

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

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, January 7, 2013, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT and TRAPP 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 December 17, 2012 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Mr. Trapp.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid explained Ann Peters had requested R5-13 and R6-13 be moved from the consent agenda to new business, and that he wanted to move R3-13 and R4-13 from the consent agenda to new business as well.

The agenda, with the moving of R3-13, R4-13, R5-13 and R6-13 from the consent agenda to new business, was approved unanimously by voice vote on a motion by Mr. Kespohl and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Shayna Fasken – Water Fluoridation.

Shayna Fasken, 2801 Summit Road, commented that research she had done had made her concerned about the addition of fluoride to the water supply. Exposure to too much fluoride as a child when teeth were developing could lead dental fluorosis and caused white or brown spots on the enamel of permanent teeth. In its more severe form, it could cause pitting of the enamel and brittle teeth, and infants fed formula mixed with fluoridated tap water would have an increased risk of dental fluorosis. She explained formula made with tap water in Columbia contained 0.7 parts per million fluoride and contained 100 times the fluoride in the average breast milk sample. Data from the National Health and Nutrition survey from 1999-2004 showed 41 percent of adolescents had varying degrees of dental fluorosis, and this was a significant increase from only 23 percent of adolescents having it in the previous survey conducted in 1986-1987. She believed dental fluorosis was increasing at an alarming rate and felt the fact so many children had fluorosis indicated they were receiving too much

fluoride. She commented that another reason to be concerned was that studies on humans and animals had indicated fluoride exposure could damage the brain, and explained a recent review of the literature by the Harvard School of Public Health concluded that current research showed a significant decrease in children's IQ scores in areas with high fluoride levels. In addition, the EPA listed fluoride as a chemical with substantial evidence of developmental neurotoxicity and a 2006 review by the National Research Council found fluoride had the ability to interfere with the functions of the brain. She pointed out that parents who were concerned and wished to give their children water without fluoride or mix infant formula with non-fluoridated water had to purchase reverse osmosis or distilled water from the store or pay for a special filter for their home, and many could not afford to do this. She believed more research needed to be done to determine the dose that caused negative effects, but noted there was also no way of controlling the dosage since the dosage and the ill effects of any one person depended on a variety of factors including the varying thirst of individuals, body weight and health status, as those with kidney disease were less able to get rid of fluoride through the urine making them more likely to suffer from fluoride toxicity. In addition, nutrition deficiencies could make a person more prone to fluoride toxicity. She commented that people were also exposed to fluoride from other sources, such as toothpaste or mouthwash, fluoride supplements, processed foods and beverages made with fluoridated water and some pesticides. With so many uncertainties, she thought it would be wise to remove fluoride from the water as people could still benefit from fluoride in preventing tooth decay without ingesting it through the water supply. There was general consensus among researchers that the decay fighting benefits of fluoride came from placing fluoride on the surface of teeth versus swallowing it, and those that wanted to use fluoride as a medication for their teeth could purchase readily available and inexpensive fluoride toothpaste or rinses. She commented that scientific research had advanced since water fluoridation began in the 1950's and the results of studies in terms of how fluoride prevented tooth decay and the dangers of ingesting too much fluoride had made water fluoridation obsolete and irrational. In addition, the practice was costly to the City. She provided a handout and asked the Council to consider the evidence thoroughly before making a decision.

Ralph Robertson – Water Fluoridation.

Ralph Robertson, 5 Sunrise Circle, commented that when he had first heard about the movement to eliminate fluoride from the water supply, he was skeptical of its health hazards, but after doing some research on the internet he became concerned as there was a long list of negative effects from the overexposure of fluoride. The only benefit was that fluoride helped fight cavities. He noted fluoride was a toxic chemical and a by-product of phosphate fertilizer and aluminum manufacturing chemical companies. It was also an ingredient in rat and cockroach poison, military serine nerve gas and in psychotropic drugs like Prozac. Since he did not find any serious governmental scientific studies regarding the possible negative effects of fluoridation, he reviewed thirty-seven independent studies and all indicated fluoride affected the human brain and lowered a person's IQ, and that overexposure to fluoride could lead to a variety of health problems. He asked the Council if they were in favor of or against removing fluoride from the City's water supply at this time.

Mayor McDavid explained the Board of Health would review the issue and provide a recommendation to Council, and the Council would then discuss the issue after taking public comment.

PUBLIC HEARINGS

B369-12 Authorizing the permanent closure of Deep Well No. 1; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid opened the public hearing.

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

B369-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B286-12 Approving the Final Plat of Wyndham Ridge, Plat No. 2 located east of Scott Boulevard on Abercorn Drive; authorizing a performance contract.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

The vote on B286-12 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B359-12 Amending Chapter 6 of the City Code as it relates to the Historic Preservation Commission and demolition permits.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid asked how “historic resource” was defined as he wanted to know when a demolition would or would not be referred to the Historic Preservation Commission (HPC). Mr. Teddy replied it was any structure fifty years or older, located within a historic resources survey area, located within an actual or proposed National Register of Historic Places district or recognized or nominated by the HPC as a most notable property. He pointed out the City had the ability to override the waiting period for any nuisance structure that was a demonstrable threat to public safety regardless of age.

Mr. Kespohl asked if the City was adopting the State Historic Preservation Office Model HP Ordinance. Mr. Teddy replied no, and explained the original charge to the Commission was to look at a broader and deeper amendment involving Chapter 29, which had been considered by the Planning and Zoning Commission (PZC), but the decision of the Commission was to bring forward changes to only Chapter 6, which involved the City’s building codes and demolition at this point.

Mayor McDavid understood any building over fifty years old would be considered a historic resource and referred to the HPC, and asked if the Council could anticipate another

definition or list of criteria in the future. Mr. Teddy replied he thought that would occur only if needed. He explained staff did not want to make judgments with regard to whether a building was historic or not, so potential historic structures were submitted to the HPC. If an applicant was concerned it was unfair, staff could present that information to the Commission and ask for the 30 day waiting period to be waived.

Brian Treece, 101 W. Brandon Road, stated he was Chair of the HPC and explained the Council had asked the HPC to review the city's existing demolition ordinance and recommend changes in 2011 following the demolition of the Annie Fisher house. The Commission made 3 or 4 recommendations, which were sent to the PZC, and the PZC agreed with the HPC on two recommendations that were included in the proposed ordinance for Council to consider tonight. He stated they were asking Council to extend the 10 day waiting period to a "no more than 30 day period." He noted in 2011, eleven demolition applications were provided the day after the HPC met, which made it cumbersome to hold a proper public hearing within 10 days. This change to 30 days would provide an incentive to ensure applications were submitted prior to their meeting. The six month sunset clause would treat a demolition permit the same as a construction permit.

Mr. Kespohl understood the six month period was actually six months from the issuance of the permit, so it could be seven months. Mr. Treece replied it could, depending on when the 10 or 30 day waiting period began, as it could be the date of the application, the date of notice to the HPC or the date the utilities were shut off.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the neighborhoods and the zoning and development topic groups of the People's Visioning, and noted they were asking the City to slow down some of the processes, and believed the six month period was better for citizens. The People's Visioning supported sustainability, fair and just jobs and growth and the understanding that while the downtown was owned by individual owners, it was the heart and soul of a shared history and space to all of the people and citizens of Columbia. The downtown was undergoing a dynamic change and ordinary citizens were not comfortable with the pace, speed, space and design. She felt the citizens deserved and desired a multicultural and fully shared use of the downtown and did not believe they were pleased with the high rises being developed and marketed as student off-campus downtown housing by developers that did not live in Columbia or care about the community. She asked for a stay of the demolition of historic properties and a slower process in terms of demolition, the development or rezoning of any and all buildings in the downtown and nearby surrounding areas until there was a better and fully agreed upon plan and vision for the development of the downtown. She noted the People's Visioning wanted to meet with City planners on the issue, and provided a handout of her comments.

Ms. Hoppe thought Ms. Welch was addressing B375-12 instead of this bill, and asked the Clerk to note that in the minutes.

Mr. Schmidt asked if the demolition by neglect portion of this issue would come to Council at a later time. Mr. Teddy replied he did not know when that would come back to Council.

Ms. Hoppe stated she believed this was a basic, minor, fundamental and reasonable change that would help the HPC do its job in an efficient way. She hoped the Council would receive additional and more substantial recommendations from the HPC in the future.

Mayor McDavid agreed this was a reasonable request and noted he would support it.

B359-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B360-12 Amending Chapters 13 and 22 of the City Code as they relate to the duty of real estate agents, landlords and others to disclose occupancy limitations under the zoning code.

The bill was given second reading by the Clerk.

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

Mayor McDavid asked if the City had received a lot of complaints on this issue. Ms. Britt replied there were 46 cases in 2012. She thought the issue might be more frequent, but they were not necessarily receiving those complaints. She pointed out this ordinance would help educate both tenants and landlords about this issue.

Ms. Hoppe asked if staff had tracked whether the complaints involved new properties or repeat properties, or whether there were repeated complaints, as she believed the likelihood of someone complaining would be reduced if nothing was done due to enforcement issues. Ms. Britt replied she did not have that information, but guessed that several of the 46 cases had been investigated in the past.

Mr. Trapp asked if all of the adult occupants had to sign the lease. Ms. Britt replied some leases were verbal or were with only one individual and might not reflect all of the occupants of the unit. If the landlord did not use a traditional lease, the City could provide this form to capture the occupant information. Mr. Trapp asked whether signatures of all of the adult occupants would be required on the lease if the landlord chose to include the information in the lease. Ms. Britt replied yes.

Mr. Kespohl asked if anything had been done to try to expedite these cases through Municipal Court. Ms. Britt replied not specifically. Mr. Kespohl understood they wanted to solve these problems as quickly as possible and thought these issues would be resolved more quickly in Municipal Court than in Circuit Court. Ms. Britt explained there was usually voluntary compliance once a violation was investigated and discovered. The landlord usually worked to find another location or would break the lease with those tenants. Most of these issues were resolved voluntarily, and outside of any court action. Mr. Kespohl asked if a 30 day notice was required to be given by the landlord if a lease was broken. Ms. Britt replied yes. Mr. Kespohl thought there needed to be a faster way to resolve these issues than 30 days or Circuit Court. He suggested a seven day notice with a fine being assessed for every day after the seven days.

Skip Walther, an attorney with offices at 700 Cherry Street, stated he was speaking on behalf of the Columbia Apartment Association, and commented that while the Association shared the notion of supporting good enforcement efforts with respect to over-occupancy problems, he encouraged the Council to oppose the proposed ordinance as it would require every landlord to create, maintain and exhibit upon request, a zoning occupancy disclosure

form and all tenant information. There were 25,000 units in the City of Columbia and understood this ordinance would apply to every one of those units. He pointed out there were only 46 reported complaints regarding over-occupancy, and of those 46 complaints, 26 were determined to not be violations. Six of the remaining twenty cases resulted in voluntarily compliance, and the remaining fourteen cases were either violations or awaiting a determination of some kind. He pointed out there were only fourteen violations from 25,000 units, so the violation numbers did not justify more regulation on rental businesses in Columbia. He did not believe Columbia had an over-occupancy problem. He agreed there might be an issue of addressing violations through Circuit Court, but this ordinance did not address that issue. He commented that he was unsure how this ordinance would affect over-occupancy as he did not know how this form would solve the over-occupancy problem, and reiterated that he did not believe Columbia had an over-occupancy problem. He understood this ordinance was immediately effective, if passed, so 50,000 people would need to sign the form or enter into revised leases if they assumed two tenants per unit. The professional landlords he represented would likely consult with an attorney before inserting language into its lease, so this would be costly to the landlords in term of time and expense. He questioned whether this was a big enough problem to justify landlords spending hundreds of thousands of dollars to comply with this ordinance. He also understood this would allow the police the right to an unlimited search of all lease and tenant information, which could include social security numbers, employment background information, family background information, etc., without a warrant by only announcing they were investigating a code violation. The code violation could involve the fire code, building code, the sidewalk, a sign, etc., and would not have to do with over-occupancy. He did not believe the City should pass this type of law, and urged the Council to oppose it as it was over-reaching and likely the unconstitutional regulation of rental businesses.

Alyce Turner, 1204 Fieldcrest, stated she believed this issue affected all of the neighborhoods in Columbia to include her neighborhood, and thought an increased vigilance was needed regarding rental occupancy compliance in Columbia. She felt most people were hesitant to report their neighbors. She was aware of one neighbor that reported another neighbor on her block, and it resulted in voluntary compliance. She was not sure it ever involved the Office of Neighborhood Services. She noted there were ten homes on her block, and 50.3 percent of those homes had been sold during the ten years she had lived there with only one being sold to a family. One of the homes on her street was a group home that was in compliance, and another was rented to a family, but the rest were rentals that were probably beyond the code as they had seen an increase in traffic, cars on the street, etc. She believed there was a need for this ordinance and felt the number of complaints were low because neighbors did not always report their neighbors. She asked the Council to support this ordinance.

Stanley Diaz stated he was the President of the Columbia Apartment Association, and explained the Association was against over-occupancy and wanted to work with the City to reduce over-occupancy as it was harmful to business since it increased the wear and tear of units, created problems with other tenants, increased the cost of utilities, etc. He commented that he did not believe this ordinance would be effective, and noted it would affect

approximately 25,000 rental units and 50,000 people, which was half of the population of Columbia, and was based on just a few complaints. He thought a better approach would be to work with apartment owners and prosecute those that were in violation.

Jeanine Pagan, 701 Bluffdale Drive, stated she was in support of the ordinance and noted the form did not have to be included in the actual lease. In addition, it was simplified form, which only asked for the name, phone number and e-mail addresses of the people residing at that location. She believed it was important to have this information from a safety standpoint in case there was a fire or other emergency situation. She commented that she lived in an older neighborhood with single-family homes and some rentals, and at times they had to report their neighbors on this issue. The extra vehicles on the narrow streets created an issue in terms of trash trucks, school buses, etc. As a parent who might have to co-sign a lease, she believed this was a good idea since the parent would know who was residing in the unit as well. She did not believe the form was intrusive.

Helen Katz, 1304 Fieldcrest, commented that she was in support of this ordinance as she believed it was a good education tool for renters. Her street had fourteen homes, and she suspected over-occupancy in some since they were four bedroom homes and had many cars. The neighbors were hesitant to report their neighbors, especially when they were nice and did not cause trouble, but they were concerned because they did not want the neighborhood to end up with the negative effects of over-occupancy.

Pat Fowler, 606 N. Sixth Street, understood rent was about \$600-\$900 per month for student housing and was not sustainable for young people that borrowed money to go to college, so the pressure was there for them to double up to reduce costs. She commented that Columbia was facing a cultural shift and felt this was an excellent opportunity for the City to show young people how to conform their behavior properly, through voluntary compliance and disclosure, by giving them information at the outset. She did not believe they could be subtle and stated they needed to be straight forward with young people. She felt this was a cost of doing business for the rental companies and landlords, and thought the use of the form could be phased in and made effective August 1st since leases were generally entered into or renewed then. She also suggested the number of occupants be shown on the city maps, which show the parcel and zoning information as well. This would allow neighbors to conduct their own voluntary compliance check.

Flo Osborn, 19 E. Leslie Lane, felt the number of vehicles was the main issue in terms of over-occupancy. She agreed buildings needed an occupancy limit for safety issues, but thought five or six adults could live in a four bedroom house just as a family of that size could. She noted a lot of people could not afford to live on their own due to the economy. She felt there were several different ways of looking at this issue. She noted it was a lot of paperwork and she was not sure what it would solve.

Hank Ottinger, 511 Westwood, stated he was the Chair of the Historic Southwest Neighborhood Association and they were in support of the ordinance. He noted the most frequent complaint he received from the neighbors was with regard to over-occupancy and the associated nuisances in terms of trash, traffic, noise, etc. He understood an ordinance of this type had been passed in other communities, and urged the Council to support it.

Karl Skala, 5201 Gasconade Drive, commented that he wanted to reinforce some of the remarks made by several speakers with regard to the trend toward rental properties in some neighborhoods and the problem with over-occupancy. He suggested a compromised approach to address some of Mr. Walther's objections, such as a phased-in approach through the renewal of leases or with this separate form. In addition, the City could limit the amount of information collected so it was specific to the violations of the code and ordinance of interest.

John Clark, 403 N. Ninth Street, stated he believed over-occupancy was a bigger problem than Mr. Walther had indicated, and suggested asking the Columbia Apartment Association to propose a regimen they would find acceptable along with the appropriate level of intensity for identifying and prosecuting offenders instead of saying it was too costly. He noted there were some very responsible landlords and the Association was responsible as well, and reiterated they needed to provide a proposal they thought might work since they had the same goal of reducing the problems caused by over-occupancy.

Jeff Akers, 1411 Anthony Street, commented that over-occupancy was a real problem and noted he could point to examples on his street. He stated he was in favor of this ordinance.

Janet Hammen, 1844 Cliff Drive, stated she was the President of the East Campus Neighborhood Association and pointed out they had R1, R-2 and R-3 zoning in their neighborhood and saw this problem of over-occupancy in all of those zoning areas. She explained most neighbors did not call to complain as it was a very difficult problem to solve, but they knew there was a violation due to the number of cars and people, and by talking to the students. She felt this would be a way to help with the issue as they would then know who the tenants were as it was a problem for the Office of Neighborhood Services to determine who lived in a particular location when they did receive a complaint. There was also a public service aspect in case of an emergency, such as a tornado, since it would help identify those that lived in the home.

Jay Hasheider, 1403 Windsor, stated he was the Vice-President of the Benton-Stephens Neighborhood Community Association and explained they had not met as a neighborhood on this particular issue, but the Executive Committee of the Neighborhood Association had unanimously supported the ordinance. He believed there was a need for enforcement of the occupancy ordinance and this seemed like a rational way to proceed. He also pointed out that he, as a landlord, did not have any problem with complying with this ordinance.

Dan Harder, 1803 Bluff Pointe Drive, commented that he had managed rental properties in Columbia for ten years and was a member of the Columbia Apartment Association, and noted he believed this problem was specific to one or two areas of Columbia. Although he had never had a complaint, he thought he would take the appropriate course of action to solve the problem if there was one. He stated the list of residents on the disclosure form would be the same people included on his lease and felt the disclosure form was burdensome in comparison to just having a lease. He also wondered what steps this form would allow people to take over and beyond the regular lease, if any.

Mr. Kespohl asked Mr. Harder for his mix of rental properties. He wondered if he had duplexes or large apartment complexes. Mr. Harder replied he had duplexes, condos, condominium complexes and single-family homes. Mr. Kespohl asked if most of them were zoned R-1 or R-2. Mr. Harder replied a majority were, and noted he had property in East Campus and agreed it was hard to find parking. He also agreed it was difficult to determine whether someone was actually living in the unit or if they lived elsewhere and stayed there six nights a week. He was uncertain as to how this form would help with those situations.

Mayor McDavid understood the ordinance as written would go into effect immediately. Ms. Britt stated that was correct. Mayor McDavid asked if it would be reasonable to amend the ordinance so it would go into effect August 1, 2013 in order to capture new leases. Mr. Schmidt thought this would be for the renewal of leases. He did not believe landlords would have to contact their tenants tomorrow for this information. Ms. Britt stated she did not believe the ordinance was written that way, but they could amend it to read that way. Mr. Schmidt suggested it be amended to include any renewal starting tomorrow. Mayor McDavid suggested the provide time for the landlords to create a new lease by making it effective February 1, 2013.

Mayor McDavid made a motion to amend B360-12 so it reflected any new or renewal lease enacted on or after February 1, 2013. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Kespohl commented that he believed two different situations trying to be accommodated by one ordinance, which was hard to do. There were situations where someone owned an R-1 or R-2 zoned structure in a neighborhood with a traffic, parking and over-occupancy problem, but there were also situations where someone owned ten buildings that had sixteen apartments in each building in a complex with its own parking lot, etc. and those did not create traffic, parking, trash or other nuisances. He wondered if they needed to separate the two scenarios. Mr. Teddy stated they would need to find a way to separate the large complex that might be zoned R-3 from an isolated lot in an older neighborhood. Ms. Hoppe commented that the R-3 zoned properties still created problems for East Campus and other areas, and suggested using the number of units instead of the zoning district. Mr. Schmidt stated he preferred the simplicity of requiring the disclosure form or having this information in the lease regardless of the number of apartments. Ms. Hoppe noted the safety issue would apply to all units. Mr. Schmidt agreed.

Mayor McDavid asked if they were missing disclosure for situations where a parent purchased a home for their son or daughter while in college, and they verbally entered into an agreement with their friends who lived there as well. Ms. Britt replied those were often captured in the rental program because in almost all of those cases they were collecting rent and were registered rental properties.

Mr. Trapp commented that he felt this was a reasonable step so people knew the law before entering into the agreement, but noted there was some argument to the use of resources based on the household size rather than individuals. He did not believe an argument could be made that over-occupancy was not a problem in spite of the low number of official complaints as one could see areas of town with lots of cars and lots of garbage cans. He understood this ordinance might not fix the problem, but he felt it was a step

towards holding people accountable for knowing the law, and if they were going to disregard the law, they would knowingly do it. He stated he planned to support the ordinance.

Ms. Hoppe explained she, Ms. Anthony, Mr. Kespohl and Mr. Matthes had met with a group of neighborhood representatives and landlords to listen to their concerns in an effort to fine tune the form so only the necessary information would be requested. She noted she had been on the City Council for seven years and over-occupancy was a frequent concern on almost every street within neighborhoods in the Sixth Ward that allowed rental properties. She felt that once someone made a complaint and learned enforcement was not possible, they did not contact the Office of Neighborhood Services again. This caused frustration and a lack of confidence in City government. She believed this ordinance would address the situation and noted some landlords were supportive of it. It would also improve quality of life and property values. She pointed out it did not change the ordinance. It only provided a mechanism to enforce the ordinance.

Mr. Schmidt commented that many renters were not from Columbia and did not know City ordinances, and in some cases were told more people could live in a house than was allowed by ordinance. If a neighbor complained and the City investigated, the landlord could break the lease creating a situation where the renters were homeless. He believed this would help protect renters as well.

B360-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B372-12 Amending Chapter 2 of the City Code to eliminate the Enhanced Enterprise Zone Board.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the People's Visioning and others in the community, and commented that many in the community had long awaited the day the Council would vote to disband the Enhanced Enterprise Zone (EEZ) Board. She asked the Council to abandon this incentive direction for economic development and the related tools that used blight and impacted the budget and financial support of education. While it was true the blight designation was a big reason the EEZ was not supported, there were other reasons as well. She pointed out they repeatedly provided the Council, REDI and others a long list of reasons EEZ's and similar programs were not supported, such as its impacts on education, insufficient data for positive claims, detrimental audit reports, etc. She noted corporations held communities hostage due to incentives, and felt this point was proven by Beyond Meat coming to Columbia at the same time an airline was lost when higher incentives were offered to a competitor. She was hopeful the Council vote would reflect an abandonment of inappropriate programs, and asked for development to be slowed down in order to work on a vision the people would support.

Mike McMillen, 2709 Squire Circle, commented that he believed the EEZ was part of a larger United Nations Agenda 21 plan, which was a blueprint for a sustainable world that was introduced at a United Nations Conference on Environment and Development in Rio de

Janeiro in 1992. The philosophy was that environmental problems were the number one problem they were facing, and those problems were being caused by human activity, which needed to be monitored, regulated and controlled for the greater good. He believed the principles behind Agenda 21 were pushed by local communities and most of the people living in those communities did not realize it. He stated this was a massive world-wide effort coordinated by the United Nations. He also noted the International Code Council had developed a large number of international codes intended to replace existing building codes all over the United States and elsewhere. He did not believe these codes were solely about public safety, and felt they were used to fine and imprison homeowners that had not done anything wrong. The penalties were harsh and there was often selective enforcement of the codes. He felt this situation would get worse as society was shifting from one that cherished individual liberties and freedoms to one that fully embraced collectivism, so politicians would likely make more decisions for people. He asked the Council to make a difference by voting against the EEZ.

Mr. Trapp commented that there were problems with the state legislation that created the EEZ. He congratulated the critics of the EEZ proposal, such as CIVIC, the Parkade Neighborhood Association and others he was able to have a dialogue with, on their victory even though he had been on the opposite side of the issue, and hoped the community was better for it. He stated he believed it was sometimes easier to knock something down than to propose something. He explained the City was trying to create manufacturing opportunities for people that might not have a college education to address poverty and unemployment, and he hoped those that had put so much energy in defeating the EEZ proposal continued to work toward specific policy and pragmatic ways to create more opportunities for citizens now. He noted Columbia was not the only community that was losing its manufacturing base as it was happening all over the United States, and felt they needed to do what they could as a community to ensure opportunities still existed for people to achieve the American Dream. He challenged those that put energy into defeating the EEZ proposal to come up with a pragmatic policy or procedure that could be pursued to meet the same end, and hoped they would use that energy and enthusiasm to build something instead of defeating something.

Ms. Hoppe thanked everyone that had worked on this issue, to include the EEZ Board Members as they had put a lot of time and effort into the process, the citizens that had worked, responded and raised questions about the issue, City staff and the Council for attending forums and trying to work through the process, and REDI for its work. She commented that manufacturing jobs were one source of employment for people that did not have college degrees, but there were other options as well. Communities, such as Austin, Texas, were making their housing stocks more energy efficient, and Columbia had a large housing stock that was not energy efficient, which created a potential for thousands of jobs, more small businesses, and the ability to keep money in the community. She understood REDI was working on a business incubator and noted there were many potential jobs associated with it. In addition, Columbia was a medical community, which offered jobs at all levels. She thought they should look at all of the different possibilities and work at all levels to increase employment in Columbia, and pointed out that this included the need to pay attention to the kind of community Columbia was and what it could offer people and

businesses in terms of a place to live. She stated they planned to work on all of these things and noted they needed input from the public in that effort.

Mayor McDavid thanked Mr. Trapp for his engagement in this process, and pointed out that although Columbia had 3M, Kraft Foods and Schneider Electric, manufacturing jobs were tough to establish and retain. He agreed it was great to recruit nanotechnologists from India or for bright and creative entrepreneurial graduates from the University of Missouri to stay in Columbia and create businesses such as Veterans United, which employed 800 people, as those were great assets to the community. He pointed out REDI spent a lot of time getting Beyond Meat, a company that created synthetic soy-based chicken and had the potential for 60 new jobs, to locate to Columbia. At the same time, however, Schneider Electric announced through a press release that 70 jobs were going to Mexico. He reiterated the manufacturing business was tough. He explained the Council respected community consensus, but noted it was sometimes hard to gauge community consensus because they often spoke with stakeholders and small constituency groups, and it was hard to know where a particular constituency group sat in the big picture of the City. The Council had to sort through the issue to determine when a constituency group represented the community consensus, and that was a huge challenge. He pointed out community consensus was not always right as the community consensus in the 1960's was segregation. He commented that when community consensus was just, he thought it needed to be respected, and felt the experience Mr. Brooks and Mr. Trapp brought back from the Parkade Neighborhood Association made it clear the community consensus in Columbia was against using the State defined EEZ legislation. He believed the Council was committed to find jobs for people who needed them. He explained the free and reduced lunch rate in the Columbia Public School system was at 40 percent and the poverty rate in Columbia was at 21 percent. He felt they needed to find job opportunities for people with GED's, criminal records and felony convictions, and noted they would ask for the help of the public as they moved forward.

B372-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B373-12 Amending Chapter 2 of the City Code to recodify sections pertaining to Boards and Commissions.

The bill was given second reading by the Clerk.

Mr. Boeckmann provided a staff report.

Mr. Trapp asked if there were a finite number of section numbers. Mr. Boeckmann replied yes. Mr. Trapp wondered why that would be as he thought numbers went on to infinity. Mr. Boeckmann explained it became a problem if they wanted these items in any reasonable order within a chapter of the Code of Ordinances. Mr. Trapp understood each chapter had sections. Mr. Boeckmann stated that was correct and explained there was only a certain amount of space left to insert things.

B373-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B375-12 Establishing a temporary abeyance of demolition permits in the Downtown Community Improvement District.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid read two letters from attorneys threatening to sue the City, and asked that those be part of the public record. The first was a letter dated January 4, 2013 from Wally Bley, the attorney for Fred Hinshaw, the managing member of Niedermeyer, LC, a limited liability company that owned the Niedermeyer building located on the corner of Tenth and Cherry Streets in Columbia, Missouri, and it indicated they objected to B375-12 as they felt it was triggered by their application for a permit to demolish the Niedermeyer building and a six month abeyance on the issuance of demolition permits would chill the sale of the Niedermeyer building and adversely affect the potential sale of any existing buildings if the buyer intended to build on the lot. They felt this sudden and unexpected change would adversely affect buyers and seller and the bill had the appearance of a special law directed toward the Niedermeyer transaction. If it was determined to be a special law, it would be unconstitutional and unenforceable. The second letter dated January 7, 2013 was from Robert Hollis, the attorney for the Collegiate Housing Partners LLC, which was the buyer of the Niedermeyer property, and its intent was to communicate their opposition to the moratorium and that they would have no alternative than to sue the City if the moratorium was enacted after they purchased the Niedermeyer site. It also pointed out the moratorium was unnecessary and could be challenged on numerous fronts, such a special law violating the Missouri Constitution or a regulatory taking without compensation.

Mayor McDavid asked Mr. Boeckmann for his opinion since they had two attorneys threatening to sue the City if they passed the ordinance. Mr. Boeckmann replied he did not believe this was special legislation, and if it was, he suggested the Council vote no. His understanding of the facts was that the Niedermeyer building would not be demolished within six months as people were currently residing in it so it would not be demolished until next summer. The ordinance on its face would not stop the demolition. If the idea was that the City would eventually not allow the building to be torn down, the City would face a lawsuit or would need to purchase the property or pay damages if the property was not purchased. He commented that he had heard rumors of people that were interested in purchasing property in the downtown to build housing, so there could be others adversely impacted by this as well. If the pending sale of this property was impacted, he thought the property owner would likely sue the City. It would then be a fact-based issue on why the deal fell through. The only thing the Council would have done was to say the building could not be demolished for a certain period of time, and he did not think that alone was a reason why someone would turn it down. He thought it would be the fear of what the City would do after the six months in terms of imposing additional regulations on the height of the building, setbacks, etc., or by attempting to not allow the building to be demolished. He did not know enough of the facts to provide an opinion as to how good of a lawsuit they might have. He commented that Mr. Hollis' letter indicated he would have no choice other than to file suit, but also indicated it would not matter since the building would not be demolished during the moratorium period. If

the sale went through and the City ultimately allowed the building the buyer wanted to build, he did not believe there would be an issue. He noted that when two different attorneys representing two parties and two transactions were stating there would be a lawsuit, there was a good chance there would be a lawsuit and there would be an expense involved in defending the lawsuit regardless of whether damages would need to be paid at the end of the lawsuit.

Mayor McDavid asked if the demolition permit had been issued. Mr. Matthes replied the application for the demolition permit had been rejected because there were still people occupying the building and the utilities were still connected, so at this time the building could not be demolished. If those criteria were met, it could be demolished in the future. He understood the earliest would be in July.

Mr. Kespohl commented that he felt they were rushing this issue in light of the fact the demolition permit had not been issued and would not be issued until the building was vacant and the utilities were disconnected. He noted that he wanted to hear from the Downtown Community Improvement District (CID) and the Downtown Columbia Leadership Council prior to voting as they both had a stake in this issue. He suggested they table B375-12 for two weeks to allow time for a written report from those two groups.

Mr. Kespohl made a motion to table B375-12 to the January 22, 2013 Council Meeting. The motion was seconded by Mr. Dudley.

Ms. Hoppe commented that if this issue was tabled, she would also like to hear from the neighborhood associations surrounding the downtown, to include the East Campus, North Central Columbia and Benton-Stephens Neighborhood Associations. She pointed out this was not only about the Niedermeyer property and explained it was about the downtown in general in terms of the lack of controls for historic preservation and whether the building constructed was appropriate, and noted this had been something the City had been working on in a variety of ways. She stated she would be agreeable to a four month moratorium versus six months. She believed the moratorium was needed and was agreeable to allowing the commissions to weigh in.

Mr. Boeckmann suggested Council ask whether there was a representative of the buyer or seller present, and whether this tabling would have an adverse impact on the contract. Mayor McDavid asked Mr. Hollis whether he would be agreeable to not suing the City if this was delayed two weeks.

Robert Hollis, an attorney with offices at 1103 East Broadway, stated he would not sue the City if they waited to discuss this in two weeks.

The motion made by Mr. Kespohl and seconded by Mr. Dudley to table B375-12 to the January 22, 2013 Council Meeting was approved unanimously by voice vote.

Albert Prouty, 3714 Santiago, stated he believed the City was wasting a lot of money in trying to keep old buildings, and noted thousands of dollars had been spent on the Blind Boone Building, which he felt would fall down sooner or later. He believed existing infrastructure needed to be utilized instead of building new roads and sewers and installing new electric lines, and buildings needed to be built up, which meant some buildings had to be demolished. In addition, he believed that kind of building needed to be constructed in the middle of town as it was too expensive to continue to build outside of the City.

Elizabeth Gentry Sayad, St. Louis, Missouri, stated she was the great, great granddaughter of General Richard Gentry whose contributions were of great significance to the evolution of Columbia and Missouri, and included the founding of the Female Academy in 1833. She explained General Gentry was a founder of Boone County and Columbia, and was the first mayor and first postmaster of Columbia. He was also a state senator in the first legislature to convene in Jefferson City in 1826. In addition, he was a Santa Fe trader who marshaled many expeditions and brought the first herd of mules to Missouri. In 1832, he was also a Major General in the Black Hawk War, and on Christmas Day in 1837, he was mortally wounded leading the Missouri volunteers in the Seminole War in Florida. Three months before he left Columbia in October of 1837, Ms. Lucy Wales, the headmistress of the Columbia Female Academy brought her young ladies out to wave goodbye and send off the 600 volunteers in front of the Gentry Tavern. Those young ladies had hand stitched a battle flag which had the inscription “Gird, gird for the conflict with your banner raised high for your country you’ll live for your country you’ll die,” and that battle flag was in the archives of the State of Missouri and frequently displayed in the State Capitol. She pointed out Gentry County was named for General Gentry, and his widow, Ann Hawkins Gentry, was the first or second postmistress of the United States, appointed by President Van Buren. She noted Mary Todd Lincoln was the first cousin of her great grandmother Mary Todd, and that Mary Todd Lincoln had come to come to Columbia and visited the Academy when she was Mrs. Abraham Lincoln. She explained her great grandmother, Mary Todd, was the daughter of Roger North Todd, the first County Clerk of Boone County, and she later married Thomas Benton Gentry, her great grandfather, who was named for the distinguished senator, and together they were the parents of North Todd Gentry, who served the State as both Attorney General and Supreme Court Justice. She commented that the Gentry’s had served the State generation after generation, and those at the end of the line were striving hard to meet the challenge to match the standard they had set. She hoped the Council would choose to reflect the soul of Columbia by preserving this rich history.

Daniel Karlov explained he was architect and planner educated at the University of Utah and had been a licensed architect for 33 years, and noted he understood the issue of property rights, but felt the Niedermeyer property had a lot to offer Columbia in terms of its history, richness and uniqueness. The building was setback, had a colonnade, let light and air in, provided a horizontal line and provided a humanistic experience when walking past it. It was not something money could buy, and he hoped the City could save it. He thought a commercial use would be more proper for the location, and noted he had spoken with the owners of International Café and the Broadway Brewery, and they agreed more commercial would help keep the downtown alive. He commented that he was concerned about the core of the downtown in light of the recent construction of tall structures built to the property line, and thought they should be required to provide more amenities, such as public spaces for sculptures, benches, etc.

Richard Harrison Gentry, Richmond Heights, Missouri, stated he was the great, great, great grandson of Colonel Richard Gentry, and was named in honor of him and his eldest son who was also Richard Harrison Gentry. He noted Columbia had named a park and middle school in honor of Ann Hawkins Gentry. He commented that the Stephen College website

had indicated Colonel Richard Gentry called together Columbia's fourteen leading male citizens to discuss the education of their daughters, and the nucleus of Niedermeyer building was the location where they held classes. Lucy Wales was the head of that school and had led the school and its students to be great leaders of Columbia and Missouri. All five daughters of Colonel Richard Gentry attended the school, and his eldest daughter, Annalise, became Ms. Wales' first assistant and later continued her career as a teacher at various institutions in the State of Missouri. He pointed out a book brought by Ms. Sayad was on display in the lobby and had the writings of North Todd Gentry and stories from Columbia's colorful past. He encouraged the Council to consider it as it discussed the Columbia Female Academy and how it enriched the lives of female citizens. He felt the oldest building in the City, which was so enriched in the early history of Columbia, was worth saving, and believed the building symbolized the forward thinking of early Missourians in terms of investing in Missouri and needed to be preserved and held up as an example to others. It showed the unusual character of valuing all citizens and understanding the power of education in terms of improving the individual and the greatest society. He believed this building needed a purpose, and felt the building should be a powerful symbol of how Missouri was committed to knowledge, the future and equity.

Elizabeth Fischer, 1109 Lakeshore Drive, explained she had lived in Columbia for most of her adult life and noted she cared about the Niedermeyer apartment building. When she came to Columbia as a student in 1964, it was comforting to her to see the Niedermeyer apartment building with its wrap around porch, lawn, trees and lilac bushes, and she still enjoyed it. It was a part of the landscape of downtown Columbia and was needed for its historical significance and its aesthetics. She believed it was an attractive and unusual building and provided a small town atmosphere that did not exist elsewhere in the area. She thought it was important for the building to remain so future students of the University and other local colleges could appreciate it when coming to Columbia. She wondered if the University of Missouri alumni knew its demolition was being contemplated as she felt they would be concerned as well.

Alyce Turner, 1204 Fieldcrest, thanked the Council for working to save the Niedermeyer building as she felt there was widespread support in that effort. She pointed out this situation had brought attention to the issues being faced in the downtown. She noted it was thrilling to see the downtown developing and thriving, but wondered if the zoning was appropriate and whether they had the infrastructure to handle these high rises.

Brian Pfeiffer, 3901 Wakefield Drive, stated he and his wife had lived in Columbia more than fifty years, and he believed the Council needed to think about height restrictions for buildings in Columbia. He pointed out Washington D.C. had height limits on its buildings and thought it was time for the City to start studying that issue.

Mayor McDavid reiterated B375-12 had been tabled and would be considered at the January 22, 2013 Council Meeting.

CONSENT AGENDA

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

- B361-12 Rezoning property located on the northeast corner of the intersection of Nifong Boulevard and State Farm Parkway (1101 East Nifong Boulevard) from A-1 to O-P.
- B362-12 Approving the M-P Plan of Lot 2 of Tower Industrial Park located on North Tower Drive, approximately 400 feet north of Prathersville Road.
- B363-12 Vacating a portion of a storm sewer easement on Lot 1 within College & Walnut Subdivision located west of College Avenue, between Walnut Street and Ash Street; accepting conveyances for sewer purposes.
- B364-12 Authorizing construction of commercial retail space in the Fifth Street and Walnut Street parking structure.
- B365-12 Amending Chapter 22 of the City Code to establish free or reduced fares for marketing purposes to promote the City's transportation system.
- B366-12 Amending Chapter 14 of the City Code to establish the North Village Parking District and to create parking meter zones in the area generally bordered by Park Avenue, Orr Street, Walnut Street and College Avenue; transferring funds.
- B367-12 Authorizing an STP-Urban Program agreement with the Missouri Highways and Transportation Commission for the Providence Road improvement project from Stadium Boulevard to Stewart Road; appropriating funds.
- B368-12 Authorizing a public infrastructure development cost allocation agreement with Boone County, Missouri for replacement of the Rustic Road bridge over the North Fork of Grindstone Creek.
- B370-12 Accepting conveyances for utility purposes.
- B371-12 Authorizing a contract for sale of real estate with the David-Beverly Jones Revocable Living Trust for the acquisition of property located adjacent to the H.J. Waters and C.B. Moss Memorial Wildlife Nature Area.
- B374-12 Calling a municipal election to elect Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.
- R1-13 Authorizing Amendment No. 3 to the program services contract with the Missouri Department of Health and Senior Services for the HIV Prevention Project.
- R2-13 Authorizing an agreement with Midwest Sports Productions for sports development funding under the Tourism Development Program.
- R7-13 Authorizing an agreement with the Downtown Community Improvement District for the maintenance of trees and the planting and maintenance of planters in downtown Columbia.
- R8-13 Transferring Council Reserve funds to the Police Department to provide security at homeless shelters.
- R9-13 Authorizing a third amendment to the airline airport agreement with Delta Airlines, Inc. for commercial air service at the Columbia Regional Airport.

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

NEW BUSINESS

R3-13 Authorizing an agreement for transportation services with EDR Columbia, LP, d/b/a The Reserve at Columbia.

R4-13 Authorizing an agreement for transportation services with Stephens College.

The resolutions were read by the Clerk.

Mayor McDavid understood the agreement with The Reserve was a continuation of a contract. They were among the 4,600 beds on the periphery of Columbia and were included in the half that had a contract with the City. Mr. Glascock stated that was correct. Mayor McDavid understood staff had come to Council a year ago with a contract with The Reserve for about \$12,500 plus another \$3,400, which had been rejected by Council. Mr. Glascock stated he did not recall the exact amount, but Council had rejected a contract. Mayor McDavid commented that they now had a contract for \$41,000.

Mayor McDavid asked when GPS would be available as the City would be providing FastCAT service to 500 Stephens College students and felt it was imperative the City provided a state of the art service for them so they would renew the contract for the following year. He noted Stephens College had received the introductory rate of \$40 per semester, which was half of the market price, and the City needed to earn their support. Mr. Glascock explained the City currently had an app, which was running, and they had a request for proposals out for automatic vehicle locaters. Three companies had responded in terms of GPS service, and staff was currently evaluating those application responses. He hoped to have the service available by August 2013. Mayor McDavid commented that one of the hardest things he had to adjust to in terms of the private sector versus the government was the pace of change. He understood staff was doing the best it could and had rules and regulations that needed to be followed, but noted he was frustrated with the pace of the roll out of a GPS system.

Mayor McDavid commented that he had seen a push back in terms of residential living in downtown Columbia. He noted he was a fan of the University of Missouri and wanted to do anything he could so it would succeed because the University was 40 percent of the City's economy and had been the economic driver of the City since 1839. These two contracts would serve two groups of students. The Reserve contract supported students that lived in the periphery of Columbia and the other contracted supported a core group of Stephens College students that lived downtown. In 1946, there were 3,000 University students, and during the 1970's through the 1990's, there were 20,000-24,000 students. In the 2000's, however, the student population at the University grew by about 11,000, and they had mainly grown into large apartment complexes on the periphery of the City, so many student drove to campus and down Rock Quarry Road. He did not believe that was desirable in terms of urban planning. He commented that students were now choosing to live downtown, and he preferred they live adjacent to campus. The only adjacent area next to campus available was downtown. If there were another 5,000 students within the next ten years, he thought the City would need to determine where it wanted those students to live. He wondered if they wanted another ring of complexes on Grindstone or further away, or if they wanted to encourage more dense student development adjacent to campus. He understood other

types of housing were available downtown, such as the Lofts on Ninth Street as its units would not be rented to undergraduate students. He believed it currently involved 120 apartments and another 120 apartments would soon be built, and was more the adult-type living many wanted. He noted they had asked for infill development, more dense living, mixed-use, retail and living for young urban professionals and adults in the downtown, and felt they were on the cusp of having all of this even though they were going through some growing pains in the process. He explained he had brought this up during this transit discussion because the City had two routes accommodating students, FastCAT and the Black and Gold route, and he hoped the FastCAT route grew and the Black and Gold route did not.

Ms. Hoppe stated she hoped Mayor McDavid was not suggesting they replace downtown with student housing in mass as there were areas next to the downtown, such as the Osco Drug and Streetside Records lots, which were not in central downtown, but still close and able to be served by transit. Mayor McDavid commented that if Ms. Hoppe was insinuating they were losing the downtown, he felt they were revitalizing the downtown, and suggested this be debated later.

Mr. Trapp thanked Mayor McDavid for his leadership on transit and noted he felt for staff with regard to GPS as the City was bound to go through a process of soliciting bids to ensure fairness, which caused a delay. He was impressed with the continued work with FastCAT and the ability to expand transit during a rough economic time when indicators pointed toward the contraction of transit. He noted he was excited about the possibilities of downtown growth as he thought they could absorb a lot more people and increase density. He commented that he believed the balance mentioned by Ms. Hoppe had been met by proposals, such as The Lofts. He agreed they wanted to see diversity and a mix of populations, but noted there were still 5,000-10,000 students coming to Columbia over the next 5-10 years that needed to live somewhere, and he would rather them walk out of their apartment versus driving five miles. He agreed there were growing pains, but believed this was a nice problem to have, and was excited about what the future held. He was also excited about these transit contracts.

Mr. Schmidt stated he agreed with Mr. Trapp, and commented that there was not enough money to keep building outward. He agreed they wanted balance and diversity in the community, but believed the community would become increasingly more dense, whether it was driven by students or though balanced housing, and noted he wanted more density as it promoted a walkable community concept. He felt more of these types of contracts would come to Council in the future even though it had been a slow process.

The vote on R3-13 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

The vote on R4-13 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R5-13 Authorizing an agreement with the Central Missouri Humane Society for animal control services.

R6-13 Authorizing an agreement with the Central Missouri Humane Society for municipal shelter funding.

The resolutions were read by the Clerk.

Ms. Browning provided a staff report.

Ann Peters, 3808 Berrywood Drive, provided a handout and noted it included the number of animals in Columbia and the money spent on them, an invitation from the Mid-Missouri Animal Welfare League and notes from a meeting she and Ms. Anthony had with Ms. Browning regarding the issues involving animal control. It also included a letter from Melody Whitworth of Dogs Deserve Better in Missouri, which she read. The letter asked that vouchers be made available from the Health Department to any Boone County veterinarian willing to participate in the voucher program, honoring the same services allotted to the Central Missouri Humane Society (CMHS) with regard to the cost of sterilization of dogs and cats, and for any animal being held by Animal Control to be allowed to be transferred to an approved not-for-profit 501c3 licensed rescue group directly from the animal control kennels without an automatic transfer to CMHS. She noted Dogs Deserve Better in Missouri believed these changes would allow for a better use of the sterilization vouchers, better rescue efforts for animals taken in by animal control, a better use of City funds, better relationships with rescue groups, a lower number of unwanted litters and a lower euthanasia rate at CMHS.

Ms. Hoppe asked Ms. Peters for the reason it would be helpful for a change to the voucher program to allow veterinarians to participate. Ms. Peters replied CHMS had not been able to keep up with the number of vouchers allotted for a number of years, so they were not sure how the money was being used. The vouchers did not have an expiration date, so they were floating around if they were not used. They believed there were veterinarians that were interested in participating and honoring the lower fee if given the opportunity. This would also help get animals spayed and neutered sooner.

Mayor McDavid asked if it would be appropriate for the Board of Health to review these recommendations. Ms. Browning replied it could be reviewed by the Board of Health. She commented that with regard to the spay and neuter program, wording had been added indicating nothing would preclude CMHS from working with local veterinarians in the community if they were running behind on the vouchers. She understood CMHS had established a process improvement, so she believed they would be at the 100 percent goal next year. Ms. Peters explained that was not the point and noted CMHS had enough trouble answering the telephone and was behind on spay and neuter vouchers. There was discussion regarding a separate phone line when she and Ms. Anthony met with Ms. Browning, but they had not discussed who would pay for that phone line or answer it. She felt there were a number of unanswered questions, and pointed out she would have discussed the issues with Ms. Browning had she been notified this would be on the agenda.

Mayor McDavid asked Ms. Browning if she felt this needed more dialogue. Ms. Browning explained R5-13 was a contract that had been established since the 1970's. A few years ago, the spay and neuter vouchers were added to it without increasing the cost of the contract substantively. She felt those were a bonus that first year because they would be paying to house the animals. The intent of the contract associated with R6-13 was to provide CMHS additional City revenue, and the vouchers had been put into that agreement. She

was not sure they were part of the nature of the agreement. She thought it would depend on whether the Council wanted to continue to fund the CMHS, the only open door shelter that was currently taking in these animals. She noted she was happy to work on other process improvements, but did not believe she could overhaul the system in five weeks and thought the Board of Health would be a great choice to review the issues. Mayor McDavid asked Ms. Browning if she would prefer Council accept these contracts and allow time for her to work on the issues. Ms. Browning replied yes, and explained they had planned to do that this coming year.

Ms. Hoppe asked how soon staff could work on these other issues and whether Ms. Browning was suggesting a future amendment to these contracts. Ms. Browning replied they were thinking about systems that were vastly different than what had been in place and would research other communities and determine whether they could do things differently by working with other organizations in town. She thought the idea of allowing others to adopt out from animal control was a good idea, but noted she was uncertain as to how they would manage it in terms of staffing. Since these were fundamental and significant changes that could have potential financial consequences, she thought it would take some time. Mayor McDavid understood if they approved these contracts, they could ask staff to review the issues and provide a recommendation within a reasonable time as determined by staff.

Mr. Trapp thought there was a consensus to involve more animal rights organizations and to broaden the net of the people who could assist. He commented that CMHS was an imperfect organization like every organization, but had sincere people that were working hard and trying to do good work. He noted CMHS was unique in terms of their service profile and what they were able to do. He liked the idea of continuing the community dialogue of how they could become a better City in terms of how they managed companion animals and did not want to cause an economic hardship or delay in the contract for this year. He commented that he liked the proposal of transferring animals to approved not-for-profit organizations if they could do it in a way that worked for animal control.

Ms. Hoppe noted the suggestions made appeared to present a potential for improvement to the system, and believed it was beneficial to involve more organizations and veterinarians to address the problems. She asked staff to work on the issue and for it to be reviewed by the Board of Health.

The vote on R5-13 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

The vote on R6-13 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. 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.

PR10-13 Establishing a revised policy for intergovernmental relations.

- B1-13 Authorizing a right of use permit with Lutheran Senior Services to allow placement and maintenance of an informational sign, fencing, landscaping, lighting and an irrigation system within a portion of the Lenoir Street right-of-way.
- B2-13 Accepting conveyances for utility, sewer, sidewalk, drainage and access to storm water facility purposes.
- B3-13 Accepting a Stormwater Management/BMP Facilities Covenant.
- B4-13 Accepting conveyances for utility purposes.
- B5-13 Amending Chapter 2 of the City Code as it relates to the bidding process and purchasing policies for purchases of \$5,000.00 or less.
- B6-13 Amending Chapter 6 of the City Code to delete obsolete provisions related to storm drainage standards.
- B7-13 Amending Chapters 14, 24, and 25 of the City Code as they relate to documents required to be filed with the city clerk.
- B8-13 Amending Chapter 19 of the City Code to define “domestic partner” and to add a new section on the Family and Medical Leave Act.
- B9-13 Appropriating Share the Light Program funds to the Fire Department for the purchase of smoke and carbon monoxide alarms to be distributed to low income homeowners.
- B10-13 Accepting a donation from the Mid-Missouri Tourism Council for the small request funding program in the Office of Cultural Affairs; appropriating funds.
- B11-13 Accepting a grant from the Federal Emergency Management Agency - Department of Homeland Security to fund five new firefighter positions in the Fire Department – Emergency Services Division; amending the FY 2013 Annual Budget to add firefighter positions in the Fire Department – Emergency Services Division; appropriating funds.
- B12-13 Amending the FY 2013 Annual Budget and Classification Plan to add, delete and reclassify a position in the Public Health and Human Services Department – Animal Control Division.
- B13-13 Changing the uses allowed on O-P zoned property located between Old Route K and South Providence Road (2400 South Providence Road); approving a revised statement of intent.
- B14-13 Approving the 2400 S. Providence O-P Plan for property located between Old Route K and South Providence Road (2400 South Providence Road).
- B15-13 Approving the Final Plat of Post’s Subdivision located between Old Route K and South Providence Road (2400 South Providence Road); authorizing a performance contract; setting forth a condition for approval; granting a variance from the Subdivision Regulations.
- B16-13 Approving the Replat of Bridge Terrace Plat 2 located on the north side of Stewart Road and east of Garth Avenue (15 East Stewart Road); authorizing a performance contract.

REPORTS AND PETITIONS

- REP1-13 Northland Drive from Blue Ridge Road to Parker Street.

Mr. Glascock provided a staff report.

Mr. Trapp asked for a time frame for this project if it was added to the CIP. Mr. Glascock replied the time frame would likely be few years, and a project like this would likely be a part of the projects they would consider to be funded by a potential extension of the transportation sales tax in 2015. Mr. Trapp understood it would likely not be any earlier than 2016-2017 and possibly longer. Mr. Glascock stated that was correct as there was not any funding available for it now. Mayor McDavid understood the CIP had over \$200 million worth of projects in it and projects were continually being added.

Mr. Trapp explained he had brought this to the attention of staff as it had made his list of streetscape problems. Columbia would need to find more money if they wanted a livable city. He asked if the sidewalk on Blue Ridge Road could be connected to the Bear Creek Trail sooner since it was a smaller project. Mr. Glascock replied he would work with Mr. Hood to determine if it could be done. Mr. Trapp stated Bill Pauls raised that issue during the campaign, and he thought that short section of sidewalk would add walkability to the area and provide a new entrance to Bear Creek Trail.

Mr. Schmidt stated he used to bike in that area and Northland was the only way through for a rather large area. He supported Mr. Trapp's suggestion of doing this less expensive portion sooner.

Mr. Trapp made a motion directing staff to add Northland Drive as a future CIP project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP2-13 Tenth and Rogers Crosswalk Pedestrian Actuated Flashing Beacons.

Mr. Glascock provided a staff report.

Mr. Kespohl made a motion directing staff to transfer funds from the traffic safety project account and appropriate \$15,000 from Columbia College. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP3-13 Authorization to Amend City Ordinance to Allow for Columbia Downtown Businesses to Purchase Prepaid EZ-Park Cards at a Discounted Rate.

Mr. Matthes provided a staff report.

Mr. Schmidt stated he would like to be able to walk into any store or at least the banks and purchase an EZ-Park card. He understood it was referred to as a discount in the report, but thought it could also be considered a service fee because he assumed there was a cost to the City. Since the fiscal impact was zero, he assumed ten percent of the cost of the card involved staff time for processing the card. He felt this was a good service to the customers of downtown.

Mr. Schmidt made a motion directing staff to amend Chapter 14 of the City Code to allow for downtown Columbia businesses to purchase prepaid EZ-Park cards at a ten percent discounted rate. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP4-13 Authorizing Free FastCAT Service and Temporary Route Alterations to Promote and Market the FastCAT Route during the True/False Film Festival.

Mr. Glascock provided a staff report.

Mayor McDavid understood the City was also offering free rides for the first week of the new semester and asked if this was being promoted. Mr. Glascock replied the City planned to promote it.

Mr. Schmidt asked if buses would be added to the route for that kind of volume. Mr. Glascock replied he believed a route alteration would be made, but the same buses would be used. Mr. Matthes pointed out they had the capacity on those buses.

Ms. Hoppe made a motion directing staff to market the proposed free service period and make a temporary route adjustment for the True/False Film Festival. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

REP5-13 Potential Membership Change to the Airport Advisory Board involving the Convention and Visitors Advisory Board.

Ms. Hoppe suggested the ordinance be revised to add the appointment of a non-voting Convention and Visitors Advisory Board (CVAB) member to the Airport Advisory Board (AAB) in the event there was not a regular voting member of the AAB that was also a member of the CVAB.

Mr. Schmidt commented that they had recently eliminated cross memberships involving the Planning and Zoning Commission and other commissions, and wondered if this could be encouraged without an ordinance change. Mayor McDavid understood it was a moot point if there was already a member on both boards. A non-voting member would only be appointed if that was not the case. Mr. Schmidt hoped the ordinance was not so strict it required a change in the future.

Mr. Matthes stated staff would come back to Council with an ordinance change.

REP6-13 Inventory of Private Gravel Alleyways and Parking Lots Downtown.

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

Mr. Kespohl explained he had asked for this report. He commented that twenty years ago an inspector had come to his office building telling him his gravel parking area needed to be a dust-free surface. The inspector had an ordinance, so he thought there had been a dust-free requirement at one time. Mr. Glascock stated there was a dust-free requirement for driveways. Mr. Kespohl explained his driveway had been concrete, and only the wings had been gravel. Mr. Glascock stated he could check again, and pointed out that unless a building permit or something had been issued, it was difficult to enforce as well. He noted gravel streets still existed within Columbia.

REP7-13 Biodegradable Trash Bags.

Mr. Glascock provided a staff report.

Mr. Kespohl thought the biomass reactor would do better with biodegradable bags, but understood the shelf life was an issue. Mr. Glascock stated that was correct. Mr. Matthes pointed out getting the bags to the landfill was a concern as well. Mr. Glascock agreed and noted the bags tended to break down before getting to the landfill.

Mr. Trapp understood people liked the convenience of the plastic bags and did not like the aesthetics of alternatives, but pointed out they were plastic and disposable consumer

items, so there was not a way to make them good. In general, it was better to replace disposable items with reusable items in an effort to cut waste and plastic use. There was a cost to the environment and City as well. He thought they needed to continue to take a hard look at the current disposal system. He noted the recycling rate was at only ten percent. He wished they could catch Jefferson City and Sedalia in its progressive policies in terms of recycling. He thought they needed to continue to bring forward factual information and discuss how this would be done in the future.

Ms. Hoppe understood staff was looking into the “pay-as-you-throw” bag system, and a benefit would be that was people would use fewer bags for the landfill because they were recycling more. She thought that would be an improvement over the amount of bags that went to the landfill.

REP8-13 Volunteer Hours for FY12.

Mayor McDavid stated this report showed how lucky they were to live in Columbia as those in the community had volunteered 50,300 hours of service to the City. Many of those hours involved the Parks and Recreation Department so people were out and helping to keep Columbia clean. He pointed out this number did include the volunteer work of service clubs, churches, etc. that benefited organizations other than the City. He thanked staff for organizing volunteer events.

Ms. Hoppe pointed out this did not include the board and commission or Council volunteer hours donated. She thought it was impressive the dollar value was over \$1 million of work and service to the City even without those volunteer hours being included. She noted Columbia was a volunteer community, which was why it was so great.

Mr. Matthes stated this was unique and did not occur at this level in many other cities. He pointed out it was equivalent to over 24 full-time employees.

REP9-13 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, stated he believed the real issue was growth and thought it should be the center of any campaign. If this had been the case in previous elections, he did not think Columbia would be in the situation it was in now. If the City grew 2.5 percent per year in terms of population, it would create a problem because Columbia’s government could not keep up. He thought they needed to determine how fast they wanted to grow, as they did not have to grow at 2.5 percent. He understood the University impacted this since it did not charge enough for out-of-state tuition. He also did not believe the City received enough money from the University for the services the City provided. He commented that he did not believe any meaningful progress had been made in terms of revising the land use regulations. He thought they also needed to consider how to adequately finance City, County and School District operations, improvements and capital expenditures to serve current and future residents without asking the current residents to pay upfront costs. He did not believe the comprehensive plan process and the CIP should be

mentioned because they did not address these issues. He hoped people in the various elections would challenge each other because Columbia could not continue to grow at that pace.

Karl Skala, 5201 Gasconade Drive, commented that after talking to Brian Treece of the Historic Preservation Commission, he understood changes to the downtown C-2 zoning district had occurred in 1998, and that prior to then a conditional use permit was required for residential uses. In 1998, however, the residential use was pyramided into the system so C-2 could accommodate it. He thought this was interesting as he did not view this as a density or balance issue. He saw this as right versus wrong. He noted he believed Mr. Treece's arguments in his correspondence to the Council were sound. The Council had created a loophole by eliminating a conditional use permit requirement for residential dwellings within C-2 zoning. He believed pyramiding within zoning districts was always assumed unless prescribed uses were stipulated within the zoning designation. He did not believe C-2 zoning anticipated widespread residential uses for commercial property since that was the highest and best use at the time, and because C-2 zoning did not anticipate widespread residential uses prior to 1998, the conditional use route was appropriate. With the advent of mixed-use or form based codes, which Columbia was now headed toward, he did not believe there was any reason to revise the zoning codes to make them consistent with the comprehensive planning goals. He felt the Council would have been well-advised in 1988 to maintain its conditional use protocols until such time the City could address its comprehensive planning goals and zoning code revisions, but the proliferation of dedicated downtown student housing complexes and multi-story residential structures along with its parking demands could not have been anticipated. He hoped solutions could be provided as the comprehensive planning process proceeded and the zoning revisions took place. He encouraged Council to continue the discussion on how the area needed to look in terms of a human scale, which he thought could be done in the context of accommodating students while still preserving space in terms of aesthetics for the rest of the community.

Monta Welch, 2808 Greenbriar Drive, commented that she agreed with Mr. Trapp in that jobs were needed in the community, and noted the People's Visioning planned to provide suggestions to various boards and commissions regarding the creation of green jobs as mentioned by Ms. Hoppe. She stated they had a lot of resonance with the comments of Mr. Clark and Mr. Skala. She understood the Providence Road Improvement project from Stadium Boulevard to Stewart Road would eliminate some homes along the corridor in order to accommodate the wants of the University. She wondered if there was a master plan the residents had not seen indicating whether this would be the only area in which Providence would be widened or if it would be widened in other areas as well in the future. She questioned the amount of money the City would spend on the project at a time when Columbia needed to move away from being a car-centric society. She understood the congested period was only two times a day. She asked that the public be provided the master plan, if one existed, so they could come up with a more comprehensive solution. She felt the demolition of historic structures needed to be addressed and that a period longer than four months would be needed.

Mayor McDavid explained the Providence Road Improvement project had been discussed by Council, and unless someone came up with a better idea, it would proceed as previously discussed. He pointed out it had involved a lot of input from the neighborhood and Ms. Anthony had been involved. Ms. Welch asked for the purpose of the project as she wondered if it was due to traffic congestion. Mayor McDavid stated he would be happy to talk to her about it after the meeting.

Lisa Kayser, 106 E. Ridgely Road, stated she also had concerns regarding the removal of homes on Providence Road. She hoped Council would revisit the issue and obtain more opinions from the neighborhood as there were others that had concerns. Mayor McDavid suggested Ms. Kayser talk to the Neighborhood Association as they had been very involved. He noted if there were other ideas, the Council would listen.

Mayor McDavid commented that one of the basic functions of government was public safety, and noted Officer Dustin Green was a credit to the Columbia Police Department. He explained Officer Green rescued someone who had fallen through the ice at Twin Lakes while he was off-duty and did not consider himself a hero since he was doing his job. Mayor McDavid felt he and other officers were heroes, and noted he was proud to be associated with him.

Mayor McDavid stated he thought the City would need to get creative in terms of the Niedermeyer property. He understood the seller had a right to sell the property, but felt the City had the right to negotiate to come up with something different. He credited Ms. Hoppe as she had been working on this issue. He thought they should consider all of the options to include tax credits, TIF's, and other incentives. He noted he was willing to help in that negotiation if needed. He also thanked Mr. Kespohl as he had contacted the State Historical Society to see if they had any interest in the Niedermeyer building. He pointed out the City was in a legal bind, so he thought they should try to come up with something that would satisfy all parties involved. He hoped they could get this property into stable and long-term hands. Mr. Schmidt stated he agreed with the comments of Mayor McDavid.

Ms. Hoppe commented that she and Mr. Trapp had attended the National League of Cities Conference. She noted it was a little more expensive than it had been in the past, and pointed out the Council training budget had been cut in the past as well. She explained Mr. Schmidt had not used his training money and had graciously offered her and Mr. Trapp the use of \$1,000. In addition, \$1,750 had been designated for the Council Retreat, and those funds were not used last year or anticipated to be used this year. She pointed out the New Partners in Smart Growth Annual Conference would be held in Kansas City this year, and it was a great opportunity with a low cost since it was close to Columbia. She explained she wanted to use \$1,000 of the funds allocated by Mr. Schmidt and up to \$1,000 of the funds designated for the Council Retreat in order to pay for her and Mr. Trapp's participation in the New Partners in Smart Growth Conference. She noted she would share a room with a Planning and Zoning Commission member, which she had done in the past. Mayor McDavid

stated since no one objected, he would assume there was consensus to accommodate this request.

Ms. Hoppe asked that the handouts provided by the many speakers of fluoride in the water supply at recent Council Meetings be provided to the Board of Health for their review as the handouts included many citations to the information presented. Mr. Matthes stated those documents had been forwarded.

Ms. Hoppe asked staff to determine if it was possible to include rental occupancy information on the interactive map the City had created. Mr. Matthes stated staff would look into it.

Mr. Kespohl commented that he had expressed displeasure in approving the Grassland's plan involving Providence Road improvements at the November 19, 2012 Council Meeting even though he ultimately voted to proceed along with the rest of the Council. He thought they might want to slow down and look at the proposal again. He explained the Historic Preservation Commission (HPC) had not had the opportunity to provide input on the demolition of eight homes in the Grasslands area and believed they should be provided an opportunity to present their plan, which would minimize the damage done to the homes along Providence Road. The Council and others could then decide if it was plausible. He understood two homes for Phase II were for sale and was concerned with the City purchasing those homes as it would be years before Phase II began. In addition, he had a hard time spending \$7 million of taxpayer money for a MoDOT project. He noted he did not like the alternative of a median either.

Mr. Glascock asked Mr. Kespohl how long he wanted to wait. Mr. Kespohl replied a month. He understood the plans were almost complete. He thought they needed to give their boards and commissions time to provide input, and felt they needed to know the history of the homes and whether anything was worth salvaging.

Mayor McDavid stated he would strongly suggest their recommendations be presented to the interested parties in the Grasslands neighborhood prior to coming to Council as the neighborhood had been very engaged and had worked with Ms. Anthony over a long period of time. Mr. Glascock asked that the HPC also work with Scott Bitterman, the City's traffic engineer. Ms. Hoppe agreed.

Mr. Matthes asked if Phase I was fully funded. Mr. Glascock replied yes. He explained they were in the process of developing a request for proposals to hire an engineer to design the project, so there was time to accommodate this delay. He noted they could also have the engineer look at the plan presented by the HPC.

Mr. Kespohl reiterated the HPC needed to be involved as not every project included the demolition of eight homes. Mr. Glascock pointed out staff had never intended to demolish eight homes when the process began. Mr. Kespohl thought the HPC needed to be contacted in every situation involving the demolition of structures.

Mr. Kespohl commented that he had pursued the idea of a land trade in order to save the Niedermeyer property. The City owned a lot at Fifth and Locust to Elm Street, but that lot

had been pledged to the Missouri State Historical Society for a future building. He stated he had contacted the Missouri State Historical Society regarding the use of the Niedermeyer property instead, and they were not interested as that lot and building were not large enough since the development they wanted would utilize an entire City block. He pointed out the City would continue to try to save the Niedermeyer building.

Mr. Trapp stated he appreciated everyone's effort on the Niedermeyer building as people were being creative in an attempt to save the building and he hoped it would be saved.

Mr. Trapp explained a double gate had recently been installed at the Garth Nature Area, which was great, but when the workers installed the gate, the makeshift plywood wind break had been removed. There was now a demand for a more authentic wind shelter to enhance the dog park experience. He understood Mary Loftus had contacted City staff and had received a nice response. He asked staff to look into the possibility of a shelter in the future and thanked them for being patient.

Mr. Trapp asked for a response regarding a 2004 development agreement that he had made an inquiry about previously as some of the neighbors had specific questions he could not address without staff assistance.

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Sheela Amin
City Clerk