PR194-13 was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B271-13 Vacating Hillcrest Road street right-of-way subject to the demolition of the structures located at 1800 and 1804 Hillcrest Road and removal and relocation of the existing utilities.

B272-13 Vacating public rights-of-way located north of Chapel Hill Road, between Face Rock Court and Madison Park Drive.

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked if there had been any discussion with regard to a trail easement between Chapel Hill and the County House Branch. Mr. Teddy replied he was sure it had been considered for a time. The area was wooded and sloped, and on the other side of the creek from the trail. This would not be a planned district so there would likely not be an opportunity to negotiate for the trail. He noted staff usually looked at the Trails Plan and he did not believe there was a connector indicated in that location. If there had been a connector identified, they would have likely pursued it further. He pointed out the trail would have to follow the contours in some fashion so he did not feel these rights-of-way were relevant.

Ms. Hoppe understood there was an interest in developing this property as an assisted living or retirement community. Mr. Teddy stated that was correct.

Jeff Frey, 300 Maplewood Drive, stated he believed they needed to have trails along the creek. If this property was to be used for independent or senior living, he felt it would be good for them to exercise and have access to the trail.

B271-13 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B272-13 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B273-13 Vacating drainage easements and a sanitary sewer easement within Magnolia Falls Subdivision Plat 2 located southeast of the intersection of Old Mill Creek Road and State Route KK.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

B273-13 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B274-13 Authorizing an annexation agreement with Pendurthi Properties, LLC for property located at 5960 and 5964 N. Wagon Trail Road.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

B274-13 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B265-13 Voluntary annexation of property located on the west side of Howard Orchard Road, south of Stedman Road (5551 Howard Orchard Road); establishing permanent R-1 zoning.
- B266-13 Rezoning property located on the north side of West Broadway and west of Pershing Road (1311 West Broadway) from R-2 to PUD-8-7; approving the Cottage Grove PUD Plan; allowing reductions in the required perimeter setback.
- B267-13 Granting a variance from the Subdivision Regulations, and a waiver from the requirements of the City Code, relating to construction of a sidewalk along a portion of the south side of Richland Road (5000 E. Richland Road); setting forth conditions for approval.
- B268-13 Changing the use allowed on PUD-10 zoned property located east of Old Hawthorne Drive West, north of the Old Hawthorne Clubhouse; approving a revised statement of intent; approving the Residences at Old Hawthorne PUD Plan.
- B269-13 Approving the Final Plat of Alamo Place, Plat 1-A located on the south side of Business Loop 70, west of Clinkscapes Road.
- B270-13 Approving the Final Plat of Heritage Village, Plat No. 1 located on the north side of Muirfield Drive, at the western termini of Southampton Drive and Kenilworth Drive; authorizing a performance contract.
- B275-13 Amending Chapter 14 of the City Code to prohibit parking on signed snow routes when snow is more than two (2) inches deep on the roadway.
- B276-13 Amending Chapter 14 of the City Code to prohibit parking on a portion of Madison Street.
- B277-13 Authorizing a Contract of Obligation with the Missouri Department of Natural Resources to satisfy financial assurance requirements for proper closure and post-closure care with respect to a permit to operate Columbia’s landfill.
- B278-13 Accepting conveyances for sewer and drainage purposes.
- B279-13 Authorizing replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle; directing that plans and specifications for the improvement be prepared; declaring the necessity for the acquisition of easements.
- B280-13 Accepting conveyances for utility purposes.
- B282-13 Amending Chapter 21 of the City Code as it relates to member term limits for the Citizens Police Review Board.
- B283-13 Accepting donations from State Farm and Central Missouri Chapter CPCU to be used by the Fire Department for a fire sprinkler education program; appropriating funds.
- B284-13 Authorizing a cooperative agreement with Boone County, Missouri and the Boone County Sheriff’s Department to govern the use, storage and disclosure of Automatic License Plate Recognition (ALPR) data.

- R195-13 Setting a public hearing: construction of the Children’s Grove at Stephens Lake Park.

- R196-13 Setting a public hearing: consider a Citizen Participation Plan in connection with development of the 2015-2019 Consolidated Plan for prioritization and expenditure of HUD entitlement grant funds.

- R197-13 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation.

- R198-13 Authorizing an inspections participation agreement with the Missouri Department of Health and Senior Services for the child care sanitation program.

- R199-13 Authorizing a memorandum of understanding with the Missouri Department of Health and Senior Services for the issuance of birth and death certificates.

- R200-13 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for the provision of Title X family planning services.

- R201-13 Authorizing agreements with various cultural organizations; authorizing agreements of up to \$750 per agreement for arts programming or services for cultural organizations.

- R202-13 Approving the by-laws of the Rockingham Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.

- R203-13 Authorizing amendments to the micro-loan program funding agreements with Central Missouri Community Action.

- R204-13 Transferring funds for the improvement and rehabilitation of sanitary sewer pipes and manholes in the Bear Creek and Flat Branch Creek watersheds.

- R205-13 Authorizing the temporary closure of an alley located between Short Street and College Avenue to allow for the construction of a new apartment building.

- R206-13 Authorizing an irrevocable license agreement with the Henry Thomas Friedrich and Clara Jane Friedrich Common Trust to provide temporary construction access for the replacement of a deficient electric transmission structure.

- R207-13 Authorizing an agreement with URS Corporation for professional engineering services for construction of street improvements on Providence Road, from Stadium Boulevard to Stewart Road.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER (except for B284-13 and R200-13 on which she voted no), HOPPE, MCDAVID. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R208-13 Forgiving a Community Development Block Grant (CDBG) rehabilitation loan on property located at 208 Ridgeway Avenue; authorizing a full deed of release; authorizing a contract for sale of real estate with Evelyn Lee.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe made a motion to table R208-13 to the October 21, 2013 Council Meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

INTRODUCTION AND FIRST READING

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

- B285-13 Rezoning property located on the southeast corner of Providence Road and Broadway from Districts C-2 and M-1 to District C-P; approving the CVS Pharmacy C-P Development Plan; setting forth conditions for approval; approving less stringent setback requirements; providing for construction, landscaping and maintenance of a pocket park on City-owned property.

- B286-13 Approving the Final Plat of Magnolia Falls Plat 2, a Replat of a portion of Magnolia Falls, located on the southeast corner of Old Mill Creek Road and State Route KK.

- B287-13 Approving the Final Plat of Old Hawthorne, Plat No. 11 located on the northeast corner of State Route WW and Old Hawthorne Drive; authorizing a performance contract; setting forth a condition for approval.

- B288-13 Approving the Final Plat of Rock Valley, Plat 4 located on the north side of Chapel Hill Road, between Face Rock Court and Madison Park Drive; authorizing a performance contract.

- B289-13 Amending Chapters 13, 16 and 22 of the City Code as they relate to the duty of real estate agents, landlords and others to disclose occupancy limitations under the zoning code.

- B290-13 Vacating sewer easements as part of the South Country Club Drive PCCE #6 sewer improvement project; accepting conveyances for sewer purposes.

- B291-13 Vacating a water utility easement located on the west side of Old 63 and north of Grindstone Parkway; accepting a conveyance for water utility purposes.

- B292-13 Amending Chapter 14 of the City Code to establish parking fees for the Short Street parking facility.

- B293-13 Amending Chapter 14 of the City Code to prohibit parking along the southwest side of Sandifer Avenue.

- B294-13 Authorizing conveyance of a water line easement to Consolidated Public Water Supply District No. 1 of Boone County, Missouri necessary for the relocation of a water line as part of the Scott Boulevard Phase 2 project.

- B295-13 Authorizing a right of use permit with 1101 East Walnut, LLC to allow construction, improvement, operation and maintenance of balconies to extend within a portion of the alley right-of-way between Orr Street and St. James Street.

- B296-13 Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, LLC, for the installation of fiber optic telecommunications cable within City rights-of way.

- B297-13 Appropriating funds for the construction of speed humps on Trinity Place.

- B298-13 Accepting conveyances for utility purposes.

- B299-13** Authorizing construction of the Children’s Grove at Stephens Lake Park; calling for bids through the Purchasing Division; appropriating funds.
- B300-13** Approving the 2013 Parks, Recreation and Open Space Master Plan.

REPORTS AND PETITIONS

REP146-13 Bike Boulevard Modifications at Ash and Orr Streets (GetAbout).

Mr. Glascock provided a staff report.

Mr. Thomas asked if a bulb out was being designed for the northwest corner. Mr. Glascock replied yes. Mr. Thomas asked if the two parking spaces the business owners were concerned with were still being removed. Mr. Glascock replied one needed to be removed so they could install the stop sign. If they did not remove it, Ash Street would be blocked. The bulb out would be installed to force people over. Mr. Thomas asked if the two parking spaces south of the intersection on the left side of Orr Street would still be removed. Mr. Glascock replied he did not believe any parking spaces on the south had been proposed for removal.

Mayor McDavid asked for clarification regarding the involvement of Ameren. He wondered if there would be a period of time where there would be a loss of spaces. Mr. Glascock replied no. He pointed out the Bike Boulevard would not be constructed until after Ameren was done with its work.

Mr. Thomas stated he liked making this intersection a four-way stop since it would be a Bike Boulevard. He thought it would be a safety improvement and would not be inconvenient to traffic since traffic should move slowly in the area anyway.

Mr. Thomas made a motion directing staff to proceed with the modified design for the Ash and Orr Street intersection. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP147-13 Clark Lane Non-Motorized Access.

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

Mr. Trapp understood this would be in addition to installing sidewalks in the future. This would not be done in place of installing sidewalks. Mr. Glascock stated that was correct. They would construct something that would be reused once curb and gutter was installed. It would not be torn out.

Mr. Skala asked about the accessibility issues with this option. Mr. Glascock replied this would prevent people from being in the street in traffic. Mr. Skala understood the shoulders would be six feet wide and striped, and that the alternative was for nothing to be done at this time. Mr. Glascock stated that was correct as nothing could be done for at least three years. Since the City would utilize federal money, it took longer to proceed with the project. He pointed out they received the federal GetAbout money in 2006, and had not spent all of it yet.

Mayor McDavid understood the asphalt was permanent. Mr. Glascock stated that was correct. Ms. Hoppe understood it would be part of the street in the future. Mr. Glascock stated that was correct.

Mayor McDavid asked if this would be safe as there would not be any delineators and Clark Lane was a fairly heavily traveled road. Mr. Glascock replied he believed it was safer than walking in the traffic lane.

Mr. Skala explained public safety was needed on this road and believed six feet was better than nothing since the sidewalks could not be constructed within the next year. People currently walked next to the road with oxygen tanks. He felt a striped six foot extension, which could be used for the road improvement, was a good option. He pointed out other streets around town were similarly built.

Mr. Schmidt asked who would sweep the road and whether the shoulders would be swept. Mr. Glascock replied if MoDOT did not sweep it, the City would.

Mr. Thomas understood this project was included with the GetAbout Phase 2 projects for about \$400,000, and it was clear everyone on the Council wanted it to be completed. Mr. Glascock stated the \$400,000 cost estimate was not accurate. It would likely cost about \$750,000. Mr. Thomas understood it would cost \$750,000 to do this project properly, and that included a separated sidewalk in the location the sidewalk would end up when Clark Lane was widened. Mr. Glascock stated that was correct. Mr. Thomas asked if it could be done for \$750,000 next year. Mr. Glascock replied no. He explained the project would require construction easements, which involved the purchase of rights-of-way, the design would need to be completed and they would have to do everything the federal government required, which included NEPA reviews. It took 2-3 years to get through the federal process. Mr. Thomas asked if staff was aware of this when it was placed on the list. Mr. Glascock replied yes, and explained it was placed on the list when the Grindstone Trail was being discussed. This project was held up until a decision on the Grindstone Trail was made because they did not know how the GetAbout funds would be used. Mr. Thomas noted there were a couple places where the road was low and crossed a ditch, and asked if the six foot shoulder could be maintained across those areas. Mr. Glascock replied they would try because they did not want to push people into the street.

Ms. Hoppe asked if signage could be installed to notify motorists so it was a little safer. Mr. Glascock replied it would be marked with a sharrow or something similar. In terms of walking, he felt pedestrians should travel against traffic on the other side of the road, so they could see what was coming at them. He noted they would need to educate the public.

Mr. Skala understood the speed limit was 45 mph, but traffic moved considerably faster. He asked if there was a possibility of working with MoDOT to reduce the speed limit. Mr. Glascock replied the City was talking to MoDOT regarding the entire project and could discuss the speed limit as well. Ms. Hoppe asked staff if they could have that conversation with MoDOT as part of the asphalt shoulder work. Mr. Glascock replied they could.

Mr. Thomas asked for clarification regarding the look and feel of the asphalt. Mr. Glascock replied it would be similar to what was on Broadway. Mr. Thomas understood the existing Clark Lane was concrete. Mr. Glascock stated the five lane section to Home Depot was concrete, but the two lane section where the shoulders would be created was asphalt.

Mr. Thomas stated he had noticed there were some sidewalks set further back at the ends in preparation for the wider road and asked if the City would tie into those. Mr. Glascock replied he was not sure, but he doubted it. He explained they would only add

shoulders at this time. He noted they would look into it as they might be able to do something similar to what they did on WW. Mr. Thomas pointed out there was one section of sidewalk already built in front of the Casey's store. Mr. Skala explained there were requirements in terms of development for sidewalks to fit into this eventual plan. His goal was to get something installed next year, and not wait 2-4 years from now. This proposal had the advantage of becoming a part of the roadway. It would not need to be ripped up.

Mr. Skala made a motion directing staff to begin the public improvement process to add six foot wide shoulders on both sides of Clark Lane by widening the Clark Lane pavement and slightly narrowing the vehicular lanes. The motion was seconded by Mr. Trapp and approved by voice vote with only Mr. Thomas voting no.

REP148-13 Potential Renaming of Old 63 Roadside Park.

Ms. Hoppe explained this park was named Old 63 Roadside Park so it was not named for a specific person or reason. Sterling Wyatt was killed in Afghanistan and had been a member of the Shepard Neighborhood Association. He had participated in an Adopt-A-Spot with the Roadside Park and had worked across from it. She understood a suggestion of staff was to consider a generic name so others that had fallen in action could be recognized as well. She felt this was a small neighborhood park and was not large enough to serve as a memorial for veterans. In addition, the County had an area to recognize veterans. She understood the Neighborhood Association along with the family would appreciate it being named Sterling W. Wyatt Park.

Ms. Hoppe made a motion to rename the Old 63 Roadside Park to Sterling W. Wyatt Park. The motion was seconded by Mayor McDavid.

Mayor McDavid stated he was close to the Wyatt family and had known Sterling Wyatt. He commented that this was an interesting park as it had a plaque that had been placed there by the Boone County Historical Society in 1953 at a time when he believed the City limit was Highway 63, so it was the main road between Columbia and Jefferson City. The plaque described the early history of Columbia as seen in 1953. He understood that plaque would remain and was agreeable to renaming the park.

Ms. Nauser thought it was appropriate to rename the park and supported it.

The motion made by Ms. Hoppe and seconded by Mayor McDavid to rename the Old 63 Roadside Park to Sterling W. Wyatt Park was approved unanimously by voice vote.

REP149-13 Administrative Public Improvement Process - Water Treatment Plant Aerators and Replacement of the Hinkson Creek Transformer T1.

Mr. Johnsen provided a staff report.

Ms. Hoppe understood this 44 year old transformer would be replaced with a transformer that cost \$500,000, and asked for the age of the other transformers and whether technology was changing to the point this transformer would need to be replaced within the next five years. Mr. Johnsen replied a back up had been placed at this location and the City was purchasing another back up transformer so they had one ready to go when one died. He noted the technology had not changed substantially for transformer design. There had been improvements to protections, but the transformer was essentially the same. Ms. Hoppe

asked if there were other transformers that were close to the 44 year old age. Mr. Johnsen replied yes, and explained they tested the transformers to predict when they might fail. This transformer had a piece of equipment that shorted and finished off ahead of the time they had predicted.

Mr. Schmidt asked if depreciation was used on the transformers. Mr. Johnsen replied yes. Mr. Schmidt understood that meant transformers that were 44 years old had a book value of zero. Mr. Johnsen stated the depreciation schedule for transformers was typically 30 years.

REP150-13 Correspondence from the Downtown Columbia Improvement District regarding Street Closures within CID Boundaries.

Mayor McDavid noted the Downtown Community Improvement District (CID) had reminded them they had made recommendations in January 2012 regarding street closures in the downtown. In light of the recent controversy over proposed street closures, he suggested they ask staff to place these recommendations in ordinance form for Council consideration.

Mayor McDavid made a motion directing staff to draft an ordinance which included the recommendations of the Downtown CID for Council consideration. The motion was seconded by Mr. Schmidt.

Ms. Hoppe hoped the ordinance would be reviewed by the Downtown CID prior to being brought to Council. Mayor McDavid agreed that was a good idea and asked that it be done.

The motion made by Mayor McDavid and seconded by Mr. Schmidt directing staff to draft an ordinance which included the recommendations of the Downtown CID for Council consideration was approved unanimously by voice vote.

Ms. Rhodes provided a brief update and explained the Special Event Committee had been working on the revised application form for quite some time. All of the recommendations of the Downtown CID had been incorporated in the new special use permit application. She pointed out the Special Event Committee would likely have some proposals that were slightly different. She provided the 51 percent signature threshold as an example since the Committee was proposing 80 percent, and noted a few other differences. She also listed the items in which they were in agreement. She pointed out the Committee was recommending a \$100 non-refundable fee, which was consistent with Des Moines, Iowa. She explained the Law Department was reviewing the Committee suggested changes and putting it into ordinance format. It would then be reviewed by the Downtown CID and would go to the Council for its consideration afterwards.

Mayor McDavid commented that he felt a commercial entity closing down a City street to merely extend its footprint to make a profit should pay an appropriate fee, which would include public safety costs, such as police officers. Ms. Rhodes stated she did not disagree with the comment made by Mayor McDavid, but explained they were taking small steps to improve the situation. Mayor McDavid understood, but pointed out he felt the fee should be substantially higher for a for-profit venture. Mr. Schmidt agreed and noted there was a distinction between a charity run and a concert. Mayor McDavid felt a concert was more

acceptable than just selling beer in the street. Mr. Matthes stated the changes the Special Event Committee had in mind accommodated the differences in the types of events that might occur since a parade was different from Roots N' Blues, etc. Staff would come back to Council with something in the future.

Ms. Nauser thought common sense needed to prevail, especially in terms of the bus route issue. She noted an event on New Year's Eve that only impacted 30 minutes of the bus route should not hinder the event from occurring. She explained she had been contacted about that situation and felt it should not affect the approval process.

REP151-13 Intra-Departmental Transfer of Funds Request.

Mayor McDavid understood this report had been provided for informational purposes.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Cindy Mustard commented that she supported having fluoride in the water. She experienced it being in the water since she was two years old and believed it made a difference for her family. She noted her father did not have a cavity until he was 60, her daughter had never had one, and she only had them when she lived in Kansas City. She thought it made a difference for those that had been raised in Columbia. She also believed this was important to those that could not always afford the best dental care. Fluoride in the water provided every child the opportunity for a healthy start and it was also beneficial for adults. She noted there were a lot of resources for dental aid for children in Columbia, but there was not much assistance for adults. She believed fluoride in the water would prevent more dental problems and reiterated the comment made by Mr. Ries in that the Center for Disease Control had indicated water fluoridation was one of the ten great public health achievements of the twentieth century. She hoped the Council would support continuing the use of fluoride in the water system.

Troy Balthazor, 3615 Chatham Drive, stated he was representing the Mid-Missouri Advocacy Coalition and understood the City was considering addressing the Clark Lane pedestrian facility through a quick fix of extending asphalt surface to provide a resemblance of an accessible route. They felt the Clark Lane project was extremely important because it addressed an area that supported an extremely high number and ratio of people with disabilities, who were elderly and of low income. They believed it was imperative for a commitment to provide safe, accessible and usable pedestrian routes, and did not feel it was acceptable to consider a quick fix solution that did not meet the standards. The people living near Clark Lane deserved the same high quality pedestrian facilities other citizens in other areas received. This meant dedicated sidewalks constructed in a way that separated users from motorized transportation and met current federal, state and local standards and civil rights laws. He commented that extending the asphalt was not only an unsafe band-aid approach, but it was also a disservice for those that lived in the area. They encouraged the City to utilize model street standards used in other parts of the City and to move up the full and proper development of this project on the list of priorities. He noted a quick fix was not described to the people when this was previously discussed. If the issue was easements, he

suggested they get to work on obtaining the easements. He asked the Council to rescind the decision it made earlier regarding the Clark Lane sidewalks.

Mayor McDavid asked Mr. Matthes to explain why permanent sidewalks could not be installed at this time. Mr. Matthes replied it was a choice between doing something next construction season or three years from now. The process for the permanent separated sidewalks was lengthy since Clark Lane was not a City road. They had to coordinate with MoDOT and the federal government in terms of environmental clearances, etc. The shoulders could be done right away and there were areas in the community where the walking path was right against the road. Mayor McDavid understood the City intended to proceed with a permanent fix of an off-set sidewalk in the future. Mr. Trapp pointed out that moving forward with the shoulders would not add one day toward getting the permanent sidewalks. Mr. Matthes agreed. Mr. Thomas understood the permanent sidewalk required the identification of a fairly significant amount of funds as well. Mr. Skala pointed out the acquisition of right-of-way was an issue. He felt this was a nothing or something issue.

Fred Christman explained he had practiced dentistry for over 30 years and had been in Columbia since 1969. There were areas in Missouri that were well known among dentists that had more tooth decay than others, and those areas did not have fluoride in the water. He thought eliminating fluoride would be criminal to people's teeth. He felt citizens had enough medical problems without proper treatment and in trying to get proper treatment, and did not feel they should add to those problems.

Kathleen Weinschenck, 1504 Sylvan Lane, stated she felt lights were needed on Clark Lane so people could see at night.

Mary Hussmann, 5306 Rice Road, asked Mayor McDavid if Mr. Skala had asked him to consider allowing people to speak on the Clark Lane sidewalk issue prior to any vote. Mayor McDavid replied they had discussed many things, but that had not been discussed. He pointed out he did not believe it was pertinent.

Ms. Hussmann stated she was representing Grass Roots Organizing (GRO), and commented that two months ago, twenty Clark Lane residents had presented 501 signatures of people in the area that had asked the Council to widen Clark Lane and construct sidewalks. The current proposal did not widen Clark Lane or include the construction of sidewalks and she did not believe that was acceptable. She understood the proposal would narrow each lane by one foot and did not feel the lanes should be narrowed as it made the road more hazardous. She noted one of the petitioners had been hit by the mirror of a van and thrown into a ditch and a commercial truck driver she had spoken with had indicated he was afraid to drive the road because it was already too narrow. She pointed out City buses and school buses traveled on this road. She commented that they also wanted sidewalks similar to the design at Casey's, which had been mandated by the City. She noted they wanted concrete, attractive, smooth, safe and clearly defined sidewalks that were disabled accessible. She felt this was an unprecedented design that was unsafe and could provide a false sense of security. She believed it was unsafe to have a pedestrian area next to fast

moving traffic. She understood this was a temporary fix and noted they would prefer it be done correctly. She asked the Council to rescind its previous decision and provide a wide grass buffer between the sidewalk and the road.

Dan Jones, 1600 Hanover Boulevard, stated he was speaking on behalf of the residents along Clark Lane and noted they wanted the improvements to be done correctly the first time. He presented the Council with cards from people in the Clark Lane neighborhood indicating they did not want the City to install asphalt pathways connected to the road and preferred quality, disability accessible, smooth, attractive concrete sidewalks along Clark Lane as it was a critical safety issue that needed to be addressed in 2014. He submitted cards signed by 534 adults in the Clark Lane neighborhood. He noted they had 124 additional cards from people that did not live in the area, but supported the improvements suggested.

Wayne Hawks, 3212 Westcreek Circle, stated he was a local dentist that had been in Columbia for 40 years. He explained Columbia moved to the McBaine system around 1975 in terms of water supply and noted he had run assays at that time of the different water concentrations in terms of fluoride as he loved chemistry. He showed the Council some pictures of teeth from people in areas where fluoride was put in the water supply and areas where it was not, and described the differences. He commented that he had recently visited with a pediatrician in Portland, Oregon, who had indicated the removal of fluoride from the water had been a disaster there as those on the low end of the economic scale were suffering the most. He was concerned about the effect of removing fluoride from the water supply on the people of Columbia.

Greg Ahrens, 1504 Sylvan Lane, explained he was the President of an organization, which had been previously called First Night Columbia, Inc., and was now called Columbia Eve Fest, Inc. He wanted everyone to know of the name change and stated he looked forward to seeing everyone on New Year's Eve at Eve Fest. He pointed out they would have a small footprint this year as well since New Year's Eve fell on a Tuesday night. He explained they had submitted a street closure request, which the Council would soon see.

Mr. Skala commented that he was incredulous that Ms. Hussmann did not just say thank you with regard to the Clark Lane project. He stated he had lived next to Clark Lane for more than 30 years and used to bicycle Clark Lane to campus in the 1980's. It was a very dangerous road. He had seen people with oxygen tanks walking along the road, people walking at night, etc., and he would have given anything to have been able to petition his City Council Member for a six foot wide striped extension as an apron. He pointed out that narrowing the road might reduce the speed on the road. Even if they found the funds to do the full Clark Lane project, it did not necessarily mean anything would be done now as it would take three years to get the permanent sidewalks. They had a federal grant for sidewalks that would supplement the road improvement. In addition, Clark Lane was a multi-jurisdictional road. There were a lot of hoops to go through so nothing would happen for three years except this six foot apron on both sides of the road that would be striped for the

protection of pedestrians, bicyclists and people in wheelchairs. It would be accessible, although not perfectly accessible in terms of ADA standards. He reiterated there was a lot involved in the permanent solution to include acquisition of right-of-way, etc., and noted the permanent sidewalks would eventually be constructed.

Mr. Skala noted the City contributed \$20,000 from the Council contingency fund for the Roots N' Blues N' BBQ Festival for at least a total of \$40,000-\$45,000 in public contributions. He understood the City might have contributed even more, and asked how much the City contributed in total toward the Festival. He wanted an accounting of how much the public contributed toward the Festival and the amount of the City's liability.

Mr. Skala asked staff to draft legislation for the consideration of establishing a community policing task force. He suggested 9 or 11 members to look into how they could improve the relationship between the community and Police Department.

Mr. Trapp commented that he had walked down many roads with and without shoulders, and roads with shoulders were better. It did not preclude their commitment to installing sidewalks. It was an acknowledgement that they could do something this year. They could not install permanent sidewalks this next year. He agreed narrowing the lanes might slow the speed of vehicles as it was a traffic calming method since people did not feel as comfortable speeding. He reiterated this was not a bait and switch situation.

Mr. Thomas stated he had unanswered questions regarding Clark Lane. He did not know why they could not do the proper sidewalk right now. He understood Casey's was able to install its sidewalk set back from the road without the right-of-way issues and federal requirements. If the real choice was to wait three years for the full road widening and the sidewalk contingent upon funding or to install the six foot shoulders now, the latter would be better.

Mr. Thomas understood, as part of the Stadium Boulevard Corridor project, the three intersections of Stadium at Bernadette, Worley, and Ash would only have crosswalks on three of the four legs. This meant someone staying at the Drury Inn on the northwest corner of Bernadette and Stadium who wanted to go the convenience store/gas station on the northeast corner would have to cross three legs to get there, and it would likely take five minutes each way due to the cycle times. He felt this was inconsistent with the strategy to encourage interconnectivity between neighborhoods, commercial districts and employment centers using non-motorized transportation networks as listed in the Comprehensive Plan they had just passed. He pointed out this design was inconsistent with 3-4 other strategies and policies in the Plan as well. He commented that all four of the intersections had a second problem in that the pedestrian island half way across Stadium on a leg with a pedestrian crosswalk was placed such that the traffic on Stadium was going in the same direction on both sides of the island due to the awkward design. He thought this would create a potential hazard for pedestrians, especially children, senior citizens and those with disabilities and visual impairments, as he felt someone might step into traffic coming from a direction that was not expected. He was not sure anything could be done to intervene at this

point, but believed it was a very pedestrian unfriendly design. He understood the Bicycle/Pedestrian Commission also had concerns and had asked the MoDOT engineer to speak at an upcoming meeting.

Ms. Hoppe suggested they provide staff the opportunity to contact MoDOT to obtain an explanation as to why it was designed in this matter and why it could not be done in a different way.

Mr. Thomas stated he had been involved in some discussions about the pedestrian design 3-4 years ago, but noted he had not supported anything like this design.

Mr. Glascock understood the problem was all of the lanes at Bernadette as it was one of the busiest intersections in the City. He thought it had been designed to have a triple left at one time. He understood a lot of this had come down to money as well. The bids were higher than expected, and as a result, they likely had to forego some things.

Mr. Thomas felt that entire corridor was an example of the failure of travel demand management over decades. The design would likely cause people to get into their cars and drive instead of walking across the road, which perpetuated the problem.

Mr. Thomas stated he believed it was important to expand the transit system to get ahead of problems and have a healthy balance of mode of transportation options. He explained he did a survey of approximately 350 people on his e-mail list, and had asked what they thought the mission of Columbia Transit was now and what they thought the mission of Columbia Transit should be. Of the 75 people that responded, only 6 percent selected the option of providing a healthy, environmentally responsible and economic service for everyone. The other 94 percent selected providing transportation service for poor people who did not own a car, college students or people who did not want to be reliant on a car for environmental reasons. He noted that was the perception of the current purpose of Columbia Transit. In terms of what they thought the mission of Columbia Transit should be, 85 percent chose the option of providing a healthy, environmentally responsible and economic service for everyone. He thought this meant people believed the City should be providing a transit service that worked for everyone. He noted he also asked how they felt about the current funding available to Columbia Transit and 61 percent indicated Columbia Transit received too little funding while 31 percent stated they did not know, 7 percent thought it received adequate funding and one percent felt it received too much funding. He also asked which funding mechanism to expand transit service would they support and the options included a sales tax increase of a twentieth of a cent on the dollar, a property tax increase of twelve cents per \$100 of value, a household utility fee increase of \$3 per month, a parking permit fee increase of \$50 per month, a hotel tax increase of 3 percent and a student activity fee of \$20. Over 50 percent indicated they would support the hotel tax and student activity fee, and 31-45 percent supported the other options. Only 8 percent stated they did not support additional funding for transit. He pointed out this was not a scientific survey, but did include anyone that had ever e-mailed him. He understood the City planned to do a scientific community-wide survey of these types of questions and asked when that would be done. Mr. Matthes replied he understood funding for this transit survey had been included in the budget this year. He explained the City conducted a City-wide survey annually, and because they had not been

able to include those types of questions in that survey, they had decided to do a transit only survey. Mr. Thomas asked for a timeline of when it might be done. Mr. Matthes replied he thought it would be early in the calendar year. He noted they were aiming for fall for the annual survey, so this survey would be done in February, March or April. Mr. Thomas was hopeful they would have it ready to go right after they approved the CoMO Connect project. He asked if there would be money in the budget to do a second survey a year later after people experienced CoMO Connect for six months. Mr. Matthes replied he thought they would be able to do a post-CoMO Connect survey.

Mr. Schmidt stated he was sorry there was a misunderstanding with regard to Clark Lane and noted they had been heard. He pointed out that being heard did not always mean the Council would agree. This was not what they wanted to do for Clark Lane, but it was what they could do for Clark Lane at this time. He noted it had been without sidewalks for likely over ten years. He explained the three year estimate for GetAbout funded projects was quick, and thought it could take longer. He agreed it was not ideal, but noted it was better than what was there now. He understood this would come back before Council and the public could comment then as well.

Mr. Schmidt understood noise problems pertaining to bars and restaurants were handled by the Police Department as they were starting to track complaints. He thought they might want to revise the noise ordinance in the future as some of the bars were out of control with outdoor music. He pointed out it helped to complain as every complaint was logged, and that citizens could call the non-emergency number to complain.

Mr. Schmidt stated he agreed with Mr. Thomas with regard to the need for crossings at all four legs of the intersection. He did not believe the light cycle would be lengthened or the flow of traffic would decrease if a pedestrian did not push the button. Traffic would only be slowed where there was pedestrian traffic. He explained he had sat at the intersection of Bernadette and Stadium and Worley and Stadium and there had been a pedestrian at just about every light cycle, so he understood the concern, but pointed out the traffic lanes were almost too wide to make it across. He understood MoDOT had indicated it might take two light cycles to get across and the island in the middle would need to be utilized. In an ideal world, he thought they should have crosswalks at all four legs of the intersection.

Ms. Hoppe suggested the restriction of not allowing people to sign up for scheduled public comment for a report item be changed.

Mayor McDavid noted another option was to not vote on controversial issues as a report. He suggested those items be brought forward as a resolution for public comment.

Mr. Matthes explained reports in the past had been utilized as a way to obtain Council consensus on whether they wanted more discussion. It was rarely ever the end of a question. It was always the beginning.

Mayor McDavid understood the Clark Lane issue would come back to Council for a public hearing. Mr. Matthes stated that was correct.

Mr. Matthes thought reports where a decision was likely could be handled as resolutions instead and that would allow for public comment.

Mayor McDavid thought they could also ask as part of the report to bring back a resolution.

Ms. Hoppe stated she thought it still made sense to allow people to sign up for scheduled public comment if an item was a report and asked for a change in the legislation.

Mr. Thomas asked if there was a need to restrict the scheduled public comment topics at all. Mr. Matthes replied it was helpful to have all of the input at the public hearing if a public hearing was held on a particular issue.

Mayor McDavid felt most of the reports were an opportunity for Council to decide whether they wanted legislation prepared. If Council asked for legislation, the legislation was brought forward on a future agenda and the public had the opportunity to comment at that time. In the Clark Lane instance, staff would come back to Council with a public hearing and further legislation. Mr. Glascock stated that was correct. He explained it was placed on the reports section of the agenda because he did not want to move forward with the design, and then learn Council was not in favor of moving in that direction. Mayor McDavid stated he was reluctant to open up public comment for reports when many were informational.

Mr. Trapp pointed out the flip side was if the public was in favor of something the Council did not agree to move forward with, and in that case, legislation would not come forward, so they would have stopped it without allowing public comment.

Mayor McDavid asked how they would know it was a report item the Wednesday at noon prior to the Council Meeting when the agenda was not yet posted. Mr. Matthes pointed out scheduled public comment was designed to allow anyone to speak on any topic, and many times it was something not on the agenda.

Mayor McDavid pointed out the citizens could also contact the Council with regard to any issue they had on any report item, and they could continue something or allow comment.

Ms. Hoppe commented that in this particular case the person wanted to sign up for scheduled public comment on the Wednesday prior to the agenda being posted and was told they could not speak.

Mr. Thomas felt some pretty important decision were made in votes under reports, and referred to the Parkside Estates report and vote in terms of sending the annexation request back to the Planning and Zoning Commission.

Mayor McDavid pointed out they had just had a meeting regarding the length of their meetings, and if they were going to allow public comment during reports, it would extend the length of the meetings. Mr. Thomas stated he did not feel it would make much of a difference. Mayor McDavid stated he thought it would make a huge difference as many of these items were informational.

Ms. Hoppe asked if legislation could be brought forward making this change, and they could then decide.

Mr. Skala stated he would hate to restrict public comment, but thought as long as they had an avenue to have staff bring back a resolution for something that was actionable, which would allow for public comment, he was satisfied as he felt that was reasonable.

Mayor McDavid pointed out public comment would be made on every street closure in the future. He suggested staff think about it and provide a recommendation as there were a lot of permutations.

Mr. Matthes asked the Council to allow staff time to look at the last year's worth of reports and think through how the legislation should be changed to accommodate what Ms. Hoppe had requested. He noted it might take staff a couple months or longer. Ms. Hoppe hoped it would not take too long.

Ms. Hoppe stated she was interested in the standard, acceptable sidewalk being installed on Clark Lane as soon as possible, but it became clear to her that due to the easements and funding issues, it would take a couple of years. She noted the Old 63 pedway had been approved in 2006 and was not constructed until about two years ago. She agreed they needed standard sidewalks there, but thought they needed to do what they could to improve the situation in the interim. The alternative to the shoulders was waiting three years, and she did not think that was a step in the right direction.

Mr. Skala pointed out this discussion began in 2007 when he was first elected. One of the main problems was that this was a multi-jurisdictional road involving the State, Boone County and the City of Columbia. This was a temporary solution for public safety.

Mr. Schmidt asked the public to save the cards and petitions as that would keep this issue on their minds.

The meeting adjourned at 9:58 p.m.

Respectfully submitted,

Sheela Amin
City Clerk