

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
NOVEMBER 19, 2012**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 19, 2012, 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 MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

Ms. Hoppe made a motion to correct the minutes in terms of the comments she had made with regard to REP166-12 involving the Grindstone Trail as it was not clear as to when she was referring to the Grindstone Trail versus the east/west trail connecting Clyde Wilson Park and Old Highway 63. She noted she had provided the changes to the City Clerk and the Council. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

The minutes of the regular meeting of November 5, 2012, as amended, was approved unanimously by voice vote on a motion by Mayor McDavid and a second by Ms. Hoppe.

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

Mr. Trapp made a motion to move B309-12 from the consent agenda to old business. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Dudley.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**CITY OF COLUMBIA NEW CENTURY FUND INC. BOARD**

Rieman, Kyle, 32 North Cedar Lake Drive East, Ward 5, Term to expire September 30, 2015

**COLUMBIA VISION COMMISSION**

Aubuchon, Kurt, 806 Medina Drive, Ward 2, Term to expire December 15, 2015

**COMMISSION ON CULTURAL AFFAIRS**

Zwonitzer, Jean, 4100 Brentwood, Ward 4, Term to expire October 31, 2015

**MAYOR’S COMMITTEE ON PHYSICAL FITNESS**

Connell, Angela, 4903 Durham Chase, Ward 5, Term to expire November 30, 2015

Fox, David, 5015 Angelia Court, Cole County, Term to expire November 30, 2015

Johnson, Stephanie, 4404 Orrine Street, Ward 6, Term to expire November 30, 2015

Lycke, Craig, 3404 Eastham Drive, Ward 5, Term to expire November 30, 2015

**PERSONNEL ADVISORY BOARD**

Henry, Melanie, 3804 Mamba Drive, Ward 2, Term to expire November 30, 2015

**SCHEDULED PUBLIC COMMENT**

**Amy Bremer – Water Fluoridation.**

Amy Bremer provided a handout and stated she believed the City should stop water fluoridation. She commented that according to the Center for Disease Control, fluoride was only effective topically not when ingested, which meant water fluoridation did not do what it was reported to do. She pointed out most of the developed world, including Japan and 97 percent of Western Europe did not fluoridate, but dental care in those countries had declined at the same rate or faster than in the United States according to the World Health Organization. She believed there were a number of health effects as fluoride was not a nutrient required by the body and the FDA required a warning on tubes of toothpaste to call poison control if it was swallowed. She commented that swallowing the amount of toothpaste put on a toothbrush was about .25 milligrams and equivalent to an eight ounce glass of water, and 50 percent of the fluoride people ingested or absorbed through bathing was retained by the body, so there was bio-accumulation. In addition, a lot of people were unaware of the fact that the fluoride in the water supply was not pharmaceutical grade. It was hydrofluosilicic acid, which was a waste product of the fertilizer industry and could include contaminants such as lead, mercury and arsenic. She stated the main health concern of fluoride in the water was dental fluorosis of which 32 percent of children in the United States were affected, and other concerns were skeletal fluorosis, osteosarcoma, a negative impact on cognitive development, endocrine disruption, attention hyper activity disorder and hypothyroidism. She noted some subgroups were more affected than others, such as diabetics, kidney patients, children and pets. She explained fluoride was brought into the City five times a year by tanker truck and could create a liability in terms of employees or citizens suing the City if there was a spill, etc. She noted it was environmentally harmful and costly as well. In FY 2011, the City spent \$30,000 on fluoride. She believed citizens were being forcibly medicated and the City was prescribing medication without knowing its citizens medical history. She asked the Council to vote to remove fluoridation from the City’s water supply.

**PUBLIC HEARINGS**

**B313-12 Authorizing the construction of park improvements at Jay Dix Station; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Hood provided a staff report.

Mayor McDavid opened the public hearing.

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

B313-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B314-12 Authorizing an upgrade of the railroad active warning device at the Columbia Terminal Railroad's (COLT) intersection with College Avenue (MO 763); calling for bids through the Purchasing Division; appropriating funds; authorizing a supplemental agreement for highway/rail crossing signal improvements with the Missouri Highways and Transportation Commission.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Schmidt asked if the Railroad Advisory Board had approved this. Mr. Johnsen replied the Board approved it unanimously.

Mayor McDavid opened the public hearing.

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

B314-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of street improvements on Providence Road, from Turner Avenue to Stadium Boulevard, to include reconfiguration and construction of signalized intersections on Providence Road and construction of a new residential street in the Grasslands Subdivision between Bingham Road and Burnam Road.**

Item A was read by the Clerk.

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

Ms. Hoppe asked for clarification regarding the pedestrian signal and whether there was a pedestrian signal to go west back across Providence Road. Mr. Bitterman explained there was a pedestrian signal across the south leg allowing the pedestrian to travel from the east side of the road to the west side of the road.

Mr. Schmidt asked if MoDOT preferred shorter light cycles in our area than in the Springfield area, which had three minute light cycles. Mr. Bitterman replied he did not believe MoDOT was opposed to longer cycles, but each roadway had its own unique characteristics so there were different solutions for different roadways. Mr. Schmidt thought they might want to determine if a crosswalk could be installed on the north side after the initial intersection improvements were made.

Mayor McDavid asked if the signal at this intersection would be triggered by demand. He wondered if the light would turn green if there was no car at Burnam or if no one pressed the pedestrian cross button. Mr. Bitterman replied that was a detail design, but noted signals tended to have vehicle and pedestrian detection now. Mr. Schmidt thought that would be a deviation from the rest of the intersections on Providence as a lot of Providence was timed. Mr. Bitterman stated a few traffic signals had been upgraded for detection, such as the Broadway and Providence signal, but most were older pre-timed signals.

Mayor McDavid understood Mr. Glascock indicated consensus had been unable to be achieved without conceptually agreeing to Phase II. Mr. Glascock explained the Grasslands Neighborhood Association and the University of Missouri did not want the flexible delineators.

Mayor McDavid understood the Council was voting on Phase I tonight. Mr. Glascock stated that was correct. Mayor McDavid noted the City was not voting on Phase II tonight.

Ms. Anthony did not believe the Neighborhood Association wanted Phase I unless Phase II was forthcoming. She understood the Council could not obligate the City, other than conceptually, to do Phase I and Phase II.

Mr. Schmidt commented that he was unhappy about 9 ½ foot wide lanes on a road where there was a hill and a curve. He asked if the lane width could be increased if Phase I was approved conceptually. Mr. Bitterman replied Phase I would not improve the lane width. Mr. Schmidt asked if the lane width would improve with Phase II. Mr. Bitterman replied it would.

Mayor McDavid stated the Council had received a detailed letter from Bruce Beckett and asked staff for a critique of his suggestions. Mr. Glascock understood one of Mr. Beckett's points was that there was no real need for any changes to traffic control. He disagreed as there was a lot of stacking on Providence during peak times by people going south and turning right on to Stadium causing traffic to be backed up past Rollins. He believed it was a real traffic problem and not a perceived traffic problem. He stated there was currently no room for a median, but MoDOT could install flexible delineators at anytime. He reiterated he believed there was a need for the project. He agreed it was an expensive project that had not been anticipated when discussions started in 2005, but explained staff had worked with the neighborhood, the University and MoDOT to develop a project most agreed was needed.

Mayor McDavid understood Council would vote to fund Phase I of this project. They were not voting on the funding for Phase II of the project. He also understood action by Council would be required to proceed when money became available for Phase II. Mr. Glascock stated that was correct. Mayor McDavid commented that an affirmative vote tonight would fund Phase I and set the stage for another public hearing in the future to fund Phase II. Mr. Glascock stated that was correct. He explained the quarter cent sales tax would need to be extended with this identified as a project in order for it to be funded, and that it would be at the discretion of Council. Mayor McDavid did not believe this Council could promise Phase II over any period of time as there might be a new Council by then.

Mr. Kespohl asked if Phase II was a MoDOT responsibility since it involved Providence Road. Mr. Glascock replied no, but explained MoDOT would likely assist with the project. Mr. Kespohl asked if MoDOT was willing to provide money for Phase II of this project. Mr. Glascock replied the City had not yet discussed Phase II with MoDOT.

Mayor McDavid understood Phase I required the purchase of two houses and Phase II required the purchase of another six properties. Mr. Glascock stated that was correct.

Ms. Anthony asked if it was possible to conceptually approve Phase II. Mr. Boeckmann replied they could let their intentions be known, but they could not commit the City irrevocably since there needed to be a separate public hearing on Phase II.

Mr. Schmidt asked if Council could include Phase II in the 10-15 year plan even though it was not funded and needed to be voted on in the future. Mr. Matthes replied Phase II could put in the CIP with zero dollars attached to it, but it would still require another action by Council in the future to proceed.

Mr. Glascock commented that Mr. Beckett's letter referred to using Birch Street and explained why it would not be beneficial. Mr. Schmidt asked if it was unimproved. Mr. Glascock replied yes. Mr. Schmidt understood the unimproved street was not far from the houses on it either. Mr. Glascock replied he did not know the impact, but did know additional right-of-way would be needed.

Ms. Anthony made a motion to include Phase II of this project in the CIP. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Anthony understood the properties necessary for the project would be acquired as they became available for sale. Mr. Glascock stated staff wanted the authority to purchase the first two houses because they needed to get the project started. The properties associated with Phase II could be acquired for corridor preservation as they became available to purchase without condemnation. Ms. Anthony asked what would happen if the money approved as part of the 2005 ballot for the Providence Road improvement was not used. Mr. Glascock replied the City's money could be moved to fund another project, but the money from the State had to be used on a project with certain criteria.

Mr. Kespohl understood the first two homes would not have to be up for sale before they were taken. Mr. Glascock stated he would like approval to acquire them with the option of eminent domain. Mayor McDavid asked if an ordinance was needed to allow that. Mr. Glascock replied yes, and noted it would require a separate action.

Mayor McDavid opened the public hearing.

Robbie Price, 111 E. Brandon Road, stated he was the President of the Grasslands Neighborhood Association and explained they were concerned about safety in terms of coming in and out of the neighborhood. Left hand turns had become problematic due to the stacking of cars and cars traveling at 40 mph or more. They wanted a way to get out of the neighborhood safely and pedestrian access across Providence, and had requested a traffic light in 2001 to accomplish that. Since then, there had been a lot of suggestions for improvements to signals, Providence and the neighborhood. The neighborhood was agreeable to the traffic light at Burnam, the closure of Bingham and the restriction of left turns off of Bingham and Brandon in the short term in hopes of a long term solution with regard to traffic in the Grasslands and on Providence. Phase II of the proposal would increase the width of 9 ½ foot lanes providing more safety and better traffic flow on Providence. He explained they wanted a way to get out of the neighborhood safely without delineators and concrete barriers along Providence and without additional traffic being thrust on some of the smaller roads in the neighborhood. They felt this two-phased project would accommodate their needs. He understood the Council could not commit the City to Phase II of the project, but would appreciate them putting it into the record that it was something they would look at in the future. He noted this project would benefit the neighborhood, the University of Missouri and the City at-large as it would widen the City's biggest north/south arterial roadway while beautifying it and allowing the neighborhood its normal means of getting on to Providence.

He pointed out the majority of the neighborhood was in agreement with both phases of this plan, and asked the Council to approve Phase I and agree with language in the public record to proceed with Phase II in the future. He asked those in the audience from the Grasslands Neighborhood who supported the two-phased plan to stand, and approximately 50 people stood. He commented that he understood this was not a perfect plan, but he believed it provided each stakeholder and the City something more than they had now.

Bruce Beckett stated he was the owner of the house located at 309 Bingham and noted he had not been consulted about a road being constructed on the corner of his property. He commented that he had learned by looking at the staff report that people whose houses were affected by both phases were not contacted until 2-3 weeks ago. He thought they should all have been consulted and been a part of the plan that was developed in May. He noted the cost of both phases was \$4.5 million, primarily because the neighborhood did not want to use Birch for interconnectivity within the Grasslands, and believed that money could be used elsewhere within the City to benefit other neighborhoods. He suggested the Council proceed with Phase I, but to only include the stop light at Providence and Burnam and the extra right turn lane between Brandon and Stadium Boulevard, and to not include all of the interconnecting roads that would take eight good houses out of the neighborhood. After that was done, they could determine if anything more was needed. He suggested the money be used to improve Birch into a local residential street for interconnectivity, and if those four property owners were not happy, their homes could be taken instead of the eight along Providence. He urged the Council to not proceed with this project as it was a waste of money and premature. He thought it would be a regrettable expenditure if the City did not slow down.

Don Duello, 203 Bingham Road, stated he was a relatively new resident to the Grasslands that walked regularly throughout the neighborhood and along Providence Road, and the key issue for him was pedestrian and vehicular safety. He explained people moved regularly across Providence Road while being preoccupied with their cell phones, and believed someone would end up being killed if something was not done. He felt one of the best features of the plan was the berm that would run down the middle of the street, which would cease to allow people to cross the street anywhere they pleased. The long range needs of the community required more space because the road had initially been built for a much different environment. The road needed to be expanded in width and needed to be made much safer for pedestrians and vehicular traffic.

Jean Goldstein, 206 E. Ridgeley Road, stated she and her husband had lived at this location for 34 years and believed the increase in traffic on Providence would only get worse. The concern of the neighborhood was safety and the need to turn left. She felt this was a workable solution and had the input of all stakeholders. This solution had not been developed at one meeting, and notices of all neighborhood meetings had been provided to all property owners. She asked the Council to approve Phase I of the project.

Chris Walthall, 1000 Wayne Road, explained she had a problem with Phase I, but was willing to go along with it. She stated she was against Phase II since it would take out a lot of houses along Providence and build a road that would go through her backyard. She believed it would also create more up-keep in terms of snow removal, etc. She commented

that it was fine if the City needed to remove the homes for a right hand turn, but she did not see a need for an outer road between Brandon and Bingham.

Rod Gelatt, 1020 LaGrange Court, stated he and his wife lived at this location for more than 18 years, and noted that although the Grasslands was a pleasant and conveniently located neighborhood, it was not easily accessible. Only three streets led to and from Providence, and traffic was frequently backed up at those intersections. Trying to exit on to Providence during certain times was nearly impossible. He explained they had been part of an effort to try to bring about some kind of relief from this growing issue, and it now appeared there was a plan that promised such relief that was acceptable to most of the parties involved. The traffic problem was no longer inconveniencing only the Grasslands Neighborhood. It was also inconveniencing those that drove on Providence Road everyday. There would still be some inconveniences for those that lived in the Grasslands, but most of them were willing to put up with those in order to improve traffic flow. There were also some design flaws with the proposal, but those flaws could be dealt with as the project moved forward. He hoped the Council would approve the proposal this evening.

Brian Struchtemeyer, 7 E. Burnam Road, commented that he had attended the 2010 interested parties meeting and stated his support for both Phase I and Phase II. He noted the expansion of Birch was discussed at length in the 2010 interested parties meeting, and the diversionary north/south road in Phase II would direct a significant portion of traffic away from pedestrians as the majority of high density rental properties were located on Clarkson. He shared Mr. Beckett's concern regarding money, but Phase I did not include funding for right-of-way acquisition or sidewalks along either side of Burnam Road connecting to Clarkson to ensure the safety of pedestrians. He asked the Council to approve Phase I and continue with Phase II in the future.

Mr. Kespohl understood the push back on Birch Street being improved was not having sidewalks on Burnam. Mr. Struchtemeyer stated he believed that was a significant portion of the push back, and explained students could not be seen at certain times at night as they were walking along Burnam. If traffic was directed off of Burnam, as would be done in Phase II, the amount of incidents between vehicles and pedestrians would be limited. Mr. Kespohl asked if there was street lighting on Burnam. Mr. Struchtemeyer replied there was very little lighting. The trees along the Phi Si property had grown up enough that there was almost no lighting when the foliage was strong.

John Clark, 403 N. Ninth Street, commented that there was clearly a problem on Providence Road, and it was not just at Turner and Burnam, and the two-phased plan would address the problem. He stated there was enormous value in adopting conceptual plans even when the money could not be identified. He felt the idea of adopting a meaningful conceptual plan for Providence Road was tremendous and suggested it be done for the northern portion of Providence and College Avenue as well. He did not believe they needed to be bound by the 2005 estimated cost and plan, and suggested they ask MoDOT for funding as he believed they should be paying for a large portion of this solution to their traffic problem on Providence Road.

Julie Nolfo, 11819 Lillian Avenue, St. Louis, stated she was a traffic engineer speaking on behalf of the University of Missouri-Columbia, and that the University had asked her to

express its support of the proposed street improvements to Providence Road. She explained they had reviewed the various alternatives in terms of traffic operations and from a pedestrian perspective through traffic models, and the University supported the preferred alternative, which provided for traffic signals at Turner Avenue and Burnam Road. The University understood the traffic signal at Turner would not provide access to the west side of Providence. They saw the introduction of the proposed barrier and the subsequent reduction and full access along these sections of Providence Road as a positive improvement. They believed it was imperative to improve the safety of the motoring public and the student population that walked across Providence Road. The addition of the third south bound lane on Providence that would tie into the right turn on to Stadium would reduce the queues, which at times extended beyond Rollins. She reiterated the University of Missouri strongly supported this project and asked the Council to approve it.

Dennis Suich, 1029 LaGrange Court, stated he wanted to emphasize the fact that it was the City's responsibility to ensure the safety of people in Columbia. He thought this was far more important for the City than it was the Grasslands in terms of the increasing traffic and pedestrian problems in that area. He believed they could make this an attractive intersection that would enhance the value of Columbia, but felt the clear importance involved the safety of young college students and the citizens of Columbia.

Bill Folk, 1 E. Ridgeley, stated he and his wife had lived in the Grasslands for twenty years and noted they had participated in some of the early meetings, but had not participated in the most recent meetings as they had been traveling. He commented that he was concerned about the prospect of destroying seven homes. He was in favor Phase I, but was concerned with Phase II. He stated he did not think it was realistic to estimate the actual cost of Phase II as it could cost more than had been previously discussed. He noted this appeared to be an attempt to fix a symptom instead of the problem, as the problem was the congestion at Providence and Stadium. He wondered if a solution to the problem had been discussed and questioned whether they had considered ways to avoid the stop light at Providence and Stadium or speed up the flow of traffic there by removing the traffic signal so there would be less congestion on Providence.

Robert Tucker stated he was the Vice Chair of the Historic Preservation Commission and asked the Council to table the approval of this plan to allow the Commission more time to study other ideas on what could be done in this area. He explained the Commission conducted a site visit last week and the removal of eight homes would drastically change the entrance to downtown, Greektown and the Grasslands. The Commission opposed the demolition of the eight homes and had an idea on how they could fulfill the needs of MoDOT while preserving 6-7 of the homes.

Mr. Kespohl asked how much time the Commission would need. Mr. Tucker replied 45 days.

Ms. Hoppe asked if Commission had shared its idea with staff so they could provide preliminary input on the possibility of that solution. Mr. Tucker replied the Commission had not yet discussed it with staff, but had planned to provide drawings after they were prepared.

Angela Speck, 1032 LaGrange, stated she had lived in the Grasslands for a little over two years and there had been numerous meetings on this issue. She noted she would have

participated in the site visit conducted by the Historic Preservation Commission had she been notified.

Troy Norton, 300 Bingham Road, stated his house backed up to the proposed new feeder road in Phase II of the project, and while he had concerns since the existing houses provided shelter from the road noise and lights, he understood MoDOT was adamant about a right turn lane and would construct yellow delineators or a barrier if there was not another option. He did not want to see those delineators everyday. He commented that while he agreed with Mr. Beckett and others that this was a costly problem, he saw it as the lesser of two evils. He was not happy about the idea of a feeder road, but trusted an effective berm and median could be built to separate Providence from the houses in the Grasslands, and preferred it over the yellow delineators. He commented that he did not see the value of saving any of the homes if it meant yellow delineators would be required as it would be an embarrassment when people visited Columbia.

John Ott, 212 Bingham Road, stated he served on the Board of the Grasslands Neighborhood Association and reiterated that all they had initially wanted was a traffic light, and it had turned into something greater. He pointed out the right hand turn lane was being required by MoDOT in order to get a light, and as a result, it became a physical space issue. The space could be accommodated by the one side of Providence with all of the sorority and fraternity houses or it could be taken from the side of the Grasslands. They understood it would be expensive, which was why they were agreeable to a two phased project. He commented that there was nothing significant architecturally in the homes to be demolished that they could not find in other homes around Columbia or in the Grasslands, and he did not believe any notable person had lived in them. If there was a historic value to one of the properties, the house would be documented through photos, etc. He noted the neighborhood had been working on this for a long time and it would serve the City in addition to the neighborhood. He encouraged the Council to vote in favor of both Phase I and Phase II with the understanding Phase II was not funded and only a concept at this time.

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

Mayor McDavid made a motion directing staff to proceed with plans and specifications for Phase I of this project, and to include Phase II as an unfunded project in the Capital Improvement Project Plan (CIP). The motion was seconded by Ms. Anthony.

Mayor McDavid stated he appreciated the amount of work Ms. Anthony, staff and the neighborhood had put into this project. He commented that he planned to support this motion, but pointed out the City did not have the money to fund Phase II, and when money became available, it would need to go before that Council for approval. He encouraged those in the audience to support the renewal of the capital improvement sales tax in 2015, which would provide about \$5 million per year to pay for projects such as this.

Ms. Anthony thanked staff for their work on this project. This had been worked on for eleven years because it was not a simple problem. It involved MoDOT, the City, the University of Missouri and the neighborhood, and there were certain things MoDOT would not accept. She thanked staff and the neighborhood for coming up with the plan for Phase I and Phase II. She understood this was a very expensive project, and pointed out it was not just a neighborhood issue. This was truly a City issue as Providence was a major corridor

and an entrance to the University, and it involved the issue of health and safety, so she believed it warranted the expense. She appreciated the work of the Historic Preservation Commission, but felt this did not warrant further study at this point. She thought they could still hear the idea, and if it was something that needed to be considered, they could amend the part of the plan later. She stated she would appreciate the support of Council on this project.

Ms. Hoppe commented that this was an issue that had come up when she began serving on the Council seven years ago, and it was a complicated issue with lots of problems and many proposed solutions. The solution in 2005 was a short term, partial solution, and this new proposal was a long term, complete solution as it addressed traffic issues at the University and the Grasslands as well as on Providence Road. She stated she appreciated the Historic Preservation Commission for looking at the issue and advocating for historic preservation, but felt any other solution would impinge and negatively affect the neighborhood and the quality of the road in this situation. She noted one prior proposed solution, which involved eliminating most of the green space in front of a fraternity, would affect the historic preservation of that site as well. In terms of cost, she thought they needed to consider projects would cost more now than they would have in 2005 and the fact this was a more complete solution than had been previously proposed.

Mr. Dudley stated he was in favor of Phase I, but he was not comfortable with involving eminent domain for the purchase of two houses for a feeder road. He suggested they hold off on the purchase of those homes and delay the feeder road idea until the lights were installed to see how those lights worked. He asked if staff had considered elevated lanes over Stadium. Mr. Glascock replied staff had looked at a grade separated interchange where Providence would go under Stadium, but it would cause devastation to the area. Mr. Dudley asked if the same devastation would exist if Providence was constructed to go over Stadium. Mr. Glascock replied yes, and explained it would be more detrimental than taking Providence under Stadium as exit ramps would still be needed.

Mr. Schmidt commented that he was in favor of the project because it would benefit more than those residing in the Grasslands and would provide many safety features. He noted green space might provide a better buffer than houses if Phase II was completed, and would be a nice amenity for pedestrians. It would also allow a chance to widen the lanes and improve sidewalks in the area. He agreed it was not perfect, but it was good. He stated the Historic Preservation Commission could continue to study it while funding for Phase II was determined.

Mr. Kespohl stated he had been concerned with the process as he did not believe the proper process had been followed in terms of notifying the Historic Preservation Commission of the possibility of demolishing homes on Providence Road and obtaining their recommendation. He saw fault in selectively asking the Historic Preservation Commission for its input on different projects, and believed the Historic Preservation Commission should be notified of any project involving demolition. He stated he would support the project as he saw a lot of good things, but thought the flawed process needed to be addressed.

Mr. Trapp commented that he agreed the Historic Preservation Commission should have been involved earlier, but noted it was a complicated process with many stakeholders,

and the area was an important gateway into the City and a front for the University. As a result, he thought it was important to avoid the median barriers. He noted he bicycled through the area and it was the most dangerous place that he rode in town. He agreed it was an expensive project, but felt it needed to be done as it had endorsement from most of those involved.

The motion made by Mayor McDavid and seconded by Ms. Anthony directing staff to proceed with plans and specifications for Phase I of this project, and to include Phase II as an unfunded project in the Capital Improvement Project Plan (CIP) was approved unanimously by voice vote.

**(B) Voluntary annexation of property located on the south side of Stanley Pitts Lane, east of Sinclair Road.**

Item B was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid opened the public hearing.

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

**(C) Voluntary annexation of property located on the west side of Bearfield Road, approximately 1,800 feet south of Nifong Boulevard.**

Item C was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid opened the public hearing.

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

**OLD BUSINESS**

**B300-12 Approving the Final Plat of Shelter Insurance Subdivision – Plat 3, a Replat of Lot 2 Shelter Insurance Subdivision – Plat 2, located on the northeast corner of Stadium Boulevard and Broadway.**

The bill was given second reading by the Clerk.

Mayor McDavid made a motion to table B300-12 to the December 17, 2012 Council Meeting. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**B309-12 Authorizing a contract for sale of real estate with Helen M. Jackman for the purchase of property located at 20 East Worley Street; appropriating funds.**

The bill was given second reading by the Clerk.

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

Mr. Trapp asked about the fate of the property. Mr. Glascock replied the City normally demolished the house and kept it for other uses. The City could sell it as well, and if that was done, restrictions would be placed on the property in terms of what could be built. Mr. Trapp stated he had wondered if it would be appropriate to build a house on it since it was in the floodplain, and had thought it might be a good spot for a garden.

Mr. Schmidt asked if a detention basin would be created when the City demolished the house. Mr. Glascock replied they would if one could be located there.

Mr. Trapp asked if an environmental assessment was done on the property and how that determination was made. Mr. Glascock replied the City always did a Phase I environmental assessment on property it purchased.

B309-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B315-12 Authorizing an amendment to the solar demonstration agreement with Dow Chemical Company for construction of a solar photovoltaic array structure located at Tiger Lane and Bernadette Street.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid asked how much power the City was receiving from Free Power. Mr. Johnsen replied about 1½ megawatts. He explained the build out was moving slower than promised, but the contract was structured in such a way that the City was not being harmed financially.

Ms. Hoppe stated she had taken a tour of the Free Power site at the Transload Facility recently, and thought they were doing a great job of not losing energy by the way they were doing the DC and the AC. Mr. Johnsen commented that staff understood the development of the Free Power contract would be a learning experience so they had not pushed them real hard. He thought future sites would be more visible to the community.

Ms. Hoppe asked why they were taking down the old one even if it was not as efficient, instead of just adding one so there would be more solar power. Mr. Johnsen replied Dow was not interested in expanding their site, and were in fact contracting it by one. They originally did three, but were now only going to have two there. The third would be used by Free Power. Dow was going to install new post-production commercial higher efficiency units to determine how they performed.

Mr. Dudley asked if the City was going to acquire the ones they were taking down. Mr. Johnsen replied the City would not acquire the old shingles. He understood they would not be reused as they were demonstration shingles and were the property of Dow.

Mr. Schmidt thought this was an interesting experiment and was happy to see someone in government doing it. He was excited to see these efforts of businesses and individuals in the community.

B315-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B317-12 Amending Chapter 4 of the City Code to add a new Article V pertaining to server certificates.**

The bill was given second reading by the Clerk.

Ms. Browning provided a staff report.

Ms. Anthony stated she believed this was an excellent idea as it was geared toward education and prevention, and noted she was pleased to support it.

Mr. Trapp commented that this was a nice balance between not creating an onerous burden on a lot of people who worked in the industry while also protecting community safety, and believed any focus on prevention was a good idea. He stated he planned on supporting the proposal.

Mr. Dudley stated he liked the fact it was worked in with the food handler's certificate since that was already being done.

B317-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B320-12 Pertaining to the operation of the Columbia Fire Department and conditions of employment of the Columbia Fire Department personnel.**

The bill was given second reading by the Clerk.

Ms. Buckler and Chief Witt provided a staff report.

Steve Forrest stated he was the President of the Columbia Professional Firefighters and this work agreement was a result of the continuous hard work and tremendous cooperation between labor and management. He noted the Fire Department would not be the successful organization it was without their efforts. He asked the Council to support the ordinance.

B320-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B322-12 Proposing an amendment to the Home Rule Charter for the City of Columbia, Missouri pertaining to the use of eminent domain for economic development and blight; calling a special election to be held on April 2, 2013 on the proposed Charter amendment.**

The bill was given second reading by the Clerk.

Mr. Boeckmann provided a staff report.

Mayor McDavid understood there had been a movement 5-6 years ago to acquire property for the State Historical Society by eminent domain, and asked if that would be prohibited by this. Mr. Boeckmann replied he thought it would.

Mayor McDavid commented that they knew what this was intended to do, but wondered if there were other ramifications or unintended consequences.

Mr. Schmidt asked if this would prevent the City from acquiring residential lots and providing them to Habitat for Humanity, YouthBuild or private developers. Mr. Boeckmann replied it was a question of whether the property was being purchased for economic development. If the City acquired property for a stormwater prevention problem, it would not prevent the City from using the property or transferring it to another party because the property was not acquired with the intent of economic development. Mayor McDavid asked if it would be a problem if it was used for stormwater, but would benefit someone at a private level, such as a developer of a mall. Mr. Boeckmann replied it had more to do with why the City was acquiring the property. If the City was acquiring it to assist a mall development, it might be an issue. If it was acquired for another purpose, it should not be an issue.

Mayor McDavid asked Mr. Boeckmann if he thought there would be any unintended consequences. Mr. Boeckmann replied there could be, and noted there usually were with laws like this. Ms. Hoppe stated the goal was to address the intended consequences. Mr. Boeckmann commented that there could be more of a problem in trying to address the intended problem. He explained Article XI, Section 19(a) indicated cities had all of the power the legislature could give the cities with the limitation of what cities put in the charter or by state statute or the constitution, but it also indicated cities would have all of the powers given under the law, and there were statutes and constitutional provisions that dealt with constitutional charter cities having the power to acquire blighted property. If this were put into effect, he did not believe the Council would try to ignore it, but there was an argument of whether a charter city had that power directly in terms of an actual limitation. Mr. Trapp asked Mr. Boeckmann was saying a future Council could ignore these provisions if it were to be approved by the voters. Mr. Boeckmann replied a future Council would have to rely on a specific constitutional provision or statute. Ms. Hoppe understood state law could allow it in specific situations.

Mr. Schmidt asked if the ordinance should say regular election instead of special election. Mr. Boeckmann replied it was called a special election because it was not an election for a council member.

Mr. Schmidt asked if this would prevent a future Council from taking the Osco site and giving it to someone else who would develop it. Mr. Boeckmann replied he believed it would as that was the intent. Ms. Hoppe commented that there were other things the Council could do short of eminent domain to encourage development on a site that was dormant.

Karl Skala, 5201 Gasconade Drive, encouraged the Council to place this charter amendment to disconnect the blight and eminent domain nexus on the ballot for a special election as it was consistent with the Kelo Supreme Court ruling. He also thought it would be an appropriate and popular move by the Council to hold a public referendum on this issue.

Ms. Hoppe stated this issue had come up at a forum during the EEZ discussions as something the public was very interested in pursuing. She noted many states and communities had enacted legislation to restrict the use of eminent domain for private economic development due to the Kelo Supreme Court decision. She explained the intent of this charter amendment was to address that issue and pointed out there was a specific provision indicating any designation of an area being blighted to qualify for a state or federal economic development program, such as an EEZ, could not be used as a step toward the use of eminent domain. She believed this was something the public had a right to and an interest in voting on, and noted she would support it being placed on the ballot.

Ms. Anthony stated she would support this ordinance. She noted this had been removed when it was previously brought forward in order to readdress the language so it was as narrowly construed as possible to achieve the purpose indicated by Ms. Hoppe. She felt this was an important community issue and the community had the right to weigh in on it.

B322-12 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B301-12 Amending the FY 2013 Annual Budget to add and delete positions in the Public Works Department; amending the FY 2013 Pay Plan and Classification Plan to reclassify positions in the Public Works Department.
- B302-12 Authorizing construction of the Sunset Lane PCCE #19 Sanitary Sewer, Storm Water, Sidewalk and Traffic Calming Improvement Project; calling for bids through the Purchasing Division.
- B303-12 Authorizing the acquisition of easements for construction of the Sunset Lane PCCE #19 Sanitary Sewer, Storm Water, Sidewalk and Traffic Calming Improvement Project.
- B304-12 Authorizing the acquisition of easements for construction of the Ash Street and Hubbell Street storm water management project.
- B305-12 Authorizing an agreement with Boone Electric Cooperative to provide primary electric service for the Deerfield Ridge Pump Station.
- B306-12 Authorizing a right of use permit with MM II, LLC to allow construction and maintenance of private canopies to extend within a portion of the right-of-way located at 308 South Ninth Street.
- B307-12 Authorizing a gas main extension guarantee agreement with Ameren Missouri for the provision of natural gas service to the Columbia Wastewater Treatment Facility.
- B308-12 Authorizing a charitable contribution agreement with Lake of the Woods South, LLC and JJ Bull Run, LLC for the donation of property located on Port Way; authorizing a stormwater facility easement.
- B310-12 Appropriating funds for the construction of traffic calming devices on Bourn Avenue.
- B311-12 Authorizing and accepting a conveyance for street purposes; accepting conveyances for temporary construction, sewer and access to storm water facility purposes.
- B312-12 Accepting Stormwater Management/BMP Facilities Covenants.
- B316-12 Accepting conveyances for utility purposes.
- B318-12 Accepting a grant from the Department of Health and Human Services Food and Drug Administration for the Boone County voluntary national retail food regulatory program standards project; appropriating funds.
- B319-12 Accepting a donation from the Home Fire Sprinkler Coalition to be used by the Fire Department for public education of home sprinkler systems; appropriating funds.
- B321-12 Amending the FY 2013 Annual Budget to add and delete positions in the Finance Department.
- R208-12 Authorizing a memorandum of understanding with Columbia Housing Authority Low Income Services (CHALIS) as it relates to Teen Outreach Program (TOP) activities.

- R209-12 Authorizing an application for ancillary and facility Medicaid billing with HealthCare USA for reimbursement of certain healthcare services for qualified low income citizens.
- R210-12 Authorizing agreements for FY 2013 Signature Series Funding under the Tourism Development Program; transferring tourism development funds to the Parks and Recreation Department for the Heritage Festival.
- R211-12 Authorizing a tower and building lease agreement with Contemporary Broadcasting, Inc. to improve radio coverage for Public Safety Joint Communications.
- R212-12 Authorizing Supplemental Agreement No. 2 with HDR Engineering, Inc. for engineering services relating to the design of Hominy Trail Phase II (East Section) from Lansing Avenue to I-70; authorizing Supplemental Agreement No. 4 with HDR Engineering, Inc. for engineering services for design of a pedway along the eastern side of Providence Road, between Business Loop 70 and Vandiver Drive.
- R213-12 Authorizing the Sale of Special Obligation Electric Utility Refunding Bonds (Annual Appropriation Obligation) Series 2012E.

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

## NEW BUSINESS

### R214-12 Adopting the Downtown Charrette Report prepared by H3 Studio, Inc.

The resolution was read by the Clerk.

Mr. St. Romaine provided a staff report.

Mayor McDavid understood the Council could adopt this without it being perceived as an endorsement of a TIF district. Mr. St. Romaine replied he believed they could.

Mayor McDavid understood this was not a mandate or a law. It was to be used as a guideline or reference. Mr. St. Romaine stated that was correct.

Mr. Kesphl commented that he was surprised the Vision Report had been left off of the list on page six. Mr. St. Romaine stated he had not noticed that.

Ms. Hoppe understood the Short Street Garage was an outgrowth of this process. Mr. St. Romaine replied it was, and pointed out a lot of the recommendations of the report were starting to happen, such as the garage and additional housing at College and Walnut.

Brent Gardner, 315 W. Stewart, stated he was the Chair of the Downtown Columbia Leadership Council (DCLC) and a member of the Historic Preservation Commission, and explained the DCLC met monthly regarding projects, ideas, etc. and always referenced the Charrette Report. It was a comprehensive plan with a lot of public input funded by the City. He felt the Report needed to have a more official status and needed to be referenced. He asked the Council to officially adopt the report so it could be referenced by staff and other commissions.

Adam Saunders, 214 St. Joseph, explained his home was within the charrette planning area and encouraged council to adopt the Report. There was a lot of infill development and many changes in his neighborhood, and one of the biggest complaints of

the high density apartment complexes was the process and forethought of the details of day to day life. He felt they needed to take the necessary steps to ensure any development was thoughtful and worked for the residents, and believed this was a good step with regard to the long term view.

John Clark, 403 N. Ninth Street, encouraged the Council to adopt this Charrette Report, to focus on the visions and instruct staff to refer to the Report when reviewing any proposals. He commented that line items and projects listed in the Report did not create a conceptual plan, so just because something was referenced did not mean it was in the spirit of the Report. He suggested the Council re-read the Report and carry out the implementation steps after conducting this process for the entire downtown instead of just two parts of the downtown. He also suggested the Council provide the DCLC \$35,000 to hire H3 Studio to develop a plan to carry out the process for a downtown conceptual plan. He believed a conceptual plan for the downtown was needed before considering integrated funding plans, sustainability plans, development authorities, etc.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Downtown Community Improvement District (CID) and noted the CID Board met and voted to support the concept of the Charrette Report. They found quite a few worthwhile public improvements in the Report, but there were some implementation recommendations they felt they could not make a decision on, such as a TIF district, a downtown development authority and form-based codes. More specifics were needed before they could have that discussion. She pointed out the Board, by approving the concept of the Report, was not supporting those specific implementation programs, and it would be problematic if adopting the Charrette Report was an automatic step toward those implementation programs.

Mr. Schmidt asked for the CID Board's issues with form-based zoning. Ms. Gartner replied there had not been a large enough discussion in terms of the details, but a major concern involved breaking the CID into different zoning categories as it would make development and recruitment complicated.

Mr. Schmidt asked if the CID Board had discussed the height limits. Ms. Gartner replied height limits had not been discussed, but the Board understood infill development and density was needed, and needed to be done in a smart way.

Karl Skala, 5201 Gasconade Drive, stated he favored the adoption of the Charrette Report and noted it interleaved with some of the considerations the Planning and Zoning Commission was about to make with regard to the Comprehensive Plan. He commented that there was an opportunity to take part in understanding the form-based code idea as a national convention would be held in Kansas City by the New Partners for Smart Growth. He encouraged the Council and staff to take advantage of the opportunity.

Tom Schauwecker, 2606 Walther Court, stated he was the Boone County Assessor and commented that he believed the Report was noble, but was concerned about the funding mechanism. The Charrette Report recommended the formation of an implementation entity and an integrated funding plan, which involved a TIF district. He noted a TIF district was a 23 year diversion of sales and property tax from schools, fire districts, libraries, law enforcement, etc. to a downtown development district, and believed taxpayers could face higher rates as a result of it. In addition, he did not believe there was any reliable evidence

that indicated redevelopment actually increased economic activity. He pointed out the growth rate of the CID over the last five years was 40 percent greater than the County at-large and questioned whether redevelopment in the downtown was necessary. If adoption of the Report enabled staff to proceed with the formation a TIF district to pay for the hiring of a downtown development director, he asked the Council to not adopt it. He pointed out a TIF district of this scale might require the municipality to effectively guarantee the debt payments. He commented that there were better ways and referred to the CID as those that were paying were benefiting. He asked for a good, honest and open discussion regarding the costs and benefits prior to embracing the concept of a 250 acre TIF district.

Mr. Kespohl asked Mr. Schauwecker for the documentation presented tonight. Mr. Schauwecker replied two white papers and one editorial were on the [www.showmeboone.com](http://www.showmeboone.com) website.

Mr. Kespohl asked Mr. Schauwecker if his opinion was that a TIF district had to be established. Mr. Schauwecker replied no, and explained the Charrette Report recommended an integrated funding plan, which in turn recommended forming a TIF district. He believed that was just a diversion of sales and property taxes from schools, libraries, etc. He noted if this had been done five years ago, \$800,000 would have been diverted from schools, libraries, fire districts, etc. to a downtown development authority. He noted the intention was noble, but he was concerned with the funding mechanism.

Mayor McDavid commented that he viewed the Charrette Report as a reference document as it discussed the gateway problems and included images of streetscapes. He stated he would vote to adopt it as formal acceptance, but noted he did not endorse some of the items in it. He agreed Mr. Schauwecker's assessment of the TIF district and could not make a case for a downtown TIF district at this time, but thought people needed to understand TIF districts were for the incremental increase in taxes. He commented that there had been an amazing catalytic growth in the downtown area involving new and expensive projects that were driving up property values spontaneously without any incentive. He felt the City should incentivize things that would not happen, such as IBM because they would not come to Columbia without incentives. He believed the downtown area would continue to grow in value over the next several years resulting in more real property taxes, and he did not feel there was any reason to cap it whereby the schools and other taxing entities would only receive half of what they would receive without any cap. He reiterated he did not see any reason to consider a downtown TIF district at this time.

Ms. Hoppe stated she agreed with Mayor McDavid. She noted she had participated in the charrette process and a lot of people had been involved. She thought it was important to adopt the Charrette Report as a conceptual plan, but agreed any funding mechanism included in it was only a possibility or suggestion to be evaluated and considered or discarded. She noted she planned to vote to adopt the Report with those caveats.

Ms. Anthony stated she agreed with Ms. Hoppe and Mayor McDavid as she did not believe the issue of TIF districts had been sufficiently studied or the public had not had the opportunity to provide input. She did not believe they should approve the funding mechanism, but thought they should formally adopt the plan so they were consulted in terms of future development.

Mr. Kespohl asked if an amendment was needed indicating the funding mechanism would not be adopted. Mayor McDavid replied this resolution would not enable anything. The Council was only formally accepting the Report. They were not endorsing any of the items mentioned.

Mr. Schmidt understood, by approving this resolution, the Council was accepting the concepts of the Report without enabling a TIF. He believed this was about lifestyle and policy, and there were a lot of things that could be done that did not cost any money. He understood there would have to be a funding mechanism if they were going to implement the street improvements, etc., but form-based zoning would not necessarily cost anything and might enhance property values. In his opinion, the Report represented the vision people had for Columbia.

Mr. Trapp stated he also planned to vote to adopt the Charrette Report as he believed it was important to have a framework in which the City made its decisions. It would provide the Planning and Zoning Commission a framework in which to make decisions with regard to what projects fit the community vision. He commented that all economic development was not equal. He noted they were only seeing a certain kind of development and might want to consider incentivizing certain types of things they felt were an important community amenity, such as a downtown grocery store or ways to address stormwater issues. He did not want to be restricted or pledge support for anything he had not seen. He thought the Report included a great vision of the downtown and noted planning reduced uncertainty by letting people know the community will. In addition, he believed government had a role in identifying parameters and setting up a playing field in which ideas could compete in a free market.

The vote on R214-12 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY, HOPPE. 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.

- B323-12**     **Authorizing the issuance of Special Obligation Electric Utility Refunding Bonds (Annual Appropriation Obligation) Series 2012E.**
- B324-12**     **Voluntary annexation of property located on the south side of Stanley Pitts Lane, east of Sinclair Road; establishing permanent PUD-0.5 zoning (Case No. 12-168); rezoning property located on the south side of Stanley Pitts Lane, east of Sinclair Road, from R-1 to PUD-0.5 and C-P; approving less stringent screening and landscaping requirements.**
- B325-12**     **Voluntary annexation of property located on the west side of Bearfield Road, approximately 1,800 feet south of Nifong Boulevard; establishing permanent R-1 zoning.**
- B326-12**     **Rezoning property located on the north side of Broadway, approximately 250 feet east of Silvey Street, from R-3 to O-P; approving the Kelly's Ridge O-P Plan; approving less stringent screening and landscaping requirements.**
- B327-12**     **Amending Chapter 14 of the City Code as it relates to parking limitations on a portion of Waugh Street.**

- B328-12 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants.
- B329-12 Authorizing a contract for sale of real estate with Central Concrete Company for the acquisition of property near the intersection of Vandiver Drive and Lake Ridgeway Road for a compressed natural gas fueling station.
- B330-12 Authorizing the acquisition of easements for construction of the Hominy Creek Trail Phase II project.
- B331-12 Authorizing a right of use permit with North Light, LLC to allow construction, operation and maintenance of balconies and awnings to extend within a portion of the Walnut Street right-of-way (1200 East Walnut Street).
- B332-12 Authorizing a right of use permit with Charity Baptist Church for the placement and maintenance of a directional sign in portions of the McKee Road and Clark Lane rights-of-way.
- B333-12 Authorizing right of use permits with E Locust, LLC for the construction, improvement, operation and maintenance of balconies and a private storm sewer within a portion of the Locust Street right-of-way (1102 and 1118 Locust Street).
- B334-12 Accepting a conveyance for water utility purposes.
- B335-12 Accepting donated funds from the John W. Boone Heritage Foundation for the Blind Boone Home landscaping project; appropriating funds.
- B336-12 Authorizing a program services contract with the Missouri Department of Health and Senior Services for a billing plan for local public health agencies; appropriating funds.
- B337-12 Authorizing a program services contract with the Missouri Department of Health and Senior Services for the Teen Outreach Program (TOP); appropriating funds.
- B338-12 Amending Chapter 12 of the City Code to add a new section on service animals in places of public accommodation.
- B339-12 Amending Chapter 15 of the City Code to establish a two dollar surcharge on municipal court cases to be paid into an Inmate Prisoner Detainee Security Fund.

**REPORTS AND PETITIONS**

**REP168-12 Appointment of Advisory Board for the Columbia Arts Foundation.**

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

Mayor McDavid asked if a replacement would be recommended if a member was no longer part of the Advisory Committee. Mr. Stevens replied staff would solicit interest from the Commission on Cultural Affairs. Mayor McDavid understood all of the Advisory Board members would come from the Commission. Mr. Stevens stated the by-laws were written whereby all would come from the Commission on Cultural Affairs.

Mayor McDavid made a motion to appoint those recommended by staff to the Columbia Arts Foundation Advisory Committee. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

**REP169-12 Tent and Membrane Structures.**

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

Mayor McDavid asked if a permit was needed for every tent. Mr. Teddy replied no, and explained 400 square feet was the threshold for a permit. A 400-1,000 square foot tent that would be erected for three days or less would only require an over the counter permit and not require any inspections. Tents at 1,000 square feet or larger would require inspection by the fire code official and tents below 400 square foot were exempt.

Mayor McDavid made a motion to accept the report and to direct staff to bring forward an ordinance to be introduced at the December 3, 2012 Council Meeting. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

**REP170-12 North Village Parking Recommendation and Update.**

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

Mr. Schmidt asked if any other areas of town had asked for this. Mr. Bitterman replied no other neighborhood had requested it now, but historically the City had requests in the East Campus and Grasslands areas. The City had looked at “no parking” as solutions in the past because it was difficult to start a program.

Mr. Schmidt commented that six months to start a pilot seemed like a long time and wondered if something could be done to initiate it more quickly. Mr. Bitterman explained staff had not suggested it would take six months to start the program. They thought they could bring ordinances to Council in January, but they wanted to study it for that time period before initializing any new programs. Mr. Schmidt understood this permit pilot program would start in January 2013.

Adam Saunders, 214 St. Joseph, thanked the City for the attention it paid to this neighborhood issue. They thought the proposed plan had a lot of great solutions to some systemic issues, but realized things were still in motion and would change in time. The annual turnover of 724 students would have its own enforcement challenges. He thought the painting of the parking stalls was a great first step and would compliment the curb painting that had already been done. He suggested the proposed ten hour meters be one hour meters, and was agreeable to the permit parking locations. He noted they agreed with steps 1-5 of the report with regard to the permit area and were supportive of the option in step 6 that allowed for meters on half of St. Joseph so the revenues from those meters would help offset the parking permit process. He believed they would have a lot of good feedback in six months and hoped they could determine a more stable solution at that time. He commented that some important safety issues had not been dealt with in this report, and suggested “no parking” and “no loading” areas be identified by paint on Ash at its intersection with College as it created major problems for cars, pedestrians and bicyclists. He recommended the meters on Ash between St. Joseph and College be changed to one hour parking instead of ten hour parking. He thought this would encourage them to be in the parking spaces to unload and load rather than in the traffic lane. In addition, he believed it should be an immediate tow away zone. He also recommended that future high density infill projects be reviewed for impact in terms of parking, traffic, pedestrian walkability, etc. to ensure future

projects did not adversely affect livability in the downtown. He believed in downtown infill due to the walkability benefits, but an extreme level of infill required thorough design of the project, so a positive impact was created. He was optimistic a policy for form-based code would provide an effective and easy to implement process to ensure these issues were addressed in advance instead of after the development was complete.

Mayor McDavid made a motion directing staff to bring forward an ordinance for consideration. The motion was seconded by Mr. Kespohl.

Mr. Trapp asked if staff had any comment on the suggestion to change some meters from ten hour to one hour. Mayor McDavid asked if staff could work with the neighborhood and provide options to Council with regard to the timing of those meters.

Ms. Hoppe stated she had seen cars without a driver at the corner of Ash and College and this caused other drivers to have to go around the parked car. She thought the one hour meter would keep those spaces open and encourage people to park there so they would not block the traffic lane. She asked staff to follow up on that suggestion. Ms. Anthony thought the painting of a “no loading zone” on the south side of Ash at College would be beneficial as well. Mr. Kespohl asked if those spaces were currently metered. Mr. Saunders replied they were not currently metered. Mr. Kespohl asked if he was referring to the north side. Mr. Saunders replied he was referring to the north side of Ash. Mr. Kespohl asked about the south side. Mr. Saunders replied currently there was no parking on the south side, but it was where the loading and unloading occurred.

Mr. Schmidt asked how detailed the ordinance had to be and whether they had to specify red zones and the number of meters and hours. He wondered if the ordinance could be more general since it was a pilot program. Mr. Boeckmann replied it needed to be specific in order to be enforceable.

Ms. Hoppe commented that this had been an excellent 3-4 meeting process with specific suggestions and dialogues.

Mr. Schmidt noted the downtown had been successful and this was one of the side effects of success.

Ms. Hoppe commended Richard Stone for leading the meetings as she believed he did an excellent job.

The motion made by Mayor McDavid and seconded by Mr. Kespohl directing staff to bring forward an ordinance for consideration was approved unanimously by voice vote.

**REP171-12 Construction of Sidewalk on Craig Street using Administrative Public Improvement Process.**

Mr. Matthes provided a staff report.

Ms. Hoppe commented that she thought this was a great idea and noted she had thought she had she requested an ordinance to make safe routes to schools and sidewalks on school routes a priority, and asked if that would soon be provided to Council for consideration. Mr. Matthes replied yes. He explained this was something they felt could be done quickly, while the ordinance would take more time.

Mr. Trapp explained this was the most important piece to connect the park with the school so the kids did not get pushed out on to the street, which was fairly narrow and had

some sight issues. He encouraged everyone to support it as it was relatively inexpensive for a project that did a lot of good.

Mr. Trapp made a motion authorizing staff to proceed with the preparation of plans and specifications for the construction of the Craig Street sidewalk project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**REP172-12 Active Traffic Calming Requests.**

Mr. Glascock provided a staff report.

Mr. Dudley asked about the stop signs on Loch Lane and North Concordia. Mr. Bitterman replied staff was preparing the necessary ordinances and anticipated installing the stop signs when they installed the speed hump traffic calming signs.

Mr. Schmidt stated he appreciated the work of staff on this issue as it was something that did not necessarily cost a lot of money, but made a real difference in the lives of the people in the affected areas.

Mr. Trapp felt the City was falling behind with regard to the rate at which projects were being completed because more problems were being created than were being fixed. Since they were inexpensive projects, he wanted to see more money in next year's budget to address more projects. These were not just traffic issues. They were safety and quality of life issues as well. He understood the City was under-resourced and suggested a consultant be hired to accomplish at least fifty of the projects. Mr. Glascock pointed out the City was moving a position from the engineering division to the traffic division to assist and would try to hire consultants to get the list paired down as well.

**REP173-12 Opioids Overuse.**

Ms. Browning provided a staff report.

Mayor McDavid commented that there was substantial oversight by the State Board of Healing Arts with regard to physicians in terms prescriptions not being locked up and over-prescribing. Ms. Browning understood the Board of Pharmacy did that as well, but pointed out there was no connection between the pharmacies.

Ms. Hoppe wondered if the Missouri Municipal League should be contacted to lobby the state legislature to adopt a prescription drug monitoring program. Mayor McDavid understood a prescription drug monitoring program was run by the DEA as every narcotic a physician wrote was monitored, and if a physician wrote too many prescription drugs, they would have a discussion with them.

Ms. Hoppe asked for clarification regarding the advantage of a prescription drug monitoring program like every other state had. Ms. Browning replied she understood Missouri was the only state in the country that had not passed legislation that coordinated that monitoring across the state level. She believed they would hear more about it in the year to come. Locally, she thought the City could expand its "prescription drug take back" program.

Ms. Hoppe made a motion directing staff to contact the Missouri Municipal League to advocate and lobby the state legislature for a prescription drug monitoring program to add

another coordination mechanism. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Trapp stated he believed increasing awareness efforts among medical providers and pharmacies and educational programs could positively impact the situation. He noted Columbia was blessed to have private-public partnerships involving a lot of stakeholders to really coordinate social service efforts in a more rational way than many other communities.

Ms. Anthony commented that she had received a summary of the 2012-2013 funding by issue area for City/County social services and mental health was at the bottom. She felt the City needed to focus on mental health during the next budget cycle and increase funding for prevention and treatment services.

Ms. Hoppe pointed out there were a lot more deaths by suicide and mental health issues than there were by homicides, so it was a real issue.

**REP174-12 Spay/Neuter Voucher Update.**

Mr. Matthes provided a staff report.

Ms. Anthony stated she had a productive meeting with Ms. Browning today on spay/neuter and issues concerning animal control and the Central Missouri Humane Society contract that would come up for renewal at some point. She noted she would try to share her thoughts with some of her fellow council members at another time.

**REP175-12 Transit Ridership Report.**

**REP176-12 FastCAT Route Monthly Update.**

Mayor McDavid commented that the City had a lot of work to do with regard to transit. He understood the report indicated there were two million riders per year, but he did not believe one million of those were riders. They were commuters that were being shuttled from commuter parking lots. The City really had 10 riders per capita, which put Columbia in the same category as Jefferson City and Springfield. He noted the gold route required a subsidy of about 50 percent when looking at the expense/revenue breakdown. The goal was for all 4,600 beds to sign up for transit and if that was achieved there would not be a need for the subsidy. It would also allow the subsidy to be used on core routes needed for low income people. The cost to run FastCAT was \$680,000 per year and they needed to sell enough passes to cover those costs. He pointed out he felt the \$125 for passes was below the market rate, but understood they were trying to get more business now. He understood the challenge was cultural as Columbia had a commuter culture, and believed a change would require an initiative by the students. If students were willing to pay for the service, they could use the subsidy for others that needed it to get to hospitals, work, etc.

Ms. Hoppe commented that one component of transit involved students using the bus system, but noted during a recent City/County/School Board meeting, interest had been expressed by the School Board with regard to the possibility of partnering with the City in terms of transportation for high school students. She understood this was successful in Champaign-Urbana. They had 2,500-3,000 riders per day and received money from the school district, still saving the school district money while helping the transit system. She

noted she had a telephone conference set up to learn more on the issue. She thought there were many ways they could get assistance in improving the transit system.

**REP177-12 Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ann Peters, 3808 Berrywood Drive, explained the Central Missouri Humane Society had opted not to participate in the Maddie's Fund grant. She hoped that with more dialogue, they would participate in the future. She noted her organization had held a community visioning meeting for companion animal welfare in terms of ideas and options for the future, and they would hold another meeting in December. One of the top priorities from the first meeting was for a ballot initiative for funding for a new animal shelter, so they were in the process of moving forward with that so it could be decided in April. The number of animals in the community and the amount of money spent on them was staggering. Based on the population, she believed the community had almost 32,000 domestic cats and 28,000 dogs, and the amount of money spent on pet products for dogs in the community was \$48 million of which about \$7 million was pet food. She suggested the City look into the manufacturing of pet products and stated she would be glad to pass on the information she had collected to the Economic Development Director.

Heather Demian, 509 Clinkscales Road, commented that she had fallen off a steep curb at the northwest corner of Clinkscales and West Worley in June and had torn her rotator cuff. While at the hospital, she was treated like a drug seeker. She explained she had a lot of problems this summer because her medications kept getting stolen, and the police accused her of abusing drugs and would not help her. She stated she had turned her home into a homeless shelter and one of the women attacked her, and the police would not help her. She filed a complaint with the Police Department and spoke with the Internal Affairs Division, but she did not think she was getting anywhere and was frustrated.

Mayor McDavid asked Ms. Demian if she would be willing to meet with him to discuss this further. Ms. Demian replied yes.

Eugene Elkin, 3406 Rangeline, thanked the Mayor for volunteering to meet with Ms. Demian. He commented that a lot of decisions had been made negative to the City's future growth of income. He understood there were at least 1,200 homeless people in Columbia and thought drugs and alcohol needed to be addressed in a meaningful way. He was happy with the decisions made at this meeting and hoped the Council would take its time before making future major decisions.

Mayor McDavid commented that Jack Miller, who owned True Media, had purchased the Commerce Bank building on the Business Loop and had spent a lot of money on landscaping and installing utilities underground, but later learned Mediacom and CenturyTel had above ground utilities in the area so the poles would not be removed. As a result, he

was frustrated and wanted the City to encourage CenturyTel and Mediacom to move their wires underground since the conduits were already there.

Mayor McDavid presented Ms. Anthony with a Resolution of Appreciation from the Council and a plaque recognizing her time on the Council, and thanked her for her work in the community.

Mr. Matthes presented Ms. Anthony with a tile with the City logo as gift of appreciation for her service to the community.

Ms. Anthony stated it had been an honor and privilege to serve the City of Columbia and the Fifth Ward residents. She had enjoyed working with the excellent City staff and had also enjoyed working with the Council. She pointed out she would truly miss how well the Council got along and how well they agreed to disagree as they did it respectfully and with humor.

Mr. Schmidt commented that Full Stream Media was a locally owned company that provided City-wide wireless access and wanted to place a broadcast tower on Paquin Towers. He understood towers from major phone companies were already located there and were taller than what Full Stream Media wanted to install. He stated he wanted to know why they were unable to locate there. He thought the City's desire to support local business and make broadband access available would outweigh any technical considerations.

Mr. Schmidt stated he was interested in pursuing the idea of a zoning change for accessory dwelling units ahead of the completion of the Comprehensive Plan assuming the Comprehensive Plan Task Force was okay with it because many people wanted to build now. There were neighborhoods such as his where the density could be increased and the feel of the neighborhood could improve. He understood it would not cost any money to change the rules. He hoped this could be looked into now and asked for an ordinance that the Planning and Zoning Commission and the Comprehensive Plan Task Force were satisfied with for Council consideration.

Mr. Schmidt thanked Ms. Anthony for her work on the Council.

Mr. Dudley asked if the City would pick up leaves that were in gutters and in the streets as he had received several complaints about leaves on Laurel. Mr. Glascock replied the City did not pick up leaves, but did sweep the street with a street sweeper.

Mr. Dudley stated he had received an e-mail from a business owner on I-70 Drive SW regarding the closing of I-70 Drive SW at Stadium indicating he and other business owners were losing money because people did not see the detour sign when southbound on Stadium. He asked for better detour signage at the corner of Stadium and Bernadette and on Bernadette and Beverly.

Mr. Dudley thanked Ms. Anthony for her service and wished her luck on the east coast.

Ms. Hoppe pointed out Ms. Anthony had accomplished a lot while serving on the Council and noted it had been a pleasure to work with her.

Ms. Hoppe understood there had been a hit and run on Garth Avenue causing a serious injury and that this had not been the first time this had happened. She asked staff to determine if there was a need for speed bumps to slow traffic on Garth or if the speed limit needed to be reduced. She noted the area of Garth she was referring to was near Grant Elementary and the Library.

Ms. Hoppe asked the Public Health and Human Services Department and the Board of Health to look at the information presented by the speaker at the beginning of the Council Meeting regarding fluoridation in the water and to provide Council a report with recommendations. She noted the science and studies had likely changed over the last 5-6 years. She stated she personally did not drink City water because she knew fluoride was not good for people's bones as they got older.

Ms. Hoppe noted she had requested a report and recommendation regarding the removal of trees at the Regency Mobile Home Park/Aspen Heights development, and was disappointed it was not on tonight's agenda. She stated she wanted a report provided at the next Council Meeting.

Mr. Kespohl stated he had enjoyed working with Ms. Anthony and noted she had done a lot of good things while on Council.

Ms. Anthony stated she had promised Monta Welch she would comment favorably on the People's Visioning process. She viewed it as an update to the Visioning the City did years ago and encouraged people to get involved.

Mr. Trapp thanked Ms. Anthony for her mentorship and pointing him in the right direction as a new Council Member.

Mr. Trapp noted Wilkes United Methodist Church had stepped forward to host the inclement weather shelter this winter, and he wanted to thank the congregation for accepting this shared community burden this year as the City looked for other models. He noted this was not just the responsibility of the Church. It was the responsibility of the community and City government had a role in its facilitation. He thanked staff for reaching out and pulling the community together. He explained Janet Schisser of Columbia Interfaith Resource Center had requested assistance from the Police Department from about 7-9 p.m. as they felt having a police presence would decrease the chances of any issues, and asked the Police Department to provide Council a report if it felt it needed resources to accommodate this request. He thought it was important and wanted to offer more than just words of support.

The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk