

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 6, 2012**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 6, 2012, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was lead by Brownie Troop 70836 of Mill Creek Elementary. The roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID and SCHMIDT 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 January 17, 2012 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

Mr. Kespohl asked that B16-12 be moved from the consent agenda to old business. Mr. Kespohl made a motion to approve the agenda with the change of B16-12 being moved from the consent agenda to old business. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

SPECIAL ITEMS

Appreciation Award for Connie Kacprowicz.

Mr. Matthes presented Connie Kacprowicz with an award of appreciation and thanked her for serving as Interim Manager of the Office of Cultural Affairs from March 14, 2011 through December 30, 2011.

Swearing In of Charles Witt as the Fire Chief of the City of Columbia.

The City Clerk administered the oath of office to Fire Chief Charles Witt.

Mr. Matthes stated he was pleased to sign the oath as a witness because it was not often a City Manager had the opportunity to participate in the swearing in of a Fire Chief who started before he did.

Swearing In of Tony St. Romaine as the Deputy City Manager of the City of Columbia.

The City Clerk administered the oath of office to Deputy City Manager Tony St. Romaine.

Mr. Matthes stated he appreciated Mr. St. Romaine for taking on the challenge of the Deputy City Manager as it would be a tremendous help to him.

Swearing In of Carol Rhodes as Assistant City Manager of the City of Columbia.

The City Clerk administered the oath of office to Assistant City Manager Carol Rhodes.

Mr. Matthes commented that the senior leadership of the City was complete with Ms. Rhodes' appointment as Assistant City Manager. He was excited they were now fully staffed and looked forward to the future.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

John Donelon - Police policy regarding not issuing reports for non-injury accidents.

John Donelon, 578 N. Grace Lane, commented that traffic accidents tended to occur due to the negligence, carelessness or inattention of a driver and explained he had been involved in a traffic accident on January 16, 2012 within the city limits of Columbia when another vehicle came into his lane and sideswiped his truck. A call was made to 911 dispatch by the other driver and a police officer, who was very courteous, had responded. The police officer asked for their licenses and insurance cards and provided each of them a piece of paper for them to exchange accident information. He asked the officer if he would be giving the other driver a citation as he had come into his lane and caused the accident. The officer explained that if he cited the driver, he would have to create an accident report for the State Traffic Accident Reporting System (STARS), which was a State of Missouri database used for statistics. The officer also explained they did not issue citations or do accident reports unless there was an injury or a vehicle was towed. Mr. Donelon noted he had been contacted by the adjuster of the other insurance company the following morning asking for a police report so they could determine who was negligent in the accident, and when he explained there was no report, the adjuster indicated she needed something in writing. Since there was no record of the report, he obtained a report of the 911 call, which only indicated the date and time of the call, who called and why, and that an officer had been dispatched to the scene, and provided it to the adjuster along with a witness' name and contact information and his statement. Weeks had passed since the adjuster had time to contact the witness and the driver of the other vehicle, and during that time, he had a vehicle with limited drivability due to damage. He understood the Columbia Police Department did not write accident reports due to the number of accidents compared to manpower, but the Boone County Sheriff's Office, the Missouri Highway Patrol Office and the University of Missouri Police wrote accident reports for all accidents not on private property. He explained if he had not had a witness, it would have been his word against the other party's word and he might have had to pay his deductible and risk an increase in his premium when he had done nothing wrong. He commented that everyone was under budget constraints and believed it was a disservice for the Columbia Police Department to not provide accident reports for all incidents. He wanted the community to be aware of the policy and to understand a witness would be needed for insurance purposes if the accident did not involve injuries or the towing of vehicles.

PUBLIC HEARINGS

None.

OLD BUSINESS

PR11-12 Establishing a policy for intergovernmental relations.

The policy resolution was read by the Clerk.

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

Ms. Anthony stated she wanted to add the protection of local control to the guiding principles as she believed they should be aware of any pending legislation at the state level that would affect the Council's ability to make decisions on issues pertaining to the City.

Ms. Anthony made a motion to amend PR11-12 by adding "protect and increase local government discretion, in balance with City values and priorities" to the guiding principles. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe understood the Council would be notified of new issues through reports at Council Meetings and suggested they also be notified through Current Events if something needed to be addressed prior to a Council Meeting.

Ms. Hoppe made a motion to amend PR11-12 by adding "if something comes up between Council Meetings that needs to be addressed, the Council shall be informed through Current Events" to the Roles and Responsibilities section of the policy resolution. The motion was seconded by Ms. Anthony and approved unanimously by vote.

The vote on PR11-12, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

R21-12 Adopting a list of high priority improvement projects; and requesting federal assistance in funding these projects.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid understood the list of high priority improvement projects would be updated annually for Council review and approval. Mr. Matthes stated that was correct.

Ms. Hoppe stated she was happy to see the Highway 63 and Route AC Interchange project included in the list as it was something they had been trying to improve for many years.

The vote on R21-12 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B14-12 Authorizing the issuance of special obligation bonds for the construction of the Short Street parking garage.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to table B14-12 to the February 20, 2012 Council Meeting. The motion was seconded by Mr. Thornhill.

Mr. Kespohl asked if the for profit portion of the garage would cost the City more money. Mr. Matthes replied that was the central point to the questions. He explained they

were trying to determine how much was purely for the benefit of the North Light project versus the garage and were working toward not changing the taxable nature of the bonds. Mr. Kespohl understood the changes would be well defined when discussed on February 20, 2012. Mr. Matthes stated that was correct.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to table B14-12 to the February 20, 2012 Council Meeting was approved unanimously by voice vote.

B19-12 Authorizing a power purchase agreement with Crystal Lake Wind III, LLC.

The bill was given second reading by the Clerk.

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

Mr. Kespohl understood this would take the City to eight percent of total power and the City would be at ten percent by 2018. Mr. Johnsen stated the renewable energy requirement was at five percent now and would go to ten percent in 2018. He noted it was a function of the total load, so it was variable in that if the load increased, the requirement also increased, and therefore, they could only provide projections at this time.

Karl Skala, 5201 Gasconade Drive, stated he was the Chair of the Environment and Energy Commission and asked that the Commission be privy to this same information prior to Council Meetings as the Commission was working on renewable related issues.

Mayor McDavid commented that he thought staff had done a good job of finding wind energy at this cost. He explained the City was paying 9-12 cents per kilowatt hour for energy, but would purchase the wind energy at 4.50 cents per kilowatt hour. This pointed out the City's prudence in pursuing the renewable energy goal.

Ms. Hoppe thanked staff for working diligently through the years in terms of renewable energy as she thought they had made great progress. She explained the renewable energy initiative started in 2004 by the favorable vote of citizens and noted she had participated in getting the initiative on the ballot.

Mr. Schmidt stated he appreciated staff for its forward thinking.

B19-12 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B22-12 Authorizing an agreement with the Columbia Public School District to construct a fitness track and football/soccer field at West Junior High School.

The bill was given second reading by the Clerk.

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

Mayor McDavid stated he believed this was a great use of park sales tax and a great collaboration with the Columbia Public School District.

B22-12 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B23-12 Accepting a donation from Keep Columbia Safe to the Police Department for the purchase and installation of a safety camera to be located at the intersection of Tenth Street and Cherry Street; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Matthes and Chief Burton provided a staff report.

Ms. Hoppe asked for an explanation of the difference between the new camera and the existing camera to include how the zoom and tilt features would work. Lieutenant Kelley explained the City already had two pan-tilt-zoom cameras at the intersections of Ninth and Cherry and Tenth and Broadway. The other two locations had fixed cameras, which did not provide zoom capability for more detail. The pan-tilt-zoom feature allowed the Police Department to move the camera and zoom into an area of concern. They could then play back the video in the future to address specific incidents.

Ms. Hoppe understood officers sometimes watched live video with the existing cameras. Lieutenant Kelley stated that was correct and explained it was usually on Thursday, Friday and Saturday nights between 11:00 p.m. and 2:30 a.m. since statistically they had a higher frequency of assaults in the downtown during those times.

Ms. Hoppe asked for clarification on the differences in the power of the zoom features of the cameras. Lieutenant Kelly replied the camera and its features would be identical to those installed at the Ninth and Cherry and Tenth and Broadway intersections, and had a very good zoom capability.

Mr. Schmidt asked for the annual cost of operating the cameras and whether this would result in an additional cost. Lieutenant Kelley replied there would not be an additional cost with the private vendor, ISG, to add this camera to the system.

Dan Viets stated he thought the installation of government surveillance cameras on public streets and sidewalks was a bad idea, but the majority of Columbia voters had been persuaded to support the proposal even though a majority of those residing in the areas the cameras were installed were against it. He commented that the chief proponent of the ordinance had repeatedly stated the cameras would not be used for real time live surveillance of citizens, and it astounded him that this representation to the voters had been broken and they were now compromising the integrity of the Council and the City. He felt this issue went beyond the questions of privacy and whether surveillance cameras accomplished their purpose. He believed the issue was that the voters had been told the cameras would not be used for live surveillance and that campaign promise needed to be kept. He noted Karen Taylor had indicated during a debate they had at Stephens College that the cameras would not be used for live surveillance, but they were already being used in that manner. He asked the Council to consider the integrity and trust of the City.

Mitch Richards, 707 Washington Avenue, stated he was the Treasurer of Keep Columbia Free and noted he had spoken before the Council several times in the past with regard to the cameras being ineffective, expensive and un-American. They had been told by the Police Department that the cameras had helped to stop one DUI and one litterbug when used for live surveillance despite campaign promises. He understood there was a shooting on Worley a week ago, which was within the ward that had rejected the installation of the cameras by an overwhelming majority and was the ward in which the cameras were installed. He noted this was the same ward that was lacking in terms of police and firefighter coverage. In addition, the City was already spending \$75,000 per year on cameras, which was the price of a fully benefited and salaried police officer. He commented that there was not a lot of

engagement within the younger African-American community because they felt government did not care and nothing changed even when they spoke up, and he believed this had been perpetuated by the fact there was public outrage, political campaigns, etc. when one white male from an affluent community was beaten in the downtown area as the shooting that occurred a week ago was fairly common and did not generate the same outrage. He thought they were disenfranchising lots of young people because there were serious problems affecting them that were not being addressed. He urged the Council to vote against this ordinance and to get rid of the cameras already in place.

Karen Taylor, 3709 Frontenac Place, stated she was the organizer of Keep Columbia Safe and noted the voters had approved the cameras at a 59 percent approval rating. She explained they were looking at a more capable camera and were not looking at installing cameras in locations not approved by the voters. She pointed out the ordinance had stated the cameras would be used at the discretion of the Police Chief in an appropriate manner he deemed necessary to benefit law enforcement. She asked the Council to accept the donation on behalf of the City.

Mr. Thornhill asked if the only benefit of this new camera was for live surveillance. Lieutenant Kelley replied that was not the only benefit and explained the camera could be parked in a trouble spot in order to allow for the play back of the problem area. It also allowed for a tight or overall view point of the problem area, which could then be used as an investigative tool or for evidence purposes after an incident had occurred. He noted the pan-tilt-zoom was instrumental in putting the victim in the downtown area during a recent homicide investigation and assisted with a time of death and the last time the victim was seen alive.

Mr. Schmidt commented that he agreed with Mr. Richards in that the City was not hearing from or addressing the right people. He had participated in a meeting at Douglass Park and noted there was mixed reception in terms of whether people wanted cameras. He thought Mr. Richards was correct in that there were places cameras were needed and possibly wanted, and that this camera was a monument to a past event.

Mayor McDavid commented that this was one of 192 cameras the City had and listed the locations of those cameras, which included the City Hall Plaza, the ARC, the Albert-Oakland Family Aquatic Center, Douglass Park, the Water and Light facilities, the Heuchan Building, etc., and that some of those were monitored live. He also noted the University of Missouri has 750 cameras throughout campus and the Boone Hospital Center had 457 cameras on its campus. Mr. Schmidt understood the cameras at Douglass Park did not work and were not anticipated to be replaced or repaired.

Ms. Hoppe stated it was obvious there were a lot of cameras and live monitoring of those cameras. She explained the City had been very careful in the past when making promises to the public regarding ballot issues and associated statements and was concerned about the loss of credibility with the public the next time an issue was on the ballot if representations were made indicating live monitoring would not occur.

Chief Burton commented that the cameras were being used as a tool to respond to issues of disorder and what they knew would happen. He explained they knew there were issues in certain areas with large numbers of people. The cameras allowed officers to see

from a further distance and advise other officers. Ms. Hoppe understood the cameras were viewed live only when the Police Department was aware of a problem. Mr. Burton stated that was correct and noted they did not have the resources to watch the video 24 hours a day and seven days a week.

Mr. Kespohl asked for the estimated staff time per week used to view video. Lieutenant Kelley replied it was about 16 hours per week at most. Mr. Kespohl understood live video was viewed primarily on Thursday, Friday and Saturday evenings. Lieutenant Kelley stated that was correct. He explained the front desk personnel might view live video to assess a situation and provide information if there was a call for service in the downtown area and officers were not close by or if the Special Business District had a complaint against a panhandler to determine the location of that panhandler.

B23-12 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID. VOTING NO: SCHMIDT. Bill declared enacted, reading as follows:

B25-12 Amending Chapter 14 of the City Code as it relates to taxi stands and no pick-up or drop-off zones.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid understood Section 14-355 indicated no person driving a motor vehicle shall drop off and pick up passengers between 9:00 p.m. and 2:30 a.m. in any of the places identified, which meant he could not pick up his wife from Sycamore, even if it was raining. Sergeant Hughes stated that was technically correct, but noted police officers utilized discretion. He pointed out language pertaining to disabled people did not exist, but they used discretion with those types of situations as well. Mayor McDavid asked for the reason and wondered if it was to encourage taxi use or a traffic flow issue. Sergeant Hughes replied it was mainly a traffic safety and flow issue. The reason this was researched and pursued was because many people were in the roadways at the same time in an effort to catch cabs or get into the vehicles of friends, especially during the times bars were closing, and it was unsafe because people were running into the roadways causing cars to almost hit them. This restriction along with the development of taxi stands would help address those safety concerns. Mayor McDavid asked if he would get a ticket if he picked his wife up at Sycamore and it was not raining. Sergeant Hughes replied he would likely get a warning to move along first. If he refused, he would then likely receive a ticket.

Mr. Schmidt asked for clarification on how those with disabilities would be accommodated. Sergeant Hughes replied the Police Department had no interest in citing someone that legitimately needed to circumvent the current law to make his or her life as normal as possible. Chief Burton pointed out it was always the hope of Police Department that good judgment would prevail.

Mayor McDavid stated he would support the ordinance, but noted he was always uncomfortable with passing an ordinance which would not be enforced. He thought they might want to amend it later. Mr. Thornhill asked if there should be verbiage in ordinance to accommodate disabled individuals. Mayor McDavid suggested they keep in mind this flaw in

the ordinance and determine whether an amendment would be needed later if they did pass the ordinance. Chief Burton pointed out the vast majority of police officers would air on the side of good judgment.

Mr. Kespohl commented that he believed 9:00 p.m. was too early. He also thought something accommodating the elderly and disabled should be included in the ordinance.

Mr. Schmidt stated he appreciated the fact the number of parking spaces for taxi stands on Tenth Street had been reduced and wondered if the entire block on Cherry Street or in general was needed. Sergeant Hughes replied the entire block was not needed most of the time, but they went to a model of consistency because it was easier in terms of signage and everyone to understand. He noted discretion played a part in this decision as well and explained a police officer would generally not issue a ticket for someone not using a taxi stand on a non-busy Sunday evening. If, however, there was a special event causing a lot of people to be downtown, the taxi stand might be enforced.

Mr. Schmidt asked if staff would have a problem moving the time back to 10:00 p.m. Sergeant Hughes replied the theory in making it 9:00 p.m. was to allow for a buffer period so people had time to move their vehicles and the taxi stands were cleared out by 10:00 p.m. Mr. Schmidt commented that law abiding early birds might not park there and the taxi stands took up quite a bit of parking given the size of the downtown.

Ms. Hoppe stated she agreed and believed 10:00 p.m. was more reasonable.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Community Improvement District (CID) and explained the CID approved of the taxi stands and had worked with City staff in making adjustments to the program. They had received a lot of input from taxi drivers and their customers, and had not heard a complaint indicating 9:00 p.m. was too early. She understood people liked the buffer so they knew not to park there and potentially get ticketed or towed if going to dinner, etc.

Mr. Kespohl asked Ms. Gartner if she was referring to the times of clearing the taxi stand areas. Ms. Gartner replied yes. Mr. Kespohl asked if there were any complaints about the 9:00 p.m. time for drop off and pick ups. Ms. Gartner replied no and explained they had worked through the issue with the taxi drivers during the pilot program. Mr. Kespohl noted the ordinance indicated “any driver” with regard to pick up and drop off, and suggested it be changed to 10:00 p.m. Ms. Gartner explained the CID was supportive of this ordinance.

Ms. Hoppe asked if these restrictions were limited to Thursday through Sunday. Ms. Gartner replied she understood the restrictions would be in place every night, but this was most helpful Thursday through Sunday. Ms. Hoppe asked why it was not restricted to Thursday through Sunday. Ms. Gartner replied it was due to consistency and because Tuesday and Wednesday nights were big nights for some bars even though Thursday, Friday and Saturday nights were the busier. She noted the need for cabs was fairly consistent throughout the week in the downtown area.

Mayor McDavid commented that the City expected more out of town visitors due to the University moving to the SEC and those visitors might not be familiar with the City’s rules and regulations. He wanted to ensure they did not offend anyone traveling to Columbia. He considered this a dynamic process and asked staff and the CID to keep them updated on items needing to be changed in the future.

Mr. Dudley asked if there had been difficulty with someone calling a taxi cab company to pick them up and someone else getting into their taxi cab. Sergeant Hughes replied people could get into any cab they chose and noted there had been a few instances when there was difficulty knowing who called which cab, but those situations were generally worked out by those involved. The people who actually called the cab would tell the cab driver they were the ones who called and the cab driver would check his or her records to determine who actually called the cab. There were no lines and the Police Department did not regulate what cab people used.

Mr. Kespohl understood the taxi stand area was enforced from 10:00 p.m. to 2:30 a.m. and no one could park in those spots during those times. Sergeant Hughes stated that was correct.

Mr. Kespohl made a motion to amend B25-12 by changing Section 14-355 so the pick up and drop off time by any driver was restricted from 10:00 p.m. to 2:30 a.m., which coincided with the enforcement of the taxi stands. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B25-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B16-12 Approving the Final Plat of Unity Center Subdivision located on the north side of Bethel Drive, northeast of the intersection of Forum Boulevard and Old Plank Road; granting variances from the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. Teddy provided a staff report

Mr. Kespohl commented that there were many areas in northeast Columbia that did not have sidewalks because they were once County roads and were also not required to install them when annexed into the City. As a result, he did not believe they should grant the variance requested. He thought they should be required to build the sidewalk or provide payment so the sidewalk could be built when the street was improved.

Mr. Kespohl made a motion to amend B16-12 by changing the language in Section 4 so that the sidewalk would be built or a payment in lieu of the sidewalk would be required. The motion was seconded by Mr. Schmidt.

Ms. Anthony asked for the criteria the Planning and Zoning Commission used when determining whether to allow a variance for a sidewalk and how that was applied to this situation. Mr. Teddy replied the Commission considered the policy resolution as the criteria and reviewed the traffic volume and conditions of the street and area around it. In this situation, they determined there were no sidewalks on any of the streets in the neighborhood. The nearest sidewalk was on Buckeye, which was a City street in the Cedar Lake area. In addition, the streets were low in volume so the Commission did not feel there was a particular threat to pedestrians on the street. Ms. Anthony asked for clarification regarding the sidewalks on Buckeye Drive. Mr. Teddy replied there were sidewalks on both sides of Buckeye Drive, which was to the north. He pointed out staff's original recommendation to the Commission was for an alternative walkway that would connect Buckeye and Bethel, but the Commission made the recommendation to waive sidewalks along public streets without any

conditions, which meant no alternative walkway would be required. He noted no sidewalk would be built with the construction of the home on this lot if Council passed the ordinance as presented.

Mayor McDavid understood some of the neighbors had requested a sidewalk variance. Mr. Teddy stated that was correct and explained there were two petitions. One was in favor of the sidewalk variance and the other was in favor of a variance so Buckeye would not be terminated with any kind of turn around pavement structure as was required by the subdivision code when someone was subdividing next to a dead end street. The Commission relieved the subdivider of that responsibility. He pointed out the Code indicated that in granting a sidewalk variance, the Council did not eliminate the possibility of installing a sidewalk by tax bill if it chose to retrofit the neighborhood in the future.

Mr. Schmidt understood there was a third petition, which opposed the requirement of an easement, and that the petition indicating opposition to the sidewalk was only signed by nine people. He asked if the developer was required to pay the payment in lieu of for the sidewalk variance. Mr. Boeckmann replied the subdivision ordinance allowed one to require a payment in lieu of, but the money collected would need to be spent in an area that would benefit the property for which it was collected. Mr. Schmidt asked if the money would sit in an account until the Unity Center did something with the land. Mr. Boeckmann replied the money needed to be spent within a reasonable period of time or would need to be returned.

The motion made by Mr. Kespohl and seconded by Mr. Schmidt to amend B16-12 by changing the language in Section 4 so that the sidewalk would be built or a payment in lieu of the sidewalk would be required was approved by voice vote with only Mayor McDavid and Ms. Anthony voting against it.

Mr. Schmidt asked if the easement for a future sidewalk was being granted. Mr. Teddy asked if he was referring to sidewalk easements along Bethel Drive. Mr. Schmidt replied yes and explained he would prefer the easement be granted versus requiring a payment in lieu of. Mr. Teddy pointed out a sidewalk was normally built within the street right-of-way and he did not believe an additional easement would be required.

C. Stephen Heying, a land surveyor with offices at 1202 Madison Street, stated he was responsible for the plat and represented the seller, Unity Church, and the proposed purchaser, Ms. Rice. He explained this was a separate and distinct neighborhood and they were requesting it be annexed into the City in order to divide it within the rules of the City since they needed City utilities, which included sewer. He noted the streets had been in place for a long period of time and would need to be rebuilt in order to be brought up to standard. He commented that the normal way to do this was to let a contract for sidewalks to be installed when the streets were rebuilt as this would be a sidewalk to nowhere for a long time. The lot was a three acre lot, which would not be subdivided into other lots. The waiver of a deposit for the sidewalk was discussed at the Planning and Zoning Commission meeting and the problem identified was keeping track of the money until the street was improved. He pointed out the sidewalk construction could be tax billed at an equitable price at the time needed as those prices changed over time.

Ms. Hoppe commented that although she had voted in favor of the motion to require sidewalks or a payment in lieu of, she understood they could tax bill for sidewalks in the future if and when they were needed.

Mayor McDavid understood a motion deleting the previous amendment could be made.

Mr. Kespohl noted there were many areas in northeast Columbia that had been annexed with unimproved streets and without sidewalks, and he was concerned sidewalks would never be put in as they were not requiring the installation of them nor obtaining any money to build them in the future.

Mayor McDavid made a motion to amend B16-12 by changing the language in Section 4 so it was the same as originally proposed. The motion was seconded by Ms. Anthony and approved by voice vote with only Mr. Thornhill, Mr. Kespohl and Mr. Schmidt voting against it.

B16-12 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. 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.

- B15-12** Voluntary annexation of property located on the north side of Bethel Drive, northeast of the intersection of Forum Boulevard and Old Plank Road; establishing permanent R-1 zoning.

- B17-12** Approving the Final Plat of Old Plank Estates located on the east side of Old Plank Road, east of the intersection of Old Plank Road and Route K; authorizing a performance contract.

- B18-12** Authorizing a road maintenance cooperative agreement with Boone County, Missouri relating to road portions along portions of St. Charles Road, Rock Quarry Road, Gans Road, Bearfield Road, Oakland Gravel Road, Old Miller’s Road and Prathersville Road.

- B20-12** Authorizing a utility agreement with Boone County, Missouri to relocate electric transmission line structures at the intersection of Rolling Hills Road and New Haven Road.

- B21-12** Accepting conveyances for utility services.

- B24-12** Accepting the 2012 Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.

- R12-12** Setting a public hearing: special assessments against property in Sewer District No. 163 (Ballenger Lane and Aztec Boulevard).

- R13-12** Setting a public hearing: special assessments against property in Sewer District No. 167 (Shepard Hills Subdivision).

- R14-12** Setting a public hearing: voluntary annexation of City-owned property located on the north side of Brown School Road, east of Providence Road (557 East Brown School Road).

- R15-12** Setting a public hearing: considering an amendment to the FY 2011 Action Plan for HOME funds.

- R16-12 Authorizing an agreement with Southwest Baptist University, St. John’s School of Nursing and Health Sciences, to provide health clinic experience for nursing students.
- R17-12 Authorizing a sponsored research contract with The Curators of the University of Missouri as part of the HIV Prevention Project.
- R18-12 Authorizing a performance contract with MM II, LLC in connection with the approval of the Final Plat of Watson Place Plat 3 located on the east side of Ninth Street, south of the Ninth Street and Elm Street intersection.

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

NEW BUSINESS

- R19-12 Authorizing the temporary closure of portions of the alleyway between Ninth Street and Watson Place, and a portion of the sidewalk along Watson Place, to allow construction of a mixed-use building at 308 South Ninth Street.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Matt Kriete, an engineer with offices at 1113 Fay Street, stated he was available to answer any questions.

Mr. Thornhill asked what would be made of the alley once the construction was finished. He wondered if it would be reopened. Mr. Glascock replied it would be reopened.

Mr. Thornhill asked if there were any plans to make the transition of the alley onto Ninth Street anymore accommodating as it was very steep. Mr. Kriete replied long term plans were to ask for a closure of the alley so it was accessible to pedestrians and emergency vehicles only, but that request had not yet been made.

The vote on R19-12 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R20-12 Establishing an Enhanced Enterprise Zone Board; finding and certifying that a portion of the City and Boone County is blighted as that term is defined in Chapter 135 RSMo.; and directing the City Clerk to send a copy of this resolution to the Missouri Department of Economic Development.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to amend R20-12 by replacing “...a blighted area.” in Section 6 with “...an area which contains inadequacies which lead to blight within the meaning of RSMo. 135.950(2).” and replacing “...blighted areas within the Enhanced Enterprise Zone” in Section 7 with “...areas within the Enhanced Enterprise Zone which contain inadequacies which lead to blight within the meaning of RSMo. 135.950(2).” The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mr. Dudley asked how the oversight of the State for an Enhanced Enterprise Zone (EEZ) compared to its oversight of a TIF or TDD. Mr. Matthes replied there were significant

differences. In terms of the EEZ, the State government allowed the new business to forego the payment of certain taxes that would otherwise have to be paid for, generally, a ten year period of time and half of the taxes that would accrue. He explained if a building was constructed within the EEZ district, the company would pay half the tax it normally paid under the most common scenario for the first ten years. During the eleventh year, the company would pay the entire amount required. He noted all of the personal property was taxed. Only the taxes on the real property, which included the building and land, were reduced for a brief period of time in an effort to encourage expansion or a new business. A TIF required the payment of taxes and calculated a base and an increment, and the increment calculated was used to make investments in the area. The EEZ was a State provided benefit and was money not collected in the beginning, while the TIF actually collected the tax and reinvested it into the TIF district. A TDD was similar to a sales tax as all of the money was collected and had to be spent on transportation related projects.

Mr. Kespohl understood the EEZ was a tool of encouragement to build within the identified zone by saving on taxes. Mr. Matthes stated that was correct. Mr. Kespohl asked about the differences in oversight between the EEC, TIF and TDD. Mr. Brooks explained the EEZ program was designed by state statute and there was a clearly delineated set of rules that required a minimum level of investment and a minimum number of jobs for businesses that fell within the frame work of the North American Industrial Classifications that Columbia, as a community, viewed as areas it wanted to invest in. Certain items were prohibited and that included retail and education classifications. Once a company made an investment, the application would go to the State to determine eligibility. A requirement was that an employer had to pay a minimum of 51 percent of healthcare benefits and provide a salary that was at least 75 percent of the community average. If a company met the criteria, made the investment, created jobs and fell within the areas the City wanted investment in, the State would make a ruling as to whether a company qualified or not. He noted the critical part of the program was on the front end as they had the ability to be more selective than the State, but could not be less selective. Mr. Kespohl understood the board would assist in that respect. Mr. Brooks stated that was correct.

Mr. Thornhill asked what would prevent someone from bulldozing through several houses and constructing a business. He wondered if it was zoning or the fact this was geared toward rehabilitating a previously used building in the area. Mr. Matthes replied the City would still have all of its zoning powers, so the Council would continue to have full decision making on projects the way it did today. He explained the zoning had to be there, so it did not expose the neighbors or the City to anything it did not want.

Mr. Thornhill understood that effectively, with or without the EEZ designation, if the property was not zoned for the purpose planned, the person developing the property would still have to go through the process of convincing the Planning and Zoning Commission and the Council that the proposal was worth a zoning change. Mr. Brooks stated that was correct and explained the program had no regulatory control. All of the regulatory control remained with the City.

Mr. Kespohl understood the EEZ designation did not play a part in condemnation or eminent domain. Mr. Brooks stated that was correct. Mr. Matthes pointed out there was no

connection between the EEZ designation and eminent domain. Mr. Thornhill commented that there was a fair assumption that this could be viewed as a first step toward eminent domain, but if this was not anything more than a temporary tax incentive, the person involved would have to convince Council he or she needed to level ten houses to put up a warehouse. Mr. Brooks explained the same question of eminent domain had come up in another community and the attorney with Gilmore and Bell had indicated the statutes did not reference anything other than the EEZ.

Mr. Schmidt understood residential areas were included because the law required identification by census tracts. Mr. Brooks stated that was correct. He explained there were requirements with regard to the number of people that had to reside at a minimum in each census tract that was under consideration and each census tract had to meet certain criteria regarding poverty, unemployment and the population number. Mr. Schmidt understood it was by census tract and not an arbitrary inclusion of certain neighborhoods. Mr. Brooks explained the real opportunity was for economic development in the manufacturing community, so they were trying to include property on Route B, Lemone, Discovery Ridge and Route Z.

Ms. Hoppe noted there were clearly very nice areas identified to be within the designated EEZ area per the map and understood those areas were included in an effort to meet the census criteria. It did not mean those areas were blighted. Mr. Brooks stated that was correct. He explained certain conditions needed to exist within a census tract in order to be included, and a key element was that it met the minimum poverty threshold of the State. He pointed out they had established a recommended map, but would encourage the advisory board the Council would hopefully establish tonight to make recommendations regarding the businesses that would be eligible for benefits and to review and ensure the map met the goals of the program.

Ms. Hoppe asked if the EEZ only applied to new businesses or if it also applied to expanding businesses. Mr. Brooks replied it applied to both. The requirement for a new business was two jobs and a \$100,000 investment. Two jobs were required for an existing business as well, but the threshold for investment was higher. Ms. Hoppe noted the second “whereas” statement indicated the City supported this type of incentive to assist businesses in their effort to locate in the City of Columbia and asked if it should be changed to include expansion. Mr. Brooks stated he would be supportive of the change.

Ms. Hoppe made a motion to amend R20-12 by changing the wording in the second whereas statement so it stated “...in their effort to locate and/or expand in...” instead of “...in their effort to locate in....” The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Mr. Kespohl understood that once the board was established, it would create criteria for the types of businesses that could be included and that criteria would need to be approved by the Council as well. Mr. Brooks stated that was correct. He explained that before the actual submission of an application to the State, a resolution of support by the Council was required and would include the criteria. Mr. Kespohl understood that after all of that was done, the Council had no more or no less oversight. Mr. Brooks stated that was correct.

Ms. Hoppe commented that it appeared as if the west side of Rock Quarry Road, between Stadium and Grindstone, included a lot of gray, which represented industrial areas, and noted she thought it was residential and within a conservation easement land trust. She wondered about the accuracy of the map. Mr. Andrews explained it was hard to tell, but it was agricultural.

Ms. Anthony noted she had received e-mails from many people that were concerned with a reduction of the tax base, which would adversely affect the Columbia School District budget and asked for clarification. Mr. Brooks replied any property taxes that were currently being paid would not be impacted by this program. The only taxes that would potentially be impacted was if a company made a real estate investment and chose to apply for tax abatement, and in that case, up to 50 percent of the property taxes over 10 years would be abated. They City had the option to do more, but could not do any less per statute.

Sid Sullivan, 2980 Maple Bluff Drive, stated he appreciated the amendment to describe the areas within the City as areas tending to blight and noted that given the criteria of blight any parcel of land within the City could be declared as blight. He understood the Council was not approving the map or area as it required a public hearing, but was being asked to certify it. He pointed out he had read the statutes involving the EEZ and thought it was a stretch to include property outside of the City, even though those areas were designated for industrial parks, because the City would be imposing tax abatement on areas where it did not collect tax or have legislative authority. He asked the Council to review the situation prior to certifying the map. He reiterated his appreciation for the amendment with regard to blight as it would cast a pall over the City and understood there were two reasons for a blight declaration. One was for the elimination of blight itself and the other was for economic development. This resolution dealt with economic development and had nothing to do with or for the removal of blight. He thought Council should consider how to alleviate points of blight, so it did not overreact in terms of bringing businesses to the City and being deprived of a tax base that was needed to remove blight.

Mr. Brooks pointed out a similar request was being made to the County for the area outside of the City. Mr. Schmidt asked if census tracts crossed city limits. Mr. Brooks replied he believed they did. Mr. Brooks commented that through the Columbia Area Jobs Foundation, they had acquired a piece of property on Route Z as part of their inventory in an effort to be in a better position to support the attraction of business, and that territory was clearly in the County at this time. Although he expected it to be annexed into the City in the future, he reiterated they would ask the County to approve a similar resolution.

Pat Fowler, 606 N. Sixth Street, stated she was the Board President of the North Central Columbia Neighborhood Association and the Association had not yet had a chance to discuss and vet a formal opinion, so she was speaking as an individual. She appreciated the amendments made, but did not believe they went far enough. She thought information regarding the formula by which the census tracts were incorporated needed to be included in the resolution such that the Council was following the statutes and that certain parcels within those census tracts would meet the definitions. She commented that the City was in a constant dilemma about income because there were 30,000 students and most did not make any money and were spread throughout the City. In addition, these low or no income

persons were often included in the poverty index. She questioned the census tracts that were used and why the area was expansive as the majority of the City appeared to be included. She noted she lived in a neighborhood that was one of the most affordable neighborhoods in town in terms of owning a home and thought if they could combine efforts to make rental properties energy efficient, it would be the best place for students to live. By placing “blight” or “the leading to blight” definition on her neighborhood, she felt the City was working directly against the effort to create affordable housing for Columbia citizens and objected to it.

Paul Allaire, 1004 N. Eighth Street, stated he did not think most of the public was aware of this resolution as he believed more people would be at the meeting if they knew. He appreciated the change in the language in terms of blight, but suggested Council think about this for a couple more weeks before voting.

Donna Kessell, 715 Lyons Street, asked what would prevent a company from tearing down houses and building an apartment complex on her street. Mayor McDavid replied the City Council. Mr. Thornhill noted the request would first have to go to the Planning and Zoning Commission and would then come to the City Council. Ms. Kessell asked if this was the case even if the zoning on her street was R-3. Mr. Brooks replied residential was not eligible for benefits under the EEZ program, so apartments, single-family homes, etc. were not eligible. He pointed out residential was expressly prohibited by the State. Mr. Thornhill explained that if her house and the three houses next to her were zoned R-3 and someone bought all four lots, that person could build an apartment complex there, but this program did not impact that ability. Ms. Kessell asked if that was the case because it had been referred to as blighted. Mr. Thornhill replied it did not have to do with it being referred to as blighted. It was because it was already zoned R-3. Ms. Kessell understood an apartment building could be built now if her property was purchased, but was concerned this program would allow for eminent domain due to the property being referred to as blighted. Mr. Thornhill stated this program did not allow for residential. Mr. Matthes explained every City Council had the power to use eminent domain, but that did not have anything to do with blight, and noted the Council could use eminent domain for a road without the land being considered blighted since it was needed for a public purpose. He noted there really was not a connection between eminent domain and this program as the EEZ map did not make anyone more likely to experience eminent domain.

Karl Skala, 5201 Gasconade Drive, commented that it had been the City’s policy to review projects on a case by case basis when it came to the use of incentives, and he understood that would be done. He wondered who had jurisdiction to make recommendations to the Council regarding these incentives as there was confusion as to whether the Downtown Columbia Leadership Council had that authority. Other issues, he thought needed to be considered was whether the incentive was worth the tax base adjustment, especially with regard to the school system, and how existing businesses that were not eligible for the incentives would feel about other businesses receiving incentives.

John Clark, 403 N. Ninth Street, did not feel the economic development policy and its implementation had been adequately discussed and believed it was too important to be driven or controlled by the development community. He was also concerned with the process

by which census tracts were included in terms of their relationship to income because he felt money was not provided to those that really needed it and the process by which this came forward had not been inclusive. He believed this legislation was created for places such as North St. Louis where there was a lot of devastation and did not think they wanted this type of tool used in Columbia. He noted he had concerns about the composition of the board as well because many times they were too narrow in perspective to appropriately decide on issues that would affect people beyond their expertise. He hoped the board would be broadly based and would not have people from the development community involved, except as advisors since the Council would be relying on the board in making its decisions.

Ms. Anthony asked if Mr. Clark had a suggestion with regard to board composition. Mr. Clark suggested a board of about 15 people be selected with geography and age in mind. He believed it should be about perspectives and not agencies or public institutions.

Dave Griggs, 6420 N. Highway VV, read and provided the Council a copy of a comment from Gilmore and Bell regarding the issue of eminent domain, which indicated the blight finding was not related to eminent domain and there was no authorization in the EEZ law for eminent domain. He pointed out it had been longer than 15-20 years since an industrial property had been developed in the community. Developments such as the Walmart Supercenter, the Broadway Shoppes, etc. were expressly prohibited by state statute. This program would encourage job creation through industrial development, and not retail development. He understood many were concerned with their property being designated as blighted and noted the State of Missouri had enacted the Rebuilding Communities Tax Credit Program in the 1990's, which identified much of Columbia as distressed. He provided a handout that described the program and the area identified as distressed. He commented that he personally would want his property to be included in the EEZ area as it increased the opportunity for someone to purchase it, which made it more valuable. In terms of the inclusiveness of the Regional Economic Development Inc. (REDI) Board, he explained it had representatives of the City, the County, the University of Missouri, the Chamber of Commerce, hospitals, the manufacturing community, the real estate community and news media. In addition, they were actively recruiting investor members. Anyone could be a member of REDI by paying a nominal fee and could then attend any of the REDI Board meetings. In terms of the size of the EEZ board, he pointed out state statute limited the size to seven members. He explained the EEZ process began in September through a REDI subcommittee and involved representatives of the Columbia Public Schools and downtown Columbia. They were asking for the adoption of a board, which would then review the work already done and make a final recommendation to the City. The City would then hold a public hearing for input from the community. Afterward, if the Council agreed to proceed, staff would submit an application to the Department of Economic Development for review and potential approval.

Ms. Hoppe noted the Council had received a letter from the Chair of the Downtown Columbia Leadership Council (DCLC) indicating they wanted an opportunity to review the EEZ proposal and understood they would meet with REDI on February 28, 2012 to learn more and provide input. Mr. Griggs stated the Chair of the DCLC, Ms. Gerding, was recommended to be a member of EEZ board as well so they would be actively involved. Ms.

Hoppe understood the DCLC had been inadvertently missed. Mr. Griggs agreed and explained he had been unaware of the role of the DCLC as an advisor to the Council. If he had been aware, they would have talked to them previously as they had met with many other organizations.

John Nelson, 1294 Victoria, stated he liked the amendment made with regard to the blight verbiage, but blight was still being referenced, and in reading the state statute, the initial requirement of the EEZ was for an area to be specifically blighted with pervasive poverty, unemployment and general distress. He did not feel half of Columbia would even fit that description. A second definition of a blighted area was an area, which by reason of predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or the existence of conditions which endangered life or property by fire or other causes or any combinations of such factors, retarded the provision of housing accommodations or constituted an economic or social liability or a menace to the public, health, safety, morals, or welfare in its present condition and use. He noted there was another alternate definition of blight referencing energy use, etc. He pointed out these definitions did not apply to eastern Columbia, where he lived, or many other parts of Columbia. There might be very specific and targeted areas that could fit that definition, but the majority of the community would not fall into that definition. He understood the City was pursuing this program in an effort to obtain tax incentives for businesses to come to town and was supportive of that, but did not believe it was beneficial to declare half of the City as blighted. He thought they should pursue other options that did not reference blight.

Rosie Gerding, 101 S. Fifth Street, stated she had written a letter to the Council on behalf of the Downtown Columbia Leadership Council (DCLC) reminding them of its existence and the fact they were willing to advise the Council on this issue if they wanted to refer it to them. At the time she wrote the letter, she did not know her name would be submitted as a possible member of the EEZ advisory board, but the DCLC was still happy to review it. She noted she did not want to delay the process if the Council wanted to move forward, but wanted the opportunity to review it if the Council was agreeable.

Ms. Hoppe commented that if they did not want to delay the process, but still wanted to refer it to the DCLC for input, the DCLC could provide input to the EEZ board. Ms. Gerding agreed that would be possible since it would come before the Council again. Ms. Hoppe asked that the DCLC be provided an opportunity give input prior to the next time this issue was to come before Council.

Dan Cullimore, 704 Lyons Street, commented that on the surface this sounded like it might be very beneficial to Columbia, but believed more information was needed before establishing the board. He wondered what the consequences had been for other communities where the EEZ had been established. He wanted to know if it had worked in the other communities. He noted the Council was considering establishing another board at a time staff was recommending the number of boards and commissions be reduced, which was another reason the consequences might be worth knowing.

Linda Green, 206 Anderson, explained she had been involved in a situation several years ago whereby people were trying to condemn public housing by calling it blighted, but

the buildings were determined to be strongly built and not needing to be demolished. She hoped the blight determination would not be a step toward demolishing public housing as it and other affordable housing was badly needed.

Jonathan Sessions stated he was with the Columbia Public School Board of Education and had been involved in this process as a member of a REDI subcommittee along with other representatives of taxing districts. He noted the School Board understood this could have a significant affect on the School District, which was why they were involved. He explained the Superintendent was involved and the School Board was being kept informed. They believed this was an opportunity to attract businesses that provided high quality jobs with salaries and quality benefits and was beneficial to the School District because it would bring in revenue that would potentially never exist. He pointed out the legislation tonight would establish an EEZ board, which was the first step, and further legislation would come back before the Council. He asked the Council to create the board so they had the opportunity to establish quality jobs in Columbia.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Downtown Community Improvement District (CID) and a resident of the North Central Neighborhood, and noted she was also involved in the subcommittee that had worked with representatives of REDI and other taxing districts in reviewing this State program in terms of whether it would be a good fit for Columbia. She commented that the downtown had a similar opportunity a few years ago in terms of the Historic Preservation Tax Credit, which was also a State program. Development downtown had stalled a few years back and the creation of a historic district allowed everyone to be eligible for the tax credits to improve their buildings. This eventually created 392 jobs and 180 housing units, and generated over \$75 million for the local economy. It also spurred other development in the downtown. She noted the CID Board was supportive of moving forward with the EEZ program.

Mr. Brooks noted the impact of the EEZ had to be reported to the State of Missouri on an annual basis and those collective reports would be available on the Department of Economic Development website. Mr. Schmidt asked if staff would summarize the information for the Council and public when this came back to Council as there was interest in the information.

Ms. Hoppe asked for clarification as to why such a large area needed to be included. Mr. Brooks replied the driver for the map was to ensure the industrial areas in which they were trying to promote business, expansion and investment, were included. The map provided was a result of including those properties. He noted they would revisit that subject with the advisory board so they had the opportunity to do their own evaluation based on the criteria. Ms. Hoppe understood the advisory board would have the opportunity make adjustments to the map. Mr. Brooks stated that was correct.

Ms. Hoppe commented that one speaker suggested language be added to the resolution indicating this was based upon census tracts and asked if that should be included. Mr. Brooks replied all of that information was clearly defined as the criteria. He was agreeable to including that language in the legislation, but noted the City did not have a choice as that was the criteria.

Mr. Schmidt asked if the Council was certifying the area as he thought the board, when formed, might change the map. Mr. Brooks replied the Council would be certifying the map, but it did not mean the advisory board could not revisit the subject and recommend a revised map.

Ms. Anthony commented that she was supportive of state incentives being available to encourage industrial development, but felt they had fallen short because a City of allowing it in inappropriate areas. As a result, there was a concern with the wide census tracts as many areas included were not appropriate. She asked that the advisory board, once created, review the map to ensure it was as narrow as possible while allowing industrial development to be accommodated in appropriate locations.

Ms. Hoppe understood the public appeared to favor the establishment of tax incentives and the creation of jobs, but was concerned there would be a disincentive to improve areas with deteriorating conditions once the blighted area was established. Mr. Matthes commented that the map was not titled as a map of Columbia blight. It was titled Columbia Enhanced Enterprise Zone. Except for this conversation and the application to the State, the identified areas would not be called blighted. Those areas would be referred to as the Enhanced Enterprise Zone. This was a mechanism to focus state economic development incentives on areas within the City. He did not believe people would stop investing in these parts of the community because those areas would not be identified as blighted on a daily basis. He understood the concern, but the term blighted really would not be used after the City received the EEZ designation. Ms. Hoppe understood the City would continue to make improvements in those areas in an effort to eliminate deteriorating conditions where they might exist. Mr. Matthes noted this provided potential funding to help with improvements.

Ms. Anthony asked why the term blighted needed to be included and suggested they just state the City met the qualifying criteria as defined in Chapter 135 of RSMo. Mr. Boeckmann replied the statute stated the Council had to find the area was blighted. Mr. Matthes commented that at some point they had to state these areas were blighted even if they did not feel they were blighted. He noted there were sections of the City that were tired and needed an investment, such as the Business Loop area.

Mr. Schmidt stated he was glad they were trying to work on manufacturing jobs as many of those jobs had been lost since 2008. Good jobs were needed for people in the community, which was why he would vote in favor of this resolution.

The vote on R20-12, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

PR22-12 **Establishing a policy on Neighborhood Organizations and Homeowner Associations.**

B26-12 **Rezoning property located on the south side of Clark Lane (3900 Clark Lane) from A-1 to C-P; approving the Pine Grove Village C-P and RMH**

Plan; approving less stringent screening, yard, setback, street, access, parking and playground facility requirements.

- B27-12 Approving the Final Plat of Pine Grove Plat 2 located on the south side of Clark Lane (3900 Clark Lane); authorizing a performance contract.
- B28-12 Approving the Final Plat of Short Street Garage located on the northeast and northwest corners of the Short Street and Walnut Street intersection; granting variances from the Subdivision Regulations regarding dedication of street right-of-way.
- B29-12 Approving the Final Plat of Heritage Woods, Plat No. 2 located on Kingsbridge Drive, east of Sinclair Road; authorizing a performance contract; accepting conveyance of a right of use permit to operate and maintain a roadway.
- B30-12 Authorizing an annexation agreement with Saint Charles Road Development LLC.
- B31-12 Vacating a sewer easement on Lot 8 within More's Addition located on the east side of Bowling Street, south of Business Loop 70; accepting a conveyance for sewer purposes.
- B32-12 Authorizing the acquisition of easements along portions of Bernadette Drive, Fairview Road, Stadium Boulevard, Beverly Drive and Worley Street as part of the Stadium Boulevard corridor street and storm sewer improvement project.
- B33-12 Authorizing a contract for sale of real estate with Anthony Lopez, Successor Trustee of the Lopez Living Trust, for the Upper Hinkson Creek Outfall Sewer Extension Phase I Project; directing the City Clerk to have the contract recorded.
- B34-12 Appropriating funds for certain design elements relating to the construction of the Short Street parking garage.
- B35-12 Authorizing a right of use permit with Evergreen Acres Homeowners Association for the construction, improvement, operation and maintenance of a decorative landscaping island within the Redwing Drive and Lake of the Woods Road rights-of-way.
- B36-12 Accepting conveyances for utility purposes.
- B37-12 Accepting a grant from the State of Missouri, Department of Natural Resources for the development of an accessible interpretive educational sign series as part of the 3M Urban Ecological Restoration Project located along Hinkson Creek and adjacent to the MKT Trail; authorizing a recreational trails program project agreement; appropriating funds.
- B38-12 Appropriating funds for the Rainbow Softball Center improvement project.
- B39-12 Amending Chapter 27 of the City Code as it relates to billing and payment for large utility customers.
- B40-12 Amending Chapter 2 of the City Code as it relates to the membership of the Downtown Columbia Leadership Council.
- B41-12 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Teen Outreach Program; appropriating funds.
- B42-12 Amending the FY 2012 Annual Budget and Classification Plan to add a 0.25 FTE Administrative Support Assistant II position in the Office of Sustainability.

B43-12 **Amending the FY 2012 Annual Budget to add and delete positions in the Convention and Visitors Bureau; amending the FY 2012 Pay Plan and Classification Plan to reclassify and close positions in the Convention and Visitors Bureau.**

REPORTS AND PETITIONS

REP14-12 **Appointments to the Sustainable Farms and Communities, Inc. Board.**

Mr. Matthes provided a staff report.

Mr. Schmidt asked if there was a reason why more people were needed on this Board. Mr. Matthes replied the Board had expanded to the point it hit a trigger whereby the City could provide another member if it wanted.

Mr. Thornhill made a motion directing staff to include this new vacancy in the next board and commission vacancy notice and accept and forward applications to Council for potential appointment of a third member to the Sustainable Farms and Communities Inc. Board. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

REP15-12 **Downtown Community Improvement District Board of Directors – Membership.**

Mayor McDavid made a motion to appoint Andrew Beverley, Blake Danuser, Michael McClung, Jennifer Perlow and Andrew Waters to the Downtown Community Improvement District Board for three year terms beginning March 1, 2012. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP16-12 **Short Street Parking Garage Space Availability Signs.**

Mr. Matthes provided a staff report.

Mr. Thornhill asked if these signs would be placed inside or outside of the garage. Mr. Glascock replied they would be at the entrances of the garage. Mayor McDavid understood this would keep people from driving around if the garage was full.

Ms. Anthony asked if the signs were subject to the sign ordinance and if they were in compliance. Mr. Glascock replied they were subject to the sign ordinance and would be in compliance.

Mr. Thornhill asked if they were going to be as ugly as shown in the packet. He noted they had spent a lot of time to ensure the garage was not ugly, so he did not want it to have an ugly sign.

Mayor McDavid made a motion directing staff to include the electronic signs in the garage project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP17-12 **Stephens College Proposal to Use the Stephens Lake Park Soccer Field.**

Mr. Matthes provided a staff report.

Mayor McDavid made a motion directing staff to proceed with the implementation of the proposal. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP18-12 Bourn Avenue Traffic Calming.

Mr. Matthes provided a staff report.

Mr. Dudley commented that the neighborhood had requested traffic calming during discussions involving the construction of a law office at the corner of Broadway and Stadium. He understood a traffic study had been done and it appeared the neighbors were the ones that were speeding on Bourn. He also understood the neighborhood had since submitted a petition to construct an open closure, but noted the original agreement was to wait until after the law office was complete. He stated he would contact the neighborhood to discuss the issue before moving forward.

Mr. Kespohl asked if this would essentially turn a public street into a private street. Mr. Glascock replied they identified it as access control. Mr. Kespohl asked if the public would be able to use the street. Mr. Glascock replied the public would not be able to turn into the street at a certain point like they had in the past. He clarified it was still a public street and this proposal provided traffic calming.

Mr. Thornhill asked if there was egress if coming from the south. Mr. Matthes replied no. Mr. Glascock explained it would allow emergency vehicles through. The public was not allowed to access it at that point. Mr. Thornhill understood if he was traveling on the street he would have to turn around at the law office. Mayor McDavid asked if people would be tempted to use the access. Mr. Glascock replied someone who was really tempted might go through there.

Mayor McDavid understood Mr. Dudley would consult with his constituents and come back with a recommendation.

REP19-12 Report from the Downtown Columbia Leadership Council relating to a merger with the Downtown Community Improvement District.

Mayor McDavid understood this report had been provided for informational purposes and urged the City Manager to allow these two organizations to work side by side.

Mr. Matthes noted the Downtown Columbia Leadership Council and the Downtown Community Improvement District were responding to the report regarding board and commission recommendation. He suggested all of input be received and provided to Council at one time.

Ms. Hoppe commented that she thought it was helpful for the boards and commissions to discuss their roles, visions, etc. in an effort to determine whether there was overlap or duplication, and how to communicate if there was an overlap but a different mission.

REP20-12 Report from the Downtown Community Improvement District relating to a merger with the Downtown Columbia Leadership Council.

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

REP21-12 Report from the Downtown Columbia Leadership Council relating to the Columbia Housing Authority's Plan for Streetscaping and Improvements along Providence Road.

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

REP22-12 Recommendation of the Parks and Recreation Commission regarding Thumper Entertainment Concert Proposal at Stephens Lake Park.

Mr. Matthes provided a staff report.

Mayor McDavid asked if the Parks and Recreation Commission had recommended charging Thumper the regular fee for use of the park. Mr. Matthes replied they did and explained an alternate idea would be to charge a flat rate of a certain amount, such as \$2,500, up to a certain point and to then charge the full rate for anyone over the specified number. This would allow the City to help make the event happen while still obtaining the necessary fees if the crowd grew to the expected larger size. Mayor McDavid understood that implied if there was a bigger crowd there would be more damage and noted he thought the compromise alternative made sense.

Mr. Kespohl understood Mr. Rhodes had spoken to Thumper, who had a recommendation. Ms. Rhodes explained the motion before Council would be to allow the sale of alcohol in Stephens Lake Park for the Stephens Lake Park Concert on Saturday, June 16, 2012, thereby waiving the alcohol sales restriction policy for this one time event, to assess a fee of \$2,500 for the first 2,500 tickets sold and \$2.20 per adult and \$2.05 per youth for the remaining tickets sold per Section 17.161 of the Code of Ordinances, and to authorize the City Manager to execute an operations agreement with Thumper Entertainment for the concert on June 16, 2012. The agreement would include, but would not be limited to, a security plan, accessibility plan, transportation and parking plan and the fees to be reimbursed to the City.

Mayor McDavid made a motion to allow Thumper Entertainment to sell alcohol at Stephens Lake Park for the Stephens Lake Park Concert on Saturday, June 16, 2012, thereby waiving the alcohol sales restriction policy for this one time event, to assess a fee of \$2,500 for the first 2,500 tickets sold and \$2.20 per adult and \$2.05 per youth for the remaining tickets sold per Section 17.161 of the Code of Ordinances, and to authorize the City Manager to execute an operations agreement with Thumper Entertainment, which would include, but would not be limited to. a security plan, accessibility plan, transportation and parking plan and the fees to be reimbursed to the City for the concert on June 16, 2012. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

REP23-12 Recommendation of the Parks and Recreation Commission relating to the JQB Construction Rezoning near the Garth Nature Area and the Bear Creek Trail.

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

REP24-12 Citizens Police Review Board – 2011 Annual Report.

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

Ms. Hoppe understood eight Police Department policies had been posted online and asked if there were still other policies to be posted online and the reason for the delay. Chief Burton explained the policies were being rewritten and through the use of Lexipol, which the Council approved a few months ago, and they anticipated everything being online by March

1. He noted they did not want to put the current policy manual online and then remove it as it could be misleading to the public.

Ms. Hoppe understood the Citizens Police Review Board had not received a copy of the City of Columbia Police Department - 2011 Annual Report and asked if the reason was because the report had not been completed. Chief Burton stated that was correct. Ms. Hoppe asked when it would be completed and available. Chief Burton replied they were hoping it would be done in April and explained it took three months to gather the information. He pointed out they were benchmarking with other police departments across the country and that was delaying the process as well.

Mayor McDavid stated he was pleased and proud of the work of the Columbia Police Department and the Citizens Police Review Board as there appeared to be a lot of positive momentum.

REP25-12 Intra-Departmental Transfer of Funds Request.

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

REP26-12 Recommendation of the Downtown Columbia Leadership Council relating to the Tiger Town Proposal.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor McDavid asked for a report to clarify Police Department policy for non-injury accidents as a result of Mr. Donelon's comments.

Mr. Kespohl noted he understood another policy issue would be coming before the Council in terms of not responding to shoplifting situations if the value of the items shoplifted were less than \$30.00 and stated he had concerns with the proposed policy.

Chief Burton explained the policy regarding non-injury accidents had been implemented two years ago. Accidents that did not have injury or major property damage were considered a civil matter between the parties. Police officers responded to those accidents to ensure everyone had insurance and was licensed, and if everything checked out, information was exchanged by the parties and those involved could then submit the claims to their insurance companies. A manual accident report took 2.5-3 hours for an officer to complete. He noted this was fairly common across the country to include St. Louis and Kansas City as a way to reduce workload. In terms of the shoplifting issue, he pointed out some retailers did not contact the Police Department until it reached a certain dollar amount already because shoplifters were usually caught by the store's loss prevention people. He explained stores normally contacted the Police Department and the officer would provide a receipt for the property and write a citation, which resulted in 2.5-3 hours of reports. As an alternative, they would suggest a self-reporting system for small shoplifting offenses. He noted they could reduce the calls of service by almost 30 percent in the beat that included the Columbia Mall with this policy change. He explained it was not something Columbia had to do. Staff was just looking at trends across the country to determine whether they would work in Columbia.

Mayor McDavid commented that he respected the opinion of staff, but felt this was a service issue and was concerned it would create a license to steal if less than \$30.00. Chief Burton stated that was the assumption, but the loss prevention people hired by the business usually caught the shoplifter and was able to obtain the merchandise. The police action after the fact might not be justified when looking at the cost of a police officer and the amount of time that officer would spend processing that citation or arrest.

Mr. Schmidt stated he had been in an accident in Boston, and although a police officer did not stop, he had a way to file a report and the report then became his affidavit, which satisfied the insurance company. He asked if that mechanism existed or could exist in Columbia. Mr. Burton replied that was done through the insurance company when filing a claim. He noted it was difficult for an officer to write a citation when they did not witness the accident because by writing the citation the officer was saying he or she believed one of the parties. Mayor McDavid stated there was oftentimes a witness. Mr. Burton agreed, but noted an unbiased witness was often difficult to find.

Mayor McDavid commented that he was uneasy about not offering that service to citizens and would need to be reassured this was the national standard and policy.

Ms. Anthony stated she viewed both issues as customer service issues and asked for the report to include the necessary increase in cost and in staff to provide these services.

Ms. Anthony made a motion directing staff to provide a report regarding these Police Department services issues and to include estimates in terms of cost and staff necessary for these services. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

Mayor McDavid appointed Muriel Liggett of Williams Keepers, LLC to a four year term, Randy Morrow of the Boone Hospital Center to a four year term, John Strotbeck of Kraft Foods to a three year term, Louis Gatewood of the Columbia Housing Authority to a three year term and Carrie Gartner of the Downtown Community Improvement District for a two year term to the Enhanced Enterprise Zone Board as recommended by REDI. He understood Jonathan Sessions would be the representative of the Columbia School Board and Rosie Gerding would be the representative of the other taxing districts, and both would serve five year terms.

Mayor McDavid commented that he had received calls regarding the City's tent policy as there appeared to be a change in the policy, and asked staff to provide a report clarifying the policy and whether there had been a recent change.

Mayor McDavid asked staff to provide a report regarding the progress of the Black and Gold bus routes as he understood the City Manager had proposed a global fee of \$62.00 per student per semester for the apartment complexes along that route or a rate of \$100.00 per student per semester for individual passes if the apartment complexes did not participate. He wanted to know which apartment complexes had agreed to participate so the students were informed when making their housing decisions.

Ms. Hoppe commented that if an apartment complex had not agreed to pay the City for service and was not providing private bus service, she wanted to know how many students

would need to purchase a pass in order for the City to provide bus service. Mr. Matthes stated he anticipated serving the apartment complexes that provided payment for the service, and those students in the apartment complexes that did not sign up would have the choice of buying a semester pass or paying \$1.50 for each trip, and would have to walk to the bus stop to get on the bus.

Ms. Anthony noted the garage at Sixth and Cherry still had signs up indicating payment was necessary to park in the garage on Saturdays and asked for those signs to be fixed immediately.

Ms. Anthony commented that she had the opportunity to attend the Saturday Café, which was a breakfast for the homeless that was being sponsored by the downtown churches, this past Saturday at the First Presbyterian Church and was impressed with the effort made by the churches to provide a breakfast, warmth and comfort to the poor. She urged her fellow Council Members to attend in the future as she believed they would be surprised by the faces of the homeless. It was at the First Presbyterian Church on Hitt Street for the month of February. She noted it was difficult to get a good idea of the number of homeless people in Columbia as there were tent cities that were secretive.

Ms. Anthony stated Loaves and Fishes, which provided meals to the homeless, was moving to a new facility at Wilkes Boulevard Methodist Church. Since the Church was bigger, she noted they would be able to serve more and had more opportunities for volunteers.

Ms. Anthony asked that B29-12, which involved the Final Plat of Heritage Woods, Plat No. 2, be placed under old business at February 20, 2012 Council Meeting as the neighborhood association was not satisfied with the plat. She explained the road that accessed most of the new homes was located on or near a dam the neighborhood association would eventually have to maintain.

Ms. Anthony understood the 2012 Renewable Energy Report was available online and noted the City had done an excellent job in meeting the minimum requirements. She also understood staff felt fairly confident the City could meet the 2020 projections while keeping the cost below the three percent increase and urged staff to purchase more renewable energy by spending the three percent permitted by ordinance as she thought they could continue making great strides in this area.

Ms. Hoppe encouraged staff to ensure the Environment and Energy Commission was not by-passed on issues that connected naturally with that Commission.

Ms. Hoppe noted Forbes Magazine had named Columbia as one of the top 25 cities for retired workers and read the comment made regarding Columbia in the magazine. She pointed out Columbia was not only a great place for students and young people, but also a good place for older people too.

Ms. Hoppe explained she and Mr. Schmidt were holding a community conversation with Columbians for Moderate Efficient Transit (CoMET) regarding transit. The meeting she would participate in would be held Monday, February 13, 2012 at 5:30 p.m. at the Unitarian Church on Shepard Boulevard, and included dinner and childcare if needed. She stated it would be conducted in a World Café format, so those attending would have more opportunity to participate and provide input.

Mr. Schmidt noted the meeting he would participate in would be held on Thursday, February 16, 2012 at 5:30 p.m. at Russell Chapel on Ash.

Ms. Hoppe understood CoMET hoped to have similar events in the other wards.

Mr. Schmidt commented that the City was not hearing from a segment of the community it needed to hear from, and as a result, wanted everyone to know they were holding the conversations regarding transit on February 16 and the NAACP would hold a town hall meeting on February 28 as part of Phase 3 of the Comprehensive Plan. He noted they would love to hear from people they ordinarily did not hear from at these meetings.

Mr. Schmidt stated a constituent in Paquin Towers had contacted him regarding the need for a trash can on the street. He noted he would e-mail Mr. Matthes with the details to determine if the request could be accommodated.

Mr. Thornhill asked Mr. Boeckmann to provide his opinion with regard to the interpretation of the wording on the ballot in which the downtown cameras were approved as he wanted to ensure they had the ability to live monitor and were doing what they said they would do.

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Sheela Amin
City Clerk