

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MAY 16, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 16, 2011, 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 HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY and ANTHONY 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 May 2, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Presentation of the Code Enforcement Officer of the Year Award to Brenda Canaday by the Missouri Association of Code Enforcement (MACE).

John Benisch, President of the Missouri Association of Code Enforcement (MACE), presented the Code Enforcement Officer of the Year Award to Brenda Canaday in recognition of her outstanding performance and dedication to the field of code enforcement.

Ms. Canaday thanked Leigh Britt, her immediate supervisor, and John Sudduth of Building and Site Development as she would not have received this if it were not for their creative writing.

Check Presentation to Council for the Tree Resources Improvement & Maintenance (TRIM) grant program.

Ann Koenig of the Missouri Department of Conservation presented a check in an amount close to \$10,000 to the City and stated she had enjoyed working on creative urban forestry projects with the Parks and Recreation Department staff this year.

Mayor McDavid thanked Ms. Koenig for the grant money.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

AIRPORT ADVISORY BOARD

Cecil, Gregory, 1700 Oak Cliffe Place, Ward 4, Term to expire May 16, 2015

Riddick, John, 602 Rollins Court, Ward 4, Term to expire May 16, 2015

BICYCLE AND PEDESTRIAN COMMISSION

Burden, Mike, 1011 Again Street, Ward 1, Term to expire July 31, 2012

Lance, Elizabeth, 303 N. Ann Street, Ward 3, Term to expire July 31, 2012

BOARD OF PLUMBING EXAMINERS

Glass, Mike, 128 N. Cedar Lake Drive, Ward 5, Term to expire May 31, 2013

Shanker, Richard, P. O. Box 10202, Ward 6, Term to expire May 31, 2013

C.A.R.E. ADVISORY BOARD

Prevo, Paul, 15451 N. Tucker School Road, Cnty, Term to expire March 1, 2014

DISABILITIES COMMISSION

Fields, Hazel, 1502 Gary Street, Ward 2, Term to expire June 15, 2014

Page, Homer, 503 N. Brookline Drive, Ward 5, Term to expire June 15, 2014

Peplow, Mike, 2908 Crawford Street, Ward 5, Term to expire June 15, 2014

Wehmeier, Aimee, 3803 Jungle Tree Drive, Ward 2, Term to expire June 15, 2014

ENVIRONMENT AND ENERGY COMMISSION

Kroll, Kenneth, 4128 Town Square Drive, Ward 5, Term to expire June 1, 2014

Parker, Richard, 215 W. Sexton Road, Ward 1, Term to expire June 1, 2014

HOUSING AUTHORITY BOARD

Stiepleman, Peter, 411 S. Glenwood Avenue, Ward 4, Term to expire May 31, 2015

PARKS AND RECREATION COMMISSION

Blevins, Marin, 508 Smoky Mountain Court, Ward 4, Term to expire May 31, 2014

Davis, Sue, 2209B Creasy Springs Road, Ward 2, Term to expire May 31, 2014

Ms. Anthony made a motion to interview the candidates of the Planning and Zoning Commission prior to making appointments. The motion was seconded by Mr. Kespohl and approved by voice vote with only Mayor McDavid and Mr. Thornhill voting no.

REAPPORTIONMENT COMMITTEE

Atkins, Scott, 3909 Daylilly Court, Ward 2

Coble, Colleen, 911 W. Ash, Ward 1

Gadbois, Michelle, 2909 Skylark Drive, Ward 5

Gerke, Eugene, 2105 Country Club South Drive, Ward 3

Monsees, Rob, 2204 Topaz Drive, Ward 4

Pugh, Bob, 1411 Torrey Pines, Ward 5 (At-Large)

Smith, Terry, 1712 Cliff Drive, Ward 6

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B72-11A Authorizing construction of the Scott's Branch Trail project; calling for bids through the Purchasing Division.

The bill was read by the Clerk.

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

Mr. Dudley commented that after speaking with several individuals, he would suggest tabling this bill to the July 18, 2011 Council Meeting due to the fair amount of contention involved in the portion of the project between the Audubon Society property and Dublin Park. Tabling the issue would allow him time to meet with residents in the area.

Mayor McDavid stated he was against tabling this item as it was a mature project that had been the subject of conversations for some time. There were clearly two options. One was to put the trail on the existing streets and the other was to route it along the southern part of Bonnie View Park and the Audubon Society property. This issue had been tabled previously for comments from the Bicycle and Pedestrian Commission and the Parks and Recreation Commission. He suggested the Council render a decision tonight.

Ms. Hoppe commented that she had heard of other options and believed time for extra discussions would be helpful in bringing the parties together.

Mr. Hood asked for clarification as he understood the action suggested would table the entire project. He noted there had been discussion with regard to proceeding with the portion in Bonnie View. Mr. Dudley stated he was agreeable to proceeding with the Bonnie View Park portion of the project. He wanted to delay the portion from Weaver to Dublin Park. Mr. Boeckmann explained the ordinance would need to be amended and a new ordinance for the remaining portion could be brought forward later.

Mr. Dudley made a motion to amend B72-11A by changing the wording so the Scott's Branch Trail project could be constructed from Rollins Road to Weaver Road and from Dublin Park to the MKT Trail. He noted this would remove the portion from Weaver to Dublin Park. The motion was seconded by Ms. Hoppe.

Mr. Schmidt commented that although he agreed with Mayor McDavid in that they had two choices and should move forward, he had received a lot of misinformation from constituents and an advantage of delaying the project would be the opportunity for clarification.

Mr. Thornhill stated he believed Mr. Dudley's proposed date of July 18, 2011 needed to be a drop dead date as the Council needed to make a decision.

The motion made by Mr. Dudley and seconded by Ms. Hoppe to amend B72-11A by changing the wording so the Scott's Branch Trail project could be constructed from Rollins Road to Weaver Road and from Dublin Park to the MKT Trail was approved by voice vote with only Mayor McDavid and Mr. Thornhill voting no.

Mayor McDavid opened the public hearing.

Karl Kruse stated he was the Chair of the PedNet Coalition and provided a handout. He commented that they supported what he would now refer to as Phase 1 of the Scott's Branch Trail project and looked forward to providing input on the remaining portion of the trail.

Greg Ahrens, 1504 Sylvan Lane, stated he thought the section between the Weaver stub and Rollins Road was going to be an eight foot wide trail and pointed out the new

minimum ASHTO standards for a shared use path was ten feet wide. As a result, he recommended that section be at least ten feet wide.

Mary Kay Wade, 1221 Bradshaw, explained the portion involving the Rollins and Weaver connection was a result of a compromise gladly joined into by the members of the Columbia Audubon Society over the course of many meetings with the Parks and Recreation Department, and the 8 foot width was a matter of compromise. They believed 8 feet was adequate for the amount of traffic that would be on that particular section. In addition, they were pleased it would be placed to the east side of the Bonnie View Nature Sanctuary where it would be of least disturbance and most effective in giving access to Fairview Park and Fairview School for children and dog walkers.

Ian Thomas, 2616 Hillshire Drive, stated he was the Executive Director of the PedNet Coalition and complimented the City Council and staff for the tremendous work done in developing a trail plan and network throughout Columbia over the last several decades. He noted the City was known nationally as a healthy community, which provided the ability to attract grants to further develop healthy and active environments and benefited economic development. He pointed out the executives of IBM had requested a trail to Maguire Boulevard and its facility when it chose to locate in Columbia, so the trail network was a great asset to the City. He commented that the PedNet Coalition and its over 7,000 members supported the decision to approve the trail sections that remained in the amended ordinance.

David Schenker, 107 Westwood Avenue, explained he was a PedNet member and although he thought what PedNet had done was wonderful, he did not believe PedNet spoke for him. He agreed with them in this instance regarding the trail sections they were discussing tonight, but felt an organization saying it was representing 7,000 strong should ask those 7,000 people.

Alyce Turner, 1204 Fieldcrest, commented that access to this trail would be the easiest way she could bike, so she was excited it was moving forward. She stated she supported the PedNet Coalition's position and believed the interest in the issue reflected how important the parks, bike trails and greenspaces were to Columbia citizens. She felt the neighbors needed to be heard and thought the PedNet position reflected the neighborhood position.

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

Mr. Schmidt asked how wide the various paths were in Stephens Lake Park. Mr. Hood replied the trail that went around the entire perimeter of the park was 10 feet wide and the trail that encircled the lake was 8 feet wide. Mr. Schmidt commented that he thought 8 feet was a little tight. Ms. Hoppe commented that there were a lot more people that used the 8 foot trail than the ten foot trail at Stephens Lake Park. In addition, she used the eight foot trail all of the time and had never had a collision or near collision.

Mayor McDavid thanked Mr. Dudley for the amount of work he had already put into this project and hoped a compromise on the most contentious portion could be reached in July.

Ms. Hoppe agreed and stated the compromise Mr. Dudley had worked out honored both visions in terms of the uniqueness of the park and the need for multi-modal transportation in her mind.

The vote on B72-11A, as amended, was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B102-11 Amending Chapter 17 of the City Code to restrict dogs and cycles in Bonnie View Nature Sanctuary.

The bill was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid asked if the compromise had been embedded into the ordinance or if Council needed to amend it. Mr. Hood replied the ordinance, as drafted, would restrict dogs to the area north of Rollins Road and would require dogs to be on a leash on the paved section of the trail from Rollins Road to Weaver and the section of the trail extending from the Scott's Branch Trail into Fairview Park. The ordinance also restricted bicycle usage in the Bonnie View Nature Sanctuary to the paved trail surfaces.

Mr. Dudley asked Mr. Hood if it included the grassy areas to the east of the trail as that was part of the original intent. Mr. Hood replied he was not sure of the wording in the ordinance, but that was the intent from a practical standpoint.

Mayor McDavid opened the public hearing.

Bill Mees, 2746 Willowbark Court, stated he was a member of the Columbia Audubon Society and asked the Council to support the exclusion of dogs from the Bonnie View Nature Sanctuary as this was a recommendation at the Parks and Recreation Commission's first meeting in February and was subsequently reaffirmed at its most recent meeting. He explained the Columbia Audubon Society and its membership voted to support the original recommendation for the Bonnie View Master Plan, and subsequently voted to exclude dogs from Columbia Audubon Nature Sanctuary, so it would all be tied together. In addition, the Audubon Society supported a compromise amendment to the original proposal that had been suggested by Mr. Dudley, which would allow dogs on the Bonnie View property north of Rollins and on the planned pavement running along the east side of Bonnie View from Rollins to Weaver and on the property east of the pavement provided they were on a leash. The compromise would allow easy access from the north and the south into Fairview Park, which continued to allow dogs on leashes. The name change of Bonnie View Park to Bonnie View Nature Sanctuary, as suggested by Mr. Dudley and accepted unanimously by the Council, emphasized a different purpose and mission for this facility compared to the City's other park facilities. It implied a mission to connect people with nature and nature study. As such, limiting dogs and dog access was appropriate. He noted people that wanted to walk their dogs had other options available and listed four that were nearby. He asked the Council to vote in favor of the ordinance, which included Mr. Dudley's compromise refinements, in an effort to restrict dogs in the Bonnie View Nature Sanctuary.

David Heise, 1707 Hinkson, Apt. 2, stated he was the Chair of the Bicycle and Pedestrian Commission and understood this ordinance restricted bicycle uses to only paved trails. He noted there had been discussion on the possibility of using non-concrete surfaces on the trail between Weaver and Dublin Park, and suggested clarification be provided as to

whether or not this ordinance would restrict bicycle usage if Council later elected to establish a trail through the Audubon property.

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

Mr. Schmidt asked Mr. Boeckmann to address the concern of Mr. Heise as he wondered how bicyclists would get to Scott Boulevard if a future non-hard surface trail went through the Audubon Society property. Mr. Boeckmann replied the current ordinance only pertained to the Bonnie View Nature Sanctuary and it restricted bicycles to hard surfaces. As a result, if the trail was paved, bicycles would be allowed, but if it was not paved, bicycles would be prohibited. Mr. Schmidt understood the Council would need to address that issue when it came up, if they wanted continuous access.

Mr. Dudley understood if they put another trail across the south side of the Bonnie View area paralleling Bray, they could amend the restriction to indicate bicycles were allowed where signed or not allowed off of the perimeter trail.

Mayor McDavid thanked Mr. Dudley for the suggested compromise.

Mr. Dudley made a motion to amend B102-11 so Section 17-115(a) read "it shall be unlawful for any person owning or responsible for a dog to allow the dog to be in any portion of Bonnie View Nature Sanctuary south of Rollins Road and west of the Scott's Branch Trail." The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Kesphol understood the ordinance restricted bicycles to hard surface trails only, and asked if bicycles would be restricted if a trail was constructed across the Audubon property. Mr. Boeckmann replied the ordinance did not address that issue as it only dealt with the City's property.

Mr. Dudley noted a parking lot off of Plymouth in the Fairview area had been discussed and asked if that should be included with this ordinance. Mr. Hood replied the parking lot would be funded as part of the trail project and should have been amended into the trail project. He understood they could bring a new ordinance to Council that would include that parking lot for consideration. Mr. Boeckmann stated that was correct.

The vote on B102-11, as amended, was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B128-11 Authorizing construction of improvements to the Clyde Wilson Memorial Park; authorizing an agreement with The Curators of the University of Missouri for construction access to the park.

The bill was given second reading by the Clerk.

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

Mayor McDavid opened the public hearing.

Rachel Breckhus, 703 Hilltop Drive, commented that her property bordered the park and she was in favor of the project.

Janet Hammen, 1844 Cliff Drive, explained this park was greatly used by the residents of the East Campus neighborhood and noted they were excited the trails would be improved as they and the bridges were eroding.

Steve Kullman, 205 S. Garth, stated he believed any improvement should take the future crossing of Hinkson Creek to the east into consideration as it was an important part of

the future network that would eventually be built since there was no other access across Hinkson Creek in terms of non-motorized transportation.

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

Ms. Hoppe thanked the Parks and Recreation Department staff for taking time to work with residents by showing them what was needed and by obtaining their input. These improvements, which were being made with modest funding, would be well-received. She also thanked the Eagle Scouts for doing a project involving the first bridge.

B128-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the north side of Mexico Gravel Road, west of Canyon Ridge Drive.

Item A was read by the Clerk.

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

Mayor McDavid opened the public hearing.

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

OLD BUSINESS

B121-11 Rezoning property located on the north side of Bouchelle Avenue and 175 east of Lee Street (1405 Bouchelle Avenue) from R-1 to R-2.

B122-11 Rezoning property located on the north side of Bouchelle Avenue and 225 feet east of Lee Street (1407 Bouchelle Avenue) from R-1 to R-2.

The bills were given second reading by the Clerk.

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

Ms. Hoppe asked Mr. Teddy to point out the properties between Wilson and Ross where the

R-1 was abutting R-2 and R-3, similar to the situation with the subject properties. Mr. Teddy showed areas Ms. Hoppe requested on the overhead.

Ms. Anthony asked how many houses had been down-zoned. Mr. Teddy replied he understood it was around 60-62 houses. Ms. Anthony asked how many homes were in the area. Mr. Teddy replied about 300 properties had been identified in East Campus.

Mr. Kespohl asked if the lots were 50 feet across the front. Mr. Teddy replied on Bouchelle, which was not typical of the East Campus neighborhood as a whole, all of the lots except the last two furthest to the east were 50 feet wide. Mr. Kespohl asked if duplexes could be built there. Mr. Teddy replied the overlay ordinance and the underlying ordinance required at least 60 feet of lot width for a duplex. In addition, there was a lot area requirement in the regular zoning ordinance of 10,000 square feet for a duplex structure. Mr. Kespohl asked for the area of the lots. Mr. Teddy replied each lot was just less than 7,000 square feet.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing the applicants and property owners, who were MRZ Properties, LLC and Hartman-Baker, LLC, and noted he had already provided an extensive written presentation to Council, which he hoped the Council had reviewed. His clients were asking that they be

provided the same rights as was possessed by virtually all of their immediate neighbors, which was to have their houses occupied by up to four unrelated persons. All but three of the eighteen properties along Bouchelle had this right, and all of the neighbors to the north on Ross Avenue had this right. The predecessor owners of these properties were good neighbors and had succumbed to a neighborhood-wide pressure campaign to down-zone their properties from R-3 to R-1, but their neighbors had not followed through in doing the same thing. In addition, some of the people that had spoken in opposition to these rezoning requests and one of the East Campus Neighborhood Association members lived in R-3 or R-2 zoned properties. If the rezoning was denied, they would be stuck with what their predecessors had done even though their neighbors had not down-zoned. He understood the arguments in opposition to the rezoning were the increased density of two more students, the overloading of sewers, the increased on-street parking, more loud parties, more trash, etc., and noted he did not believe those arguments were accurate or reasonable. In addition, he did not believe they provided an adequate cause or a legally supportable cause to deny his clients the same rights as their neighbors. He commented that the argument of the Council being required to grant similar rezoning requests, if they granted these rezoning requests was not true as every rezoning request stood on its own merits. This property was a typical spot-zoned property in the middle of properties that were inconsistently zoned. The same situation did not exist east of Ann Street or in a number of other more discreet areas in the north part of the East Campus neighborhood. He noted the parking problems of this neighborhood were not caused by the residents that lived there because on-street parking would immediately fill up even if no resident was allowed to park on the street. He also pointed out that not every student in the community a law breaker. Most were serious, decent, law abiding people, and his clients tried to rent to those kinds of people. His clients and their tenants were good neighbors.

Catherine Doyle, 508 Westmount, commented that the owners of the subject properties only had the right to have a single-family in those homes as they were zoned R-1. Their neighbors might have different rights because their properties were zoned R-2 or R-3. These owners bought the properties knowing they were zoned R-1. She thought a change would set a precedent because although each zoning issue came before the Council individually, the same argument could be used. She urged Council to deny the request to up-zone these two properties.

Janet Hammen, 1844 Cliff Drive, stated she believed this issue was about neighborhoods and how neighborhoods were valued. She commented that the East Campus neighbors had a long and proud history of standing up to those who wanted destroy their historic neighborhood. She thought this might be one of the more eclectic neighborhoods in Columbia and they lived there because of their neighbors, which included both owner and student residents. She noted there had been attempts through the years to rezone multiple blocks from R-3 to R-2 and R-1 since 1957, and in 1993, the City allowed the voluntary down-zoning of properties in an effort to promote neighborhood revitalization and stabilization. She explained other neighborhood associations recognized the importance of the East Campus neighborhood's request, and had signed letters urging the Council to respect the down-zoning measure and deny the up-zoning requests. She noted the East Campus urban

conservation ordinance was added in 2003 with the intent to protect and enhance property values for all owners and to further enhance quality of life for all residents. She pointed out these people had purchased these properties knowing they were R-1 and asked the Council to respect the wishes of the East Campus Neighborhood Association and their eclectic neighborhood by denying the request.

Mr. Kespohl asked Ms. Hammen if she owned residential property in the area. Ms. Hammen replied she had lived at 1416 Wilson Avenue for 33 years, which was just north of these properties. Mr. Kespohl asked if the property was a multi-family property. Ms. Hammen replied she had rezoned her property to R-1 in 1993. Mr. Kespohl asked if she owned any multi-family property. Ms. Hammen replied she had in the past, but had rezoned it to R-1.

Wayne Brekhus, 703 Hilltop Drive, commented that he was concerned changes in zoning would increase density in the East Campus area and that up-zoning these properties would send a message to other investors that it was okay to take the risk of buying an R-1 zoned property. He understood an investor at 1411 Bouchelle would likely request an up-zone if these two requests were granted. As a resident, he believed the default zoning should be to preserve the original intent of the neighborhood and to require the burden of proof to demonstrate how the rezoning would be beneficial to the neighborhood and to the community to be on the investors who wished to rezone. When investors purchase with the intent to up-zone, each individual decision might or might not pay off for the investor, but for the neighborhood, multiple small decisions that pay off for individual investors could lead to an accumulative cost to the neighborhood that could be quite large. As a result, he believed it was important to consider whether or not the rezoning benefited the neighborhood as a whole versus narrowing the decision to how the rezoning helped or affected individual investors. He explained the addition of another person to a house added to the social network, meaning 25 percent more visitors, live in boyfriends or girlfriends, parties, etc. These houses were zoned R-1 to preserve the mixed, eclectic character of the neighborhood and prevent too much density. Since these properties were purchased with the knowledge they were zoned R-1, he encouraged the Council to decline these up-zoning requests.

Jacqueline Kreigh, 1862 Cliff Drive, read a letter from her husband, Kenneth Kreigh, who had lived at this address for 61 years and opposed the request for up-zoning at 1405 and 1407 Bouchelle Avenue. He felt the infrastructure of the East Campus historical neighborhood was currently overburdened from up-zoning. He did not believe up-zoning for rental increases was wise as the East Campus neighborhood had continual problems with parking, noise, trash and traffic issues. Traffic on his street had greatly increased, and he was frequently awakened in the middle of the night by car stereos, fireworks, etc. The neighborhood had experienced a significant increase in crime involving home invasions, auto thefts, home robberies and armed assaults. He commented that the East Campus Neighborhood Association opposed these rezoning requests as did he and his wife, and asked the Council to deny the rezoning requests for 1405 and 1407 Bouchelle Avenue. Ms. Kreigh stated she continually picked up beer bottles and cans in her front yard, and noted it only took one person to throw a party for 100 people.

Brian Slind stated he was the co-owner of the University Avenue Bed and Breakfast located at 1315 University Avenue and asked the Council to deny the up-zoning request. He and his wife moved from Portland, Oregon and bought the University Avenue Bed and Breakfast over 5 years ago with the thought it would be a fun job and a good place to live. He noted there were many students around them that were wonderful neighbors and they had gotten to know a lot of the landlords, many of which were great to work with, but there were others that were not so good. Some of the bad neighbors had burned American flags on their front porch, stole an American flag and a MU banner flag, destroyed Christmas decorations, vandalized landscaping and flowers, etc. These were things he did not appreciate as a business owner and full time resident in the East Campus neighborhood. He noted one of the landlords on Bouchelle had indicated they rented to quality tenants and did thorough background checks, but a tenant of that same owner was arrested for second degree property damage. He asked the Council to deny the request as he and his wife did not want the density of neighborhood to increase.

Alyce Turner, 1204 Fieldcrest, stated that although she was a resident of the Fourth Ward, some of these concerns were similar to concerns she was having in her neighborhood in College Park. Since she had moved there 8 years ago, every house that had sold had been sold as a rental. It was now not the quiet neighborhood it was when she purchased her home and she was concerned about her property value. Those in the East Campus area and others needed the Council's help in maintaining their neighborhoods. She asked the Council to deny the rezoning requests.

Mel Zelenak, 724 Logwood Lane, stated he and his wife were members and co-managers of MRZ Properties, LLC, which owned 1405 Bouchelle, and commented that it was an unfortunate situation with regard to the tenant arrested for property damage. He noted they received information from the Police Department and always talked to the tenants about these instances. He pointed out he believed only 3-4 percent of his tenant had ever been arrested and that they did thoroughly check out every tenant. In addition, that particular person would not be renewing his tenancy with them. He agreed the rezoning would allow an additional person, but the last resident of 1405 Bouchelle had been a lady his wife worked with who had a family of at least four people, so rezoning did not necessarily mean additional people would be added to the properties. He explained property owners were more likely to renovate old buildings when the rents received were reasonable to make up the cost, and more people living in the property lowered the per person rent and utility cost for the property. He commented that they were not seeking to recoup their cost with this up-zoning. They wanted to add a person to make the cost of living more affordable for the tenants. He noted they had spent approximately \$100,000 in renovations, and pointed out they maintained, upgraded and continuously put money in the properties they purchased as they intended to keep them for a long time. He stated they provided nice, pleasant and safe housing for quality tenants and expected their tenants to obey the rules, and believed they were quality landlords.

Betty Wilson, 1719 University Avenue, stated she had lived in the East Campus area for over 48 years and noted the people in the East Campus neighborhood were independent and strong citizens that made up their own minds, so she did not believe they had

succumbed to the pressures of down-zoning. She commented that she was concerned about the integrity of the 2003 ordinance, which provided for a procedure for changes in zoning that she believed needed to be followed. She noted that despite her concerns and the fact it was a constant challenge, she would not live anywhere else except in the East Campus neighborhood, and hoped it would stabilize at some point. She stated she had just returned from a meeting in Savannah, Georgia and was impressed with the concern and appreciation they had for the homes in the downtown, many of which could be match architecturally with homes on University Avenue and Wilson Avenue except that they had gone into deterioration. One of the positives of Columbia was its downtown, and she believed the surrounding neighborhoods were a part of the downtown and it was important to maintain the integrity of those neighborhoods.

Jeff Akers, 1411 Anthony Street, stated he and wife had chosen to down-zone their property for the quality of life and betterment of neighborhood. He noted there had been some ups and downs, but for the most part, it was a nice place to live. His main concern was the degree of deterioration due to the transient nature of the individuals in the neighborhood as they did not have the same view of the neighborhood as those who stayed for a longer period of time. They did not view it as something that needed to be maintained, so there were lots of garbage, noisy parties, etc. that would not happen if someone planned on staying for a long time. He was in opposition to the rezoning of these properties on Bouchelle because he saw it as going in the wrong direction.

Laurie Hines, 1608 Wilson Avenue, stated she resided in an R-1 zoned property surrounded by R-2 and R-3 zoned properties, and this potential rezoning put her house at a great risk. She had lived at this location for over 20 years and noted she believed this might be the only house she would be able to afford to own. She stated she was offended by the comment regarding a pressure campaign and noted the neighborhood had worked heartily and handily with Boone Hospital to enhance the Boone Hospital campus in terms of expansion into the neighborhood. She believed that what happened in East Campus would happen in other neighborhoods in the periphery of campus, if property owner concerns were not addressed.

Chris Pascucci, 1107 Merrill Court, provided photos for the Council to view and noted he was in agreement with the need for preservation and stabilization in the area. The house they purchased at 1407 Bouchelle needed renovation and foundation work, and they were substantially finished with those improvements. He thought the community was served by them making this substantial investment as it helped prevent deterioration in the neighborhood and attracted more quality tenants. He asked the Council to review the before and after pictures he had provided.

Don Stamper, 2502 Hollyhock, stated he was a registered lobbyist in the State of Missouri and noted he was speaking in favor of these rezoning requests. He commented that regardless of the Council's action tonight, there would still be irresponsible behavior in the East Campus area. He explained the applicants did not disagree with the East Campus overlay and felt the far greater risk to the East Campus area was the R-3 zoned properties, which could be torn down and rebuilt at a greater density. The applicants had originally asked for R-3, but had reduced their request to R-2 after learning of the sensitivities of the

neighborhood. There would not be extra parking on the street from these units as there was adequate parking on the site. He noted the East Campus neighborhood had always been under a great deal of pressure and stated he was not aware of anything in the overlay ordinance that prohibited the Council from rezoning or re-establishing property in the area. They understood the intent of the overlay district and felt it was dynamic in nature and needed to adapt and adjust over time. In addition, they believed there was a significant demarcation as there were a lot more R-1 properties to the east and north of this area, while they were surrounded by R-2 and R-3 zoned property on all sides. He also pointed out there had been a significant investment by the owners of these two properties in an effort to make it a quality living space.

Cindy Neagle, 1836 Cliff Drive, stated she had lived in East Campus for approximately 10 years to the east and west of the Ann Street demarcation mentioned. She commented that East Campus was one neighborhood despite some of the assertions of a student rental area to the east and a residential area to the west. She explained there were numerous rental houses and students living very close to her and noted they valued students as her neighbors as it created a diverse, vibrant community. Unfortunately, there were students that created the stereotypes and made life miserable for the residents of the area, and as a result, they were concerned that adding students to the area would only increase issues. She understood the applicants did not believe the addition of two more people would cause any problems, but they did not live in the neighborhood. This rezoning concerned those living in the neighborhood as many other properties could be rezoned as well. They believed approval would set a precedent for their neighborhood and other neighborhoods around the center city area that were affected by similar issues and asked the Council to take that into consideration. She agreed the applicants had invested a significant amount of money, but noted they were experienced landlords that took a risk in buying R-1 properties and expecting them to be up-zoned without opposition. The R-1 zoning was reasonable when they purchased the properties, and she believed it continued to be a reasonable considering the mix of the neighborhood. She asked the Council to deny the requests.

Rachel Brekhus, 703 Hilltop Drive, stated she and her husband moved to this location about eleven years ago and noted that those that bought homes in the area were attracted to the neighborhood because of its proximity to MU, Stephens College, Boone Hospital and the downtown and its diversity. She noted diversity was not easy to maintain, and the more blocks of all R-2 and R-3 that were allowed to form and grow together, the harder it would be to maintain the diversity of neighborhood as a whole. If the neighborhood became nothing more than a giant swath of dense housing, it would lose the healthy a desirable diversity that prevented it from being a slum. East Campus was a neighborhood that needed to be able to expand and contract in its proportion of renters and owners as population pressures shifted, and such expansion and contraction was easier when a house could be rented or partly rented to three people and then lived in by a homeowner without going back and changing whatever accommodations might have been made. She agreed one more person was really not just one more person.

Lindsey Zelenak, 1402 Wilson Avenue, stated she resided in East Campus and valued the history of the neighborhood itself. She felt she should be allowed to live in the

neighborhood as she loved the character of the neighborhood, the ability to walk to class and its proximity to campus and the downtown. She noted that before she was allowed to rent from her parents in East Campus, she still had to go through an extensive screening process. As a University student, she stated she loved the opportunity to live with the same benefits as the owner residents of East Campus.

David Mehr, 714 Ingleside Drive, commented that he was a close neighbor to Bouchelle, which was a pleasant street even though it had excess garbage at times. He stated that he wanted the neighborhood to remain a mixed neighborhood and did not object to having students in the neighborhood, but wanted the character of the neighborhood to remain the same, which was why he was concerned with the up-zoning of property. He asked the Council reject the rezoning requests.

John Ott, 212 Bingham Road, stated he was President of the Grasslands Neighborhood Association and noted the Grasslands Board supported the recommendation of denial for these particular requests. They believed R-1 housing around campus needed to be protected as many people enjoyed living close to the urban center. He explained there were already zoning abuses whereby more people resided in the R-1, R-2 and R-3 properties than were allowed. He believed East Campus was a gem and noted it was impressive that so many people had been willing to down-zone their properties and provide a financial gift of sorts to the community and their neighbors. He felt up-zoning properties would not honor the intent the owners had when they provided this gift to their neighbors. He hoped the City would look at ways to help the neighborhood secure more R-1 zoning rather than create more student housing.

Ms. Anthony commented that she believed the applicants had done a tremendous job in rehabilitating these properties and that they would be the best landlords and owners of property on Bouchelle, but her concern was that they would not own the property forever. She felt the Council needed to protect the integrity of neighborhoods, and the East Campus neighborhood was unique in its historic nature and in its proximity to the University. It had a long history of promoting down-zoning in an effort to revitalize and stabilize the diverse neighborhood. She agreed with Mr. Ott that it was a gift for 62 of the 300 properties in the neighborhood to down-zone. She believed approval of this rezoning could result in many other properties asking for up-zoning as well.

Ms. Hoppe thanked the property owners for their care, concern and investment, and commented that she believed East Campus and other similar neighborhoods were crucial to the strength of the downtown, the central area and the University. She understood there were many rental property owners as well as homeowners that had spent a significant amount of money and time investing in homes, and those were the type of people needed in East Campus. She noted there was a delicate balance in East Campus, which had been assisted by the 62 property owners that had down-zoned to protect the integrity of the area to make it a better place for families and students. She did not believe they wanted to shift this, so it was imbalanced again. She explained those residents living in the area loved the students, and wanted a good, strong neighborhood for anyone living there. She agreed with the comment of Mr. Brekhus in that adding one unrelated person would add a whole social network, which could only be absorbed to a certain extent by a neighborhood depending on

balance. She believed they needed to see the strength of historic university neighborhoods like other communities and ensure those neighborhoods would remain an asset to the community through a good balance of rental and owner occupancy. She encouraged her fellow Council Members to vote against these rezonings.

Mayor McDavid commented that for many people, the most important physical asset owned was a home and they tried to protect it at all costs. He explained that when he ran for Mayor, he ran on the three simple premises of trying to enhance public safety, promote economic development and maintain neighborhood integrity. He agreed that adding a couple of students in these homes would not fundamentally change the neighborhood, but felt they had a duty to make it difficult to up-zone near any neighborhood. If they up-zoned these two properties, he believed there would be other requests to rezone R-1 properties to R-2. He stated he would not support this rezoning request.

Mr. Schmidt stated the McRoberts family had down-zoned this property as a gift to the neighborhood as so many other neighbors had, and explained he did not understand why the current owners did not purchase an R-3 zoned property if that was what they wanted as there were many R-3 zoned properties in the area. He believed the issue was diversity and thought the R-1 portion of the neighborhood needed help in terms of diversity.

B121-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY. VOTING NO: HOPPE, MCDAVID, SCHMIDT, ANTHONY. Bill declared defeated.

B122-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY. VOTING NO: HOPPE, MCDAVID, SCHMIDT, ANTHONY. Bill declared defeated.

B125-11 Authorizing construction of the Stadium Boulevard Connector to the MKT Trail project; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

B125-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B126-11 Authorizing the acquisition of an easement for construction of the Stadium Boulevard Connector to the MKT Trail project.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

B126-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B129-11 Authorizing construction of the north section of the 24-inch East Water Transmission Main Project from the Shepard Water Tower to the Hillsdale Pump Station located at the intersection of Glenstone Drive and I-70 Drive Southeast; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

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

Mr. Kespohl understood there was a row of trees that separated the mobile home park from Woodridge Subdivision and asked if the trees would be replanted. Mr. Johnsen replied staff intended to provide a report to Council on that specific subject. He explained the trees were in a utility right-of-way, which did not belong to the City. Mr. Kespohl understood the City had asked for the developer to provide those trees and the associated cost was about \$40,000 - \$50,000. In addition, there was a fence there as well.

B129-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B132-11 Authorizing an agreement with ISG Technology, Inc. for installation and maintenance of a mobile video system for downtown Columbia; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Matthes and Lieutenant Kelly provided a staff report.

Ms. Hoppe asked if reports would be provided in terms of crimes that occurred within the viewing area of these cameras and whether there was an increase or decrease in crime in adjacent areas without cameras. Lieutenant Kelly replied the City's crime analyst could conduct such evaluations and noted the City of Dallas had conducted a similar study when they went through a pilot program.

Mr. Schmidt asked for clarification regarding any Sunshine Law issue with these tapes. Lieutenant Kelly replied the records would be open to the public. The recordings would be archived for up to 60 days on the server. Requests would be handled by the Police Department's Public Information Officer and they would gladly supply the video if the person requesting it filled out a form and provided the time parameters. Mr. Schmidt understood anyone could request anything at the cost of the public. Lieutenant Kelly noted there was a cost for the CD as well as staff time. A very reasonable cost would be required of the citizen. Mr. Schmidt asked what the City would do if someone was constantly requesting video and willing to pay for the CD. Lieutenant Kelly replied they would have to follow the Sunshine Law and provide the actual video footage to them.

John Schultz, 1301 W. Colchester Road, stated he was the Chair of the Boone County Libertarian Party and understood there was policy regarding the video footage. He asked if there would be auditing to ensure viewing of the live or recorded feed by an officer was pertinent to a police request and not just for fun. Lieutenant Kelly replied a limited amount of staff would be trained and they would be able to track who was on the system and who was moving and monitoring the cameras through secure log-ins for each officer trained. In addition, he would randomly audit the video and the use of the cameras to ensure they were within policy, and any officer that abused the policy would suffer personnel issues. Mr. Schultz asked if the video would be available directly to someone outside of the Police Department, such as Joint Communications. He wondered if it would be limited to only the company providing the service and the Police Department. Lieutenant Kelly replied they were in discussions with the Director of Public Safety Joint Communications regarding whether they would allow supervisors to have access to this and that decision had not been

finalized. Mr. Schultz commented that he had served on the Governance and Decision making topic group a few years ago, and their vision statement indicated Columbia's governance was a model of transparency, efficiency and citizen participation that enjoyed the strong confidence of its said residents. He understood the Police Department made available annual reports of its SWAT activity and use of force, and in the spirit of transparency, he suggested the Police Department produce a similar report listing the number of times the live feeds were activated and for what occasions, as well as the number of times the archived feeds were reviewed. He also thought it would be helpful to have an accounting of the crimes recorded and possible number of arrests as indicated by Ms. Hoppe as it would assist in determining if this was a cost-effective benefit for downtown Columbia.

Mitch Richards, 409 Turner Avenue, stated he was the Treasurer of Keep Columbia Free, a local political action committee, and commented that the use of cameras almost perfectly pitted the issue of truth versus the issue of fear. The proponents of the camera initiative based their campaign on the fear of criminals in public places, and the opponents offered a different view. He explained that in 2010, a London Metro Police spokesman in England admitted one crime was solved annually for every 1,000 cameras. In addition, according to a Boone County Sheriff's Department and FBI study featured in an April 17, 2011 Columbia Tribune article, violent and property crime had steadily decreased from 2005 to 2009. Also, the people of the First Ward, where the cameras would be installed, voted against the downtown camera initiative by a margin as wide as it was passed in the other wards. This was the same First Ward that was short police and firefighters. He believed fear was used to seize power and that crime statistics were misrepresented to pass the camera initiative and to elect three members of the present Council in April 2010. He agreed brutal assaults happened and often took place in neglected areas of the City, such as the First Ward, and involved the poor and the disenfranchised. In addition, they tended to involve and affect the City's African-American community and other minorities. These assaults did not involve hooded black youths assaulting white youths from affluent and well connected families and did not get caught on camera. The installation of surveillance cameras in Columbia's downtown was a fear-based, feel good measure that would only put a band-aid on a wound that would continue to fester. He did not believe crime would be affected and felt the racial divide in Columbia would remain. He asked Council to reconsider their intentions and noted that Keep Columbia Free, in concert with the Mizzou Chapter of Young Americans for Liberty, would soon be collecting signatures for a citizen vote for a full ban on red light cameras within the City limits.

Mr. Thornhill asked for clarification regarding a comment made about the First Ward. Mr. Richards replied the First Ward was currently short a firefighter company and had a constant concern for better police service, and the City was spending money on the cameras instead of a firefighter or police officer.

Karen Taylor, 3709 Frontenac Place, stated she was a proponent of the camera ordinance and noted her family understood the importance and benefits of cameras. She explained the issue had already been debated and it had been 13 months since the voters overwhelmingly approved a safety camera ordinance. She commented that safety cameras aided law enforcement and prosecution and noted the Special Business District had

committed \$25,000 toward the funding of the cameras. She believed it was time to fulfill the wishes of the voters of the City of Columbia and urged the Council to vote in favor of funding the safety cameras.

Mike Miller, 4801 Salem Drive, commented that they might not know for sure if cameras prevented crime or recorded crime, but once installed they had that capacity. He believed this was good for the community and all who visited downtown. In addition, recordings of this nature helped solve crime. He urged the Council to support this issue and to fund the cameras.

Kat Cunningham, 4440 N. Route J, Rocheport, stated she had served on the Board of Directors for Crime Stoppers for approximately 6 years, and they worked closely with the Columbia Police Department, the Boone County Sheriff's Department and the MU Police Department. They began each monthly meeting by reviewing crime trends for current and prior years, were informed of crime in the respective areas of their liaisons and discussed criminals that had been apprehended as a result of tipsters and the use of cameras. She understood more crimes were being resolved due to the recordings of cameras and believed they were a deterrent to crime. She noted she was a business owner and business owners used many services to include cameras to aid in keeping staff safe and for the capture of a thief of office contents or intellectual property. If business owners realized the importance and value of cameras in protecting their companies, she wondered why the citizens of the community would not want to protect friends and family members. She urged the Council to support the funding of these cameras.

Karl Skala, 5201 Gasconade Drive, commented that his concern regarding the conspicuousness of the cameras in public areas had been resolved with the answers given, but asked for clarification in terms of the cost. He recalled the cost of the cameras would be \$50,000 split between the Special Business District and the City when this was initially discussed. The cost had now been inflated to about \$75,000 and asked the Council to address it and any further maintenance costs.

Ms. Hoppe asked staff for clarification regarding maintenance costs and how that would be funded. Lieutenant Kelly replied the maintenance costs would be \$21,447 to ISG for the server, storage space, etc. They would also transfer funds from the Police Department budget to the Water and Light Department for connectivity fees of \$3,000 per year. Chief Burton pointed out the Police Department had the choice of purchasing and maintaining the equipment and data itself, but that was cost prohibitive.

Ms. Anthony asked for clarification regarding the cost of the cameras and how they would be funded. Mr. St. Romaine replied this issue was first brought to Council in 2009 and the Council had approved \$50,000 in the CIP that year for these cameras. In addition to the City's portion of \$50,000, the Special Business District agreed to provide \$25,000 for a total of \$75,000.

Ms. Hoppe commented that she initially voted against the installation of these cameras due to several issues, which included how they could justify providing funds for cameras for certain businesses and areas in the downtown that did not have the highest crime rates and not provide cameras for other areas of the City with higher crime rates. She understood those in the central city and central neighborhoods and others that frequented downtown felt

they were safe and voted against the measure, but those less familiar with downtown and in outlying neighborhoods voted in favor of it. She noted she felt safe in downtown, even late into night, but would vote in favor of funding the cameras in accordance with the wishes of Columbia citizens since they voted in favor of it.

B132-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B133-11 Calling a special election on whether to increase monthly stormwater utility charges.

The bill was given second reading by the Clerk.

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

Ms. Anthony asked for the total cost on the 20 identified projects. Mr. Glascock replied he did not have an exact number but believed it was around \$10 million.

Ms. Hoppe asked for clarification regarding how many or what specific projects were in each ward. Mr. Glascock showed the location of the projects on the overhead and noted most were within the older part of the community. He explained they had attempted to choose the worst ones for priority purposes.

Mr. Schmidt asked Mr. Glascock if he had any idea of the ongoing cost of responding to emergency repairs. Mr. Glascock explained that in order to fund Alley A, they took money from a project that had issues and the cost of that project was \$70,000. He believed the projects needing immediate attention ranged from tens of thousands to millions of dollars.

Ms. Hoppe asked if there was a way to phase in the potential stormwater utility charges for the schools, so there was less of an initial impact. Mr. Glascock replied he thought they could do something through an agreement.

Mayor McDavid asked if Mr. Glascock believed this would pass if they put it to the vote of the people. Mr. Glascock replied he thought it could with some education.

Pat Fowler, 606 N. Sixth Street, stated she was the President of the North Central Columbia Neighborhood Association Board and noted they had concerns with the ordinance as written. She commented that they believed the new City Manager had information strategies and ideas that incorporated a broader view and perspective and they wanted the benefit of that perspective for this ordinance. She understood the ordinance would not come close to addressing the current pressing needs, and given that the City might not be successful in going to the voters more than once, they felt it was prudent to allow the new City Manager the opportunity for input into this ordinance. She also understood this ordinance would not address the impairment of the Hinkson Creek and the recently mandated total maximum daily load (TMDL) standard, and noted that many of them were frustrated by the City's position to litigate versus remediate. She wanted assurances that this ordinance would begin the long path toward compliance with the EPA order. She commented that the language of the ordinance appeared to impact mixed use commercial and industrial neighbors the most severely and had minimal impact on residential users. As a question of equity, she believed they could continue to hold the owners of impervious surfaces accountable while expecting more of residential users. Until they had a sufficient

stream of revenue, residential issues would remain at the bottom of the priority list. She explained they were collectively weary of hearing from City staff that while their deteriorating conditions were bad, they were not bad enough to warrant further action at that time. She understood increasing the rates on residential users would have a disproportionate impact on low income members and thought they could set aside a small amount of money to accommodate those who could not afford an increase while allowing everyone else to pay their fair share.

John Clark, 403 N. Ninth Street, asked about a connection fee. He wondered where the buy in was for new users and new people with impervious surfaces, and believed the current approach was flawed. He suggested this issue be delayed to November. He also noted he agreed with the North Central Columbia Neighborhood Association in the need for input and oversight by the new City Manager. He commented that he noticed a bias based on size in that the cost per square foot was less if a property was bigger. In addition, a residential user would pay more per square foot. He did not believe this was appropriate. If they wanted to subsidize certain large scale operations for economic development purposes, he believed a bond issue should be passed for that purpose with subsidies being paid from that bond issue. He also wondered how the City would measure the impervious area. He reiterated this ordinance needed more work prior to going to the vote of the people.

Mayor McDavid stated he would suggest they table this issue to the December 5, 2011 Council Meeting as it would allow them to put it on the April 2012 ballot. He commented that elections were tough and referred to the 2006 capital improvement tax issues that were not fully approved by the voters and referred to the library tax that failed as well. He thought they needed to further review this matter and engage stakeholders, such as the Columbia Public Schools, as they would be greatly impacted.

Mayor McDavid made a motion to table B133-11 to the December 5, 2011 Council Meeting. The motion was seconded by Mr. Thornhill.

Mr. Thornhill commented that he thought they needed to educate the average citizen that did not have a stormwater problem. He was concerned this would not be supported by those that did not know this was a real problem.

Mr. Glascock suggested the Council defeat this bill instead of tabling it if they did not plan to move forward. This would allow staff to bring something new back to Council in the future.

Ms. Anthony wondered if they could aim to put this on the November 2011 ballot instead of the April 2012 ballot. She commented that they might be on the ballot with a school bond issue in April. Mayor McDavid agreed and believed this was another reason they needed to engage the Columbia School Board.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to table B133-11 to the December 5, 2011 Council Meeting was defeated unanimously by voice vote.

Mayor McDavid understood if they defeated this bill, it would provide an opportunity for staff to restructure it and engage stakeholders, such as the Chamber of Commerce and the Columbia Public Schools.

Ms. Hoppe commented that she had been eager to have stormwater funding for many years as it was basic City infrastructure that needed to be maintained. She believed the

citizens wanted the City to take care of what it had in a planned manner. She felt a delay would provide an opportunity for input from the City Manager and the ability to communicate with the community on the problem and need for this ballot issue.

Mr. Schmidt stated the First Ward bore the brunt of the problem as it was older and largely downstream from a lot of development. He noted he would vote against this bill with the understanding something more likely to pass would be brought forward in the future.

B133-11 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. Bill declared defeated.

CONSENT AGENDA

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

- B123-11** **Rezoning a strip of land located on the north end of the lot located at 1205 East Ash Street from R-3 to C-2.**
- B124-11** **Approving the Final Plat of Copperstone Plat 3A, a Replat of Lot 302 of Copperstone Plat 3 located on the north side of Blue Hollow Drive.**
- B127-11** **Authorizing an agreement with the Transportation Security Administration for reimbursement of law enforcement officer services at Columbia Regional Airport.**
- B130-11** **Authorizing an agreement with Columbia College for connection to the City's fiber optic cable system.**
- B131-11** **Accepting conveyances for utility purposes.**
- R67-11** **Setting a public hearing: construction of improvements to Nifong Park, including construction of the Maplewood Barn and improvements to the remaining historical buildings and the expansion of an existing parking lot.**
- R68-11** **Authorizing an artist's commission agreement with Stephanie Foley relating to the Traffic Box Art Program.**
- R69-11** **Authorizing an agreement with SEGA Inc. for engineering services for the repair of the line-supporting structure on the Overton – Perche Creek 161 kV transmission line.**

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

NEW BUSINESS

- R70-11** **Authorizing agreements with Stephens College – Department of Mass Media and Thumper Entertainment, Inc. for tourism development funds.**

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

The vote on R70-11 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE.
Resolution declared adopted, reading as follows:

R71-11 Authorizing a natural gas supply services agreement with Ameren Energy Marketing Company as agent for Ameren Energy Generating Company for the supply of fuel to the Columbia Energy Center.

The resolution was read by the Clerk.

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

Mayor McDavid asked if this was a good price. Mr. Johnsen replied he believed it was reasonable based on his discussions with two other parties that had indicated it was within the range they would offer for the same services. He noted this was a one year contract.

Mayor McDavid commented that it appeared they would be under some pressure to perform in a very complex marketplace. He hoped they had a nice steady conservative approach as they would need to learn the process. Mr. Johnsen stated they hoped this contract would provide them experience as plant operators. They could then better analyze what different marketing perspectives or a fuel supply contract would bring to them. In addition, it would allow them to know what parts of the service they might want to bring in-house, if any.

Mr. Kespohl understood the operating cost of the Energy Center had been estimated at \$500,000 and asked if that included natural gas. Mr. Johnsen replied yes, and noted the operating costs were a little less than they originally forecasted as well.

The vote on R71-11 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE.
Resolution declared adopted, reading as follows:

B134-11 Appropriating Water and Electric System Revenue Refunding and Improvement Bonds, 2011 Series A, for the purchase of the Columbia Energy Center; declaring an emergency.

The bill was given first and second readings by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thornhill asked why the emergency clause had to be invoked. Mr. Johnsen replied it was due to a lack of planning by staff as they did not get an ordinance drafted for the previous meeting, and he took responsibility for it.

B134-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

INTRODUCTION AND FIRST READING

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

B135-11 Voluntary annexation of property located on the north side of Mexico Gravel Road, west of Canyon Ridge Drive; establishing permanent A-1 zoning.

- B136-11 Amending Chapter 29 of the City Code as it relates to scenic roadway area overlay.
- B137-11 Amending Chapter 14 of the City Code to prohibit parking on a portion of Garth Avenue.
- B138-11 Amending Chapter 14 of the City Code to provide for five-hour metered parking on a section of Paquin Street, between Hitt Street and College Avenue.
- B139-11 Accepting conveyances for utility purposes.
- B140-11 Authorizing construction of improvements to Nifong Park, including construction of the Maplewood Barn and improvements to the remaining historical buildings and the expansion of an existing parking lot; calling for bids through the Purchasing Division.
- B141-11 Authorizing the City Manager to execute license agreements with the Missouri Highways and Transportation Commission for the Hominy Trail West Connections under Route WW and U.S. Route 63.
- B142-11 Appropriating federal forfeiture funds for the purchase of equipment for the Police Department.

REPORTS AND PETITIONS

REP88-11 Intra-Departmental Transfer of Funds Request.

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

REP89-11 Route K Bike Lane.

Mr. Matthes provided a staff report and explained this report had been provided for informational purposes.

REP90-11 April 2011 Stormwater Variance Summary.

Mr. Matthes noted this report had been provided for information purposes.

REP91-11 Columbia College Parking Lease Agreement.

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

Mayor McDavid asked for the location of these parking spaces. Mr. Glascock replied he was not sure at this time, but they did not have enough spaces in the Sixth and Cherry garage or in the surface lots, so many would likely be in the Fifth and Walnut garage.

Ms. Hoppe asked if discounts had been given in the past for two year commitments. Mr. Glascock replied no.

Mayor McDavid stated he did not have a problem discounting spaces in the Fifth and Walnut garage. Mr. Glascock asked if they would want to only discount spaces in the Fifth and Walnut parking garage or if they would discount all 96 spaces as some would be in the Sixth and Cherry garage. Mayor McDavid replied he was willing to provide the discount for Fifth and Walnut garage only. Mr. Thornhill agreed. Mr. Kespohl noted Columbia College might be willing to accept all 96 spaces in that garage as a result. Mr. Thornhill stated he would not support a second year discount for any garage, except the Fifth and Walnut garage.

Mr. Schmidt asked if they would pay for the entire two years up front. Mr. Glascock replied it would be paid on an annual basis. Mr. Schmidt stated he agreed with Mayor McDavid.

Mr. Glascock noted this issue would come back to Council in the form of an agreement.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, welcomed Mr. Matthes to Columbia and suggested the Council Retreats be televised so the community could view the staff presentation and Council question portions of the meeting live. This would allow for transparency, engage participation and encourage informed citizen input on a wide range of City issues. He also believed it would build public support for some hard decisions the Council and citizens would have to make. In addition, he believed department heads should be encouraged to really say what they needed. Mr. Clark commented that when the Council made motions in the reports section of the agenda, it was violating the open meetings law with regard to 24-hour notice of agenda items and was also eliminating the possibility for public discussion. He suggested this be avoided in the future.

Mr. Thornhill asked Mr. Boeckmann for a response to Mr. Clark's statement. Mr. Boeckmann replied he disagreed with Mr. Clark because the reports were listed on the agenda. The only spur of the moment actions involved the Council comment portion of the agenda. He reiterated he did not agree with Mr. Clark's opinion on the issue.

Mayor McDavid congratulated staff for improving air service at the Columbia Regional Airport as enplanements would likely be 35,000-38,000 this year. He noted that there were probably 650,000 enplanements originating from people living within 60 miles of Columbia, so they were likely only capturing 6 percent of the market. He believed there was a tremendous untapped demand for air service in the area. He pointed out there was a lot of enthusiasm and interest from University administrators as well. He encouraged staff to consider elevating the airport status in the organization, actively pursue Dallas and Chicago as hubs even if it required revenue guarantees, and pursue a regional airport authority to gain wider support to enhance regional economic activity.

Ms. Hoppe commented that she was interested in pursuing the suggestion of televising the Council Retreat and asked for the thoughts of the rest of the Council. Ms. Anthony stated she believed it was a good idea as it would start the process of educating the public earlier and provided transparency. Mayor McDavid, Mr. Kespohl and Mr. Thornhill agreed it was a good idea.

Ms. Anthony asked if this should begin with the Mini-Retreat being held this weekend. Mayor McDavid replied he thought they should start with it this weekend.

Mr. Kespohl asked for a report regarding false burglar alarms with regard to how often they happened in certain businesses and the current fine structure as it might need to be altered.

Mr. Thornhill asked for a status update on the South Providence Pedway, which he believed was a near disaster. It was muddy, not finished and embarrassing. He was around construction everyday in his regular job and saw driveways and sidewalks get completed routinely, and this project was a mess. He wanted to know when it would be completed and usable.

Mr. Thornhill understood Ms. Peters, who was on the Planning and Zoning Commission and voted against the Bouchelle rezoning requests in that capacity, accepted testimony from her partner, who she was related to, and owned R-3 zoned property in the same neighborhood. He was not sure of the abstention requirement or whether she needed to make it known that she owned property in the neighborhood, but believed she should have at least acknowledge she was voting against something that was similar to something she owned. He was not sure of the Council's authority, but believed a potential conflict of interest should be acknowledged. Ms. Hoppe commented that Betsy Peters was her sister. Mr. Thornhill noted Ms. Peters owned R-3 zoned property 2-3 blocks away and voted against a similar type of rezoning.

Ms. Anthony commented that she was concerned with tree trimming practices around power lines in the City. Although most of this trimming was being done in keeping with the City's guide on pruning trees along power lines, there were many trees being removed. In addition, she had received a lot of complaints. She wanted to alert the Council to that issue, especially in light of the potential for more transmission lines.

Mr. Schmidt noted he was pleased the City kept up with the tree trimming having lived in places where it was not done and the power went out.

Ms. Anthony stated she was suggesting the power lines be underground so it was not an issue.

Ms. Hoppe recalled the Council had received information regarding tree trimming practices that were effective but not as aggressive in other communities a few years ago and asked if staff could provide it to Council again. Ms. Anthony noted that would helpful for her as some of the trees were trimmed to the extent where they were removed because they deemed them unsafe.

The meeting adjourned at 10:38 p.m.

Respectfully submitted,

Sheela Amin
City Clerk