

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
OCTOBER 15, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 15, 2007, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe asked that the word “mining” be replaced with the word “providing” in the last sentence on page 6 so it would read “...she believed this was a good start in providing funds....”

The minutes of the regular meeting of October 1, 2007, with the change requested by Ms. Hoppe, were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Proposed non-motorized intersection improvements at Forum Boulevard and Stadium Boulevard.

Item A was read by the Clerk.

Mr. Watkins explained this was a continuation of a public hearing from the September 17, 2007 Council meeting. He noted staff had met with a number of the interested parties and the usual City policy was to allow ten days after an interested party meeting for written comments. It had not been ten days since that meeting, so staff was suggesting this item be tabled again to allow for additional comments. A supplemental report would be provided at the next Council meeting.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the November 5, 2007 Council meeting.

Mr. Wade made a motion to table Item A to the November 5, 2007 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B330-07 Naming five east-west alleys in the downtown area.

The bill was given second reading by the Clerk.

Mr. Watkins stated the Council directed the Planning and Zoning Commission to address the proposed naming of the five alleys in the downtown area. The map on the overhead showed the names suggested by the Planning and Zoning Commission, which was different than the names originally suggested. Staff was concerned, not in terms of the names being used, but with the naming of the alleys because it would allow businesses to use an alley as a primary entrance. These would not be businesses with other accesses. Prior to discussing names, he thought they needed to look at these alleys. He noted they varied in width and the amount of obstructions within them. Mr. Teddy showed photographs of the alleys on the overhead. Mr. Watkins reiterated staff's concern was not with the names of the alleys, but with the potential requirements for maintaining the alleys. Currently, the alleys were not plowed. He wondered if they would now have to plow them. In addition, most had standing water after a hard rain and he wondered if they would be required to pave them. He noted many were narrow, so there was no room for pedestrians to get around a delivery truck. He wondered what the City's responsibility would be to keep the alleyways open. He commented that the alleys provided the utility network for downtown Columbia. If they had to replace cables, he wondered what the City's responsibility would be to keep the alleys open so a business could remain open. He asked Council to consider these issues.

Mayor Hindman opened the public hearing.

Lucy Sorin, 15 Sappington Drive, noted the Planning and Zoning Commission voted to name the alley between Broadway and Cherry Streets Sorin Alley in recognition of her late husband, Ben, and his brother, Max, the owners of Columbia Auto Parts for 65 years. Columbia Auto Parts was located at 504 East Broadway. The proposed Sorin Alley ran behind the building where Columbia Auto Parts was located. She stated Ben had served on many local committees benefiting Columbia including the Columbia Chamber of Commerce, the Ag Committee, United Way, etc. He gave financially and inspired others to contribute as well for projects such as the Red Cross building on Providence Road and the Cancer Research Center. In 1971, Columbia Auto Parts received national recognition as employer of the year from the National Association of Mental Health for creating job opportunities for all individuals even before the EEOC mandated policies. She pointed out this award had never before been given to a small business. She stated Ben was a respected community leader and an inspiration to those who knew him and thought it would be appropriate to name this alley, Sorin Alley, in honor of someone who was so important in the history of Columbia. She commented that those who knew Ben Sorin would appreciate the Council's support in voting to retain the name of Sorin Alley.

Mayor Hindman stated he knew Ben Sorin and noted he was a very fine person.

Deb Carter, 1507 North Circle Drive, stated she was speaking on behalf of the family of her late father, Ben Sorin, who opened Columbia Auto Parts Company in 1931. She was requesting that the first alley south of Broadway be named Sorin Alley in recognition of his

devotion to the thousands of customers who patronized Columbia Auto Parts at 504 East Broadway until the business closed in 1995. She understood Columbia took great pride in its vibrant downtown business community and her father was one of those early businessmen who provided a foundation of service and excellence over the years. She remembered him as a wonderful gentleman who gave pennies to his customers' children to use in the gumball machines. Many others remembered him as a downtown leader who worked with various civic organizations to help Columbia grow and thrive. She asked that her father's memory be preserved in a special way by naming an alley after him.

Sterling Kelley, 9455 N. Hartley Road, Ashland, stated his family moved to Columbia to see that their children had the opportunity to go to the University and explained that because they were not wealthy, he took whatever job he could to include delivering papers and telegrams on his bicycle. His bicycle and the bicycles of others needed upkeep, so he became a bicycle and motor-scooter mechanic. Since the Sorin's were the only ones in town that had mechanical parts, he would stop in every few days to purchase a tool. Mr. Sorin suggested he buy a set of tools rather than purchasing one tool at a time. When he explained he did not have the money, Mr. Sorin provided him a set of tools in exchange for paying him back when he was paid. Mr. Kelley explained he moved on to the automotive business and worked for a competitor that opened a business behind Mr. Sorin's shop. They frequently went across the alley to borrow equipment and tools and the Sorin's were always very generous. Later, he started his own car dealership business and Mr. Sorin provided him with whatever he needed. When he retired, at which time he had 14 franchises over 40 years, he had never heard a bad word about them. He thought there must have been hundreds of automotive people with the same experience. He noted he was drafted for the Korean War and wrecked his car when he was home on leave. His brother went to Sorin's for parts and after hearing Mr. Kelley was overseas, Mr. Sorin did not charge him.

Jerry Hitzhusen, 6612 E. St. Charles Road, stated he was an extension specialist and a professor in parks and recreation and tourism and had known Bennie Sorin and the family for over forty years. He noted he had helped many students. He wanted to ensure they remembered a person with such fortitude to help so many people. He stated he did not think anyone else had received the Mental Health Award mentioned. Mr. Hitzhusen requested the Council name the alley after Bennie Sorin.

Jenny Chicone, 500 Cumberland Road, stated she wanted the Council to consider the name of Prewitt Passage for the first alley south of Broadway in honor of her great great grandfather, Frederick Moss Prewitt. Moss established his first business in Franklin, Missouri in 1821. He came to Columbia and opened a mercantile in 1833 with R. C. Branham, which he operated continuously until his death in 1871. The store was located on the south side of Broadway between Eighth and Ninth Streets in approximately the spot occupied by P. S. Gallery. It was in a building which was replaced by the 1880's building that stood there today. In addition to outfitting pioneers traveling west and supplying goods for local customers, he also provided banking services out of the store. Twenty years later, he and his son-in-law, James Parker, purchased the building to the west of the store and opened Columbia's first bank, Prewitt and Parker Private Bank. Upon Mr. Parker's retirement, Moss brought in another son-in-law and the bank's name was changed to Prewitt and Price. The

bank moved across the street to its present location at the corner of Eighth and Broadway. When Moss died in 1871, his son-in-law changed the name to Boone County National Bank. She noted Moss was an active civic leader who was trusted and respected by the citizens of Columbia. He had served a number of terms on the Columbia Board of Trustees from 1844-1856 and was also County Treasurer during that time. He was elected to the Columbia Female Academy Board of Trustees when it received its charter of incorporation in 1837. The new building for the school was built across the street from his home at the corner of Tenth and Cherry. Moss Prewitt was elected to the Columbia Female Baptist Academy Board of Curators, which became Stephens College in 1917, and was chosen as Treasurer 1856. She commented that he was an original contributor to the University of Missouri and served twice on the Board of Curators, once as President. He was a trustee of the Columbia Cemetery Association and was on the Board of Directors of the Plank Road Company, which created Columbia's connection to river commerce. He was also the Treasurer of the Boone County and Jefferson City Railroad Company, which began the movement that resulted in Columbia's connection to the railway system. In addition, he was on the Executive Committee of the Columbia Library Association in 1858. At a time when Columbia was evolving from a village to a bustling town, he was involved in the financing and decision making required for the transition. When he died, the two banks and all of the businesses in Columbia closed for his funeral, however, there was no street or building bearing his name today. If the Council was looking for a name with historic significance, she urged them to consider naming the passageway behind his store after him. She hoped for the sake of everyone the Council decided to honor, they would use the word passage, place or way as opposed to alley. She provided a handout which provided more information.

Dorothy McKenzie, 4107 Lamp Lane, stated she had worked for Ben Sorin for 37 years and noted he was a great employer who was always concerned about his employees. He was a hard worker and did so much for so many. She asked the Council consider naming an alley for Ben Sorin.

Larry Schuster, 3109 Hill Haven Lane, asked the Council to name the alley labeled Sorin on the overhead Sorin Alley or Sorin Way. He stated there were some people and families that had been very instrumental in bringing Columbia from the early days to the middle stages and to where they were now and he believed the Sorin's were one of those families. He urged the Council to give consideration to that.

Kelly Veach, 2416 Cimarron Drive, stated his family had owned property at 107 Hitt Street since 1975, which had frontage on the proposed Barth Alley. It was originally proposed as Flat Branch when it went to Planning and Zoning Commission. He commented that he liked the marketability of Flat Branch. As a business owner, he was interested in the economic impact of the name. He did not care for "alley." He preferred "lane", "walkway" or something more marketable than alley. He stated he did share some of staff's concerns. He understood the Council needed to assist the business owner that wanted a permit and the alley directly south of Broadway was the primary alley at issue tonight. He asked the Council to focus on that and hold off with approving the names of the other alleys until the private sector and historians could get together to provide input.

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

Mr. Janku wondered if the issues brought up by staff were resolvable. He thought they could pave them and evaluate utility easements. He understood whether a business could open could differ from one alley to another based on specific circumstances. He asked if they named the alleys, if they could also impose restrictions on alleys based on site specific factors some time in the future.

Mr. Watkins agreed some alleys were better than others and some were very problematic. He wondered how they would get service delivery vehicles through. If they had a truck making a delivery, it would be difficult for pedestrians to get through. Many of the obstructions involved garbage pick up. There was a pilot project to see if people would carry their garbage for two blocks and he was skeptical. Some were served by trash compactors, which stuck out, but kept them from having a lot of dumpsters. Staff was concerned about snow removal as they did not have vehicles for it. In addition, he was not sure this was a high use for the limited resources they had for snow removal. He noted all of these things could be overcome with money and time. He just wondered if this was the best use of their resources.

Ms. Hoppe stated they had been concerned with promoting in fill development and this was a step in that direction. They had a very small, limited downtown area, so there was a lot of potential along with the challenges. It was a matter of looking at what could be done and working toward it. Many cities in Europe made very good use of alleys. They just needed to work through it alley by alley. She noted there were a lot of costs in terms of developing on the outskirts of the City and thought they needed to look at the whole picture.

Ms. Nauser stated she thought they were working at this in the wrong way. She believed they needed to have the plan in place in regard to what they wanted to do with the alleys and needed to address the valid concerns brought up by staff before naming the alleys.

Mr. Wade commented that he thought they had approached the naming process inappropriately. They had approached it as though they were naming streets in a subdivision. He agreed with Mr. Schuster in that they should recognize people and families that had been instrumental in bringing Columbia to where it was today. He thought they needed to go outside of the box and not think of this as just naming alleys. He thought they needed to think about this as a way in which they built the downtown by building historical information and using the passageways in an effort to do that. He commented that he was impressed when he had heard of the contribution Mr. Sorin had made. There were others including one they had heard tonight. He believed if they moved forward with this, they would lose that opportunity because they would simply be pulling five names out of a hat. He noted they also needed an opportunity to address staff concerns. If they proceeded, they would have no way to address the differences in each of the alleys. He did not agree with the argument the alleys needed to have the same name all of the way through or no one would be able to find them. He stated he would not support this, but would support the concept of a naming process. He stated he wanted to see a process including the Historic Preservation Commission with the involvement of the Boone County Historical Society. At the same time, City staff could be involved in a process to identify what specific block long sections would be amenable to public use. They could then move the process from the plan to make use of the

alleys to a naming procedure. He commented that he did not have any historical background information as to why they should recognize these people with the exception of Sorin. He reiterated this was the wrong way to proceed.

Mayor Hindman stated there were three things they were facing. One was the naming, which arose in the manner it did because they had a person who wanted to utilize one block of one of the alleys in order to start a business. He thought it was a legitimate economic concern and was in favor of utilizing the alleys as much as they could. He believed downtowns thrived when there was a concentration of businesses within a reasonable area. The second item involved the issues raised by staff. He believed they could all be dealt with, but was not sure of the answers. He agreed they needed to be looked at before they had too much use of the alleys. The third issue involved having a person ready to make an economic investment. He suggested they combine Ms. Nauser's idea of working out a plan to include policies they might apply to the alleys with Mr. Wade's idea of the naming process. He also thought they needed to seriously consider accommodating this one request. He suggested they call it Alley A. That could be a holding name. This would allow this person to move forward. They could require this person to be responsible for the snow removal to resolve that issue. He agreed there were a lot of things that needed to be looked at, but as long as there was nothing serious with this particular application, he was in favor of moving forward with it. He thought it could be a demonstration. He did not want to lose the opportunity.

Ms. Nauser stated she agreed with some of the comments made by Mayor Hindman, but asked how they could tell someone else who came forward they could not proceed. Mayor Hindman replied that would be a problem. He thought they would have deal with it on a case by case basis, which would also illustrate the urgency of moving through the process.

Mr. Wade asked if he was suggesting they name the block or the entire street. Mayor Hindman replied they could do it either way. Mr. Wade stated he thought that was critical because they needed to separate alleys that had the potential for use from those that did not.

Mr. Janku commented that he thought they could name the alleys, but not provide the right to open a business on the alley depending on how the ordinance was worded. He believed there was a valid reason for naming the alley regardless of whether a business would open there. He noted he agreed with Mayor Hindman in that they needed to seize this opportunity. He thought the alleys would develop the way they wanted once people saw the possibilities.

Mr. Skala stated he liked the idea of a compromise to accommodate the first step as long as it was understood it was a temporary step.

Mr. Watkins referred to photograph of the alley block in question, which was identified as Sorin's Alley between Fifth and Sixth Streets and stated his concern was that if they provided an alley a name, they would have to provide a building permit. Mr. Glascock agreed and thought they would have to provide the permit since it would have a unique address. He noted something else that could be done, other than naming the alley, was to give it a rear address to Broadway. Mr. Watkins noted there were concerns with dumpsters and delivery trucks and pointed out this was one of the areas he had a concern for having a business out of. He was not as worried about the public naming policy because they would not be able to get a fire truck or ambulance through there. He noted the Fire Department was opposed to

having businesses with their sole access off of an alley. If Council indicated this was they wanted to do, staff would find a way to make it work. He pointed out there would be limitations on any business coming off of this. He stated he was concerned with the project creeping and the Council getting phone calls due to water issues or because a utility truck was in the way. He wanted to ensure the Council considered these issues. If they still wanted to move forward, staff would assist by doing whatever they could.

Mr. Skala stated he wanted to find a temporary way to let someone try to develop to see where they were going. He also did not want to preclude the ability of the Council to figure out which sections of the alleyways were usable. He thought that process needed to be put into place as Ms. Nauser suggested. As long as this was a compromise proposal to allow a test case, he thought they could handle it on a case by case basis for a short period of time. In parallel, he thought they should allow the Historic Preservation Commission to come forward with their input. He believed Sorin was a well earned name, but understood there were lots of others. He stated he was inclined to vote for something that preserved the planning process, assessed the utility, addressed the issues brought up by staff and provided for a temporary compromise to allow this one particular business to proceed.

Mr. Janku wondered if they needed to take a limited amount of time to work out an agreement with the prospective developer of the alley business to ensure staff's concerns were addressed. Mayor Hindman thought that was reasonable. Mr. Skala stated that was a good idea. Mr. Janku thought they could then come up with some language for the bill that described the planning process they would go through. He asked if they should table this to the November 5, 2007 Council Meeting to allow staff to meet with this business owner. If staff still had concerns, they could let the Council know. He noted the fire safety issue concerned him greatly and thought sprinklers might address some of those issues.

Mr. Janku made a motion to table B330-07 to the November 5, 2007 Council meeting and to direct staff to work on planning process language and to meet with the property owner in regard to their concerns. The motion was seconded by Mayor Hindman.

Mr. Wade stated he did not have a problem with tabling this item, but noted they were talking about completely changing what they were doing. He wondered if they should table it or start the process over. Mr. Janku stated they were allowing an amendment to be drafted. He believed it would not involve the naming of the alleys, other than naming one alley, Alley A. In addition, the planning process language would be inserted. He thought they could keep things moving by incorporating this language rather than defeating the ordinance and starting over.

Ms. Nauser stated she did not like making ordinances specific to one individual. She believed it was unfair to others that had property downtown. She noted she was for development and economic growth and that she wanted the downtown to grow. She only thought it needed to be even across the board. If they were going to allow development on alleys, they needed to have the policy in place in regard to which alleys and what the criteria would be. Mr. Janku noted the specific part could be taken out since they were not voting on that. They were only asking for an amendment at this time. If the planning process was expedited, they might not need to have the specific portion included. Mr. Skala thought that was the critical component and the tabling was an attempt to get more information that might

solve some of these problems. He thought this amount of time might be productive and was supportive.

Mr. Watkins understood the Council wanted an agreement to ensure anyone who might develop off of an alley knew what criteria they would be looking at in terms of allowing the development.

Ms. Nauser commented that if they were going to allow development on the alleys, the points brought up by Mr. Watkins were valid in regard to snow removal, utility lines, water running down the alleys, dumpsters, emergency response, etc. and needed to be addressed. She thought they needed to see how other communities had worked through these issues.

Mayor Hindman agreed they needed a planning process to review all of these issues and the naming process identified by Mr. Wade, but thought they should also allow this developer to do something with respect to this opportunity. He thought if they continued it, staff could negotiate with the developer in regard to the issues raised. He was also hoping they would have an outline of the planning process for the rest of the alleys. He hoped what they voted on would allow for that, but understood it might be defeated.

Mr. Wade stated he would vote against tabling this item because this was an ordinance naming five alleys within the downtown area. It was not what they were talking about doing now. He thought they should stop this and do exactly what they were saying instead of amending the ordinance.

Mr. Boeckmann noted they would have to hold it over if they were doing what he thought they might be doing. He understood that instead of naming five alleys, they would be naming one block of one alley along with other things.

Mr. Janku stated they could defeat this and have a new ordinance introduced at the next meeting, which would involve the same time frame.

Mr. Skala noted they might decide to scrap this, but would not know until they received some information in the interim. He thought that might solve some problems and/or clear up some ambiguities. He stated he would support the tabling in terms of getting more information and trying to identify whether this specific instance fell into the planning process for the rest of the alleys.

Mr. Janku commented that on the site specific situation, he wanted staff to tell them if they were uncomfortable or did not believe it was appropriate. He did not believe they had to agree on the terms if it was not functional.

Ms. Hoppe asked if they would be able to amend this to give a particular address to that business. Mr. Boeckmann replied they probably could, but he questioned the legality of focusing on one. Mayor Hindman understood they could ask staff to introduce a bill naming one block as well, but they would not be able to vote on it at the next meeting. Mr. Boeckmann stated they could amend this bill as much as they wanted, there was just a question of whether they needed to hold it over to another meeting.

Ms. Nauser stated she had a problem with one of the names, but understood she could discuss it the next time it came up.

The motion to table B330-07 to the November 5, 2007 Council meeting made by Mr. Janku and seconded by Mayor Hindman was approved by voice vote with only Mr. Wade and Ms. Nauser voting no.

B339-07 Calling for bids for the relocation of existing 8-inch and 12-inch water mains along U.S. Highway 763 between Prathersville Road and Big Bear Boulevard; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the required public hearing on a public improvement for the relocation of water lines to allow for the Highway 763 improvement project. At the last meeting, Council authorized an agreement whereby MoDOT, the City and County would fund a significant improvement on 763. In that agreement, it was the City's responsibility to move its water lines. The proposal was to relocate approximately one mile of 12-inch and one mile of 8-inch water line that was in conflict with the proposed improvements. In addition, staff was proposing a half mile of new 8-inch main to be installed along the east side of 763 from Big Bear Boulevard to Blue Ridge Road. The total cost of the project was about \$1.5 million and would be funded from reimbursement by the County, the water utility and reimbursement from MoDOT.

Mayor Hindman opened the public hearing.

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

B339-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B341-07 Authorizing construction of a water slide at the Oakland Family Aquatic Center; calling for bids through the purchasing division.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a required public hearing for a public improvement to the Oakland Family Aquatic Center. In the 2008 capital budget the Council recently approved, they included \$150,000 to construct a new water slide at this facility. Funding for the slide would come from the parks sales tax. The slide was identified as a needed piece in 1999 when the renovations were done, but due to budget constraints the slide was not put in at that time. Funding was now available and if the Council elected to proceed, they were anticipating the slide would be available when the pool opened next summer.

Mr. Hood noted that although they could not fund the project when the improvements were previously made, they did plan for the slide to be added at a future date, so they were in position to move forward.

Mayor Hindman opened the public hearing.

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

B341-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B342-07 Amending Chapter 17 of the City Code as it relates to the sale of alcohol on City park property by private organizations and individuals.

The bill was given second reading by the Clerk.

Mr. Watkins explained Council asked staff to draft a policy that would allow, under certain circumstances, a private person or organization to sell alcohol on park property for individual activities. In addition, Council asked for it to be referred to the Parks and Recreation Commission, who recommended the Council not adopt such a policy. This was the original policy that would allow, under certain circumstances, the Director of the Parks and Recreation Department, the Police Chief and the Finance Director to collectively issue event alcohol sales permits.

Mr. Hood commented that when they researched this issue, they looked at a number of communities of which some allowed it while others did not. He noted they used information from about eight communities that had policies relating to alcohol sales by outside organizations within the parks to craft this policy. He stated this was a fairly restrictive policy and, if implemented, he believed it would allow the City to control the associated activities and events. He explained the policy, as drafted, would define an alcoholic beverage as beer, wine or champagne. It would not allow the sale of any hard liquor. The sale of alcoholic beverages would only be allowed by private organizations and individuals upon the issuance of an approved event alcohol sales permit, which was approved by the Parks and Recreation, Police and Finance Departments. Such a permit would only be issued to organizations and individuals that had already obtained an approved special use permit for their event, festival or special occasion. Such events would have to be compatible with the mission of the parks system, which was defined as events focused on recreational activities that were physical, social, cultural, artistic, or environmental in nature, and the alcohol sales would have to be secondary to these types of events and in support of the event. It would have to be a concession offered at the event. It could not be the primary reason for the event. The policy would restrict the sale of alcohol to Cosmo Park, Lake of the Woods Recreation Area, Twin Lakes Recreation Area, Stephens Lake Park, Nifong Memorial Park, Flat Branch Park, Oakland Park on non-school days and Cosmo/Bethel Park on non-school days. He noted these were the City's larger parks where larger festivals or special events were normally held. He pointed out the issuance of an alcohol sales permit would require the payment of a fee of \$100 or 10% of the gross alcohol sales, whichever was greater. Anyone applying for such a permit would be required to have all necessary state and local liquor licenses and would have to meet all state and local laws and regulations relating to the sale of alcoholic beverages. In addition, the applicant would have to provide evidence of liability insurance in the amount of \$2 million dollars with the City named as being co-insured. If requested by the Parks and Recreation Department or the Police Department, the applicant would have to provide adequate security personnel to ensure proper control and management of the event. The application for the permit would have to be submitted no less than fifteen days prior to the event to allow adequate time for review by the Parks and Recreation, Police and Finance Departments.

Mr. Janku understood the Parks and Recreation Commission suggested some amendments if this was approved and asked what those were. Mr. Hood replied the Commission suggested several possible amendments. One was to restrict this to not-for-profit organizations. They also had concerns about advertising and suggested that if alcohol sales were allowed to not allow advertising of it in the park. He thought they were concerned

about large banners advertising certain alcoholic beverages. He noted there was discussion on whether the sales should be restricted to certain times. One thought was to have the sale of alcohol end a certain amount of time, such as an hour, prior to the end of the event. Another possibility would be to define the time periods when alcohol could be sold. The Commission also suggested an increase in the permit fee to limit the number of applicants requesting the permit.

Mr. Wade asked how it would work if they limited these permits to not-for-profits when the ordinance required all necessary state and local liquor licenses and permits. Mr. Hood replied in some instances the not-for-profit would have those licenses. In other instances, they would subcontract with a business that had those licenses. The event would have to be sponsored by the not-for-profit. He noted it would be similar to the Art in the Park event where the event was sponsored by the Columbia Art League which was a not-for-profit, but the alcohol was sold by a local winery as a subcontractor. Mr. Wade understood as long as a not-for-profit had the event alcohol sales permit, they could subcontract with anyone that had the licenses. Mr. Hood replied yes. Mr. Wade asked if there were any restrictions on whom they could bring in. Mr. Hood replied there were none in the policy at this time.

Mr. Janku asked if they would have the authority to turn down a request if they wanted a location that was too close to a playground or something. Mr. Hood replied his opinion was that they could make those kinds of judgments. He commented that they reviewed close to 180 special use permits annually and currently made judgments as to whether the activity was appropriate for the area of the park being requested. He believed they would have the authority to turn it down on those grounds if they felt it was justified. He noted the applicant would have an opportunity to appeal to the Council or City Manager.

Mr. Skala understood this had to be a unanimous decision by the Parks and Recreation, Police, and Finance Departments. Mr. Hood stated that was the way the policy was written at this time.

Mayor Hindman opened the public hearing.

Heather Windham, 1578 Doulton Drive, stated she was the Chairperson for the Youth Community Coalition, which was an organization that promoted healthy choices for young people, a social worker, a concerned citizen and a mother and noted she was strongly opposed to the idea of selling alcohol in City parks for a number of reasons. She felt it sent the wrong message to the youth in that alcohol was needed for enjoyment as a community. She believed that was a dangerous and unhealthy message to send to young people. She stated the presence of alcohol led to an increase in underage drinking. A report by the Department of Justice indicated any effort to reduce a community's overall drinking had the potential to reduce underage drinking and changing the norms about alcohol's role in the community could affect young people as well as those legal to drink. She commented that allowing the sale of alcohol in the parks increased the presence of alcohol and potentially increased the distribution and consumption of alcohol, even with safeguards, to those who were underage. She stated underage drinking had been described as a right of passage by the Surgeon General and wondered why they needed to contribute to the message that they needed alcohol to enjoy events. She did not believe this was a moral or ethical issue. She thought it was a public health issue. Increasing the presence of alcohol would increase the

possibility of binge drinking, public intoxication and disruptive behavior in a place they were supposed to deem as safe for youth and families. She noted it could deter people who were in recovery from going to community events. She commented that in 2006, when the Columbia Art League requested approval from the Council to sell wine at Art in the Park, Mayor Hindman indicated he did not want that incident of selling alcohol in the parks to serve as a precedent and she agreed. She stated she had a letter from the Missouri Youth Adult Alliance that supported best practice strategies, such as banning alcohol to include sales in parks and recreational areas, to reduce underage drinking. She commented that many communities, such as Maryville and Ray County, had banned alcohol in parks. Banning alcohol and sale of alcohol in parks were proven effective strategies to reduce underage drinking by reducing access and limiting exposure to youth. She asked those in the audience who were opposed to the sale of alcohol in the parks to stand. Approximately 20 people stood.

Eugene Creech, 5803 Kelsey, stated he thought alcohol was a personal choice, but did not believe it should be in the public parks. For the sake of his children, grandchildren and all recovering alcoholics, he thought they needed to maintain a family atmosphere in the parks where there was no temptation. He stated he was strongly opposed to this and asked the Council to defeat it.

Christy Vitale, Mark Twain Residence Hall at the University of Missouri-Columbia, stated she was also opposed to selling alcohol in the parks. She felt it trivialized alcohol for youth, so they did not think it was a big deal. Even if children were not consciously aware of it, she thought they would subconsciously be receiving the message indicating it was okay. She thought it would also be taking the parks away from the children because parents would not bring their children to a setting where alcohol was present. She believed parks were a safe haven for children and a place they could go to enjoy themselves. By bringing alcohol to the parks, it would prevent children from going there. The purpose of the parks, in her opinion, was to promote physical activity and health and the selling of alcohol would take away from both of those things. She wondered if alcohol would be sold at sporting events for children in the future. She thought they should be teaching kids how to have fun without the presence of alcohol and felt with the availability of alcohol, there would be more abuse of it.

Georgalu Swoboda, 910 W. Broadway, stated she was the Executive Director of Big Brothers Big Sisters, which was based on the idea that adults could and should be role models for youth. Their research showed children with a caring role model were less likely than their peers to start using illegal drugs, drink or use violence as a means of problem solving. In addition, they were more likely to be trusting of adults. She noted parks and festivals were favorite places for big brothers/sisters and little brothers/sisters to spend quality time together. While they realized alcohol itself was not the problem, the children whom they served often associated negative actions with alcohol. Some had suffered ugly and unhealthy consequences because of a family member's abuse of alcohol. She wondered how they could suggest to the big brothers/sisters to take their little brothers/sister to events that had alcohol if it was sold and served freely in the parks. She stated it hardly seemed positive or responsible and removed a large part of where they could spend time free of negative associations. The children they served were at-risk for failure at school, substance

abuse, teen pregnancy and the choice of violence as a resolution of problems. They lacked the maturity as children to know what was right and wrong and looked to adults to be the examples. They asked the mentors to take these children out of the neighborhoods in an effort to expose them to positive environments. These children would see people freely drinking in the park. She understood some in favor of this were stating they should show children the best way to drink. She thought their parents, some of whom were alcoholics, were saying the same thing and did not believe a child would be able to differentiate between a dangerous alcoholic and the social drinker. It put everyone on an equal drinking playing field in the eyes of the child and sent a mixed message. In an era where ninth graders were reporting their first drink came when they were twelve years old, she thought they needed to be models for the children.

Dan Vinson, 2604 Hillshire Drive, stated he was a family physician and an alcohol researcher and noted he had been funded by a \$1.1 million grant from the National Institute on Alcohol Abuse and Alcoholism to do an epidemiological study. He commented that the correlation was astounding. If they wanted to predict the proportion of people in a population that had serious alcohol problems, they could look at the per capita alcohol consumption among those who did not have problems. The correlation coefficient was 0.97 and one of the highest he had seen in any medical research. There was a lot of other research that showed the more alcohol was available, the more people would drink and those who drank would drink more, so society's harm from that would increase. He stated the more available they made alcohol, the more trouble they would have from it. As a family physician, he recently saw a patient who after 14 years of sobriety relapsed into heavy drinking. He took his first drink after 14 years of sobriety at a sporting event in another City in a public park. He asked the Council to not approve this.

Mr. Skala asked for Mr. Vinson's opinion about the issue of a college president wanting to lower the drinking age to 18 in order to stem binge drinking on campus. Mr. Vinson replied binge drinking in college towns was a huge problem. About 1,500 college students died each year in the United States because of alcohol and most of those deaths were due to alcohol poisoning, falls, car wrecks, etc. College presidents were desperate for solutions because they could no longer control college student drinking on or off campus. He believed lowering the drinking age to 18 would potentially be hazardous. He commented that he knew from a variety of lines of research, although not from randomized controlled trials, people at younger ages did not have complete brain development, so alcohol for them was more dangerous. He believed addressing the problem of hazardous and harmful drinking among college students required communities around colleges and universities to take the responsibility for controlling the sale and consumption of alcohol to reduce alcohol related harm among those people.

Amy Foerstel, 503 Hunt Avenue, stated she agreed with Dr. Vinson and commented that there were plenty of opportunities in Columbia if someone wanted to go out and have a drink. She wondered why they should make the parks another place. They were a safe haven for children and people. She thought this would also add to litter control and other compounding problems. She believed it was a safer to avoid it.

Linda Frost, 7321 Southern Drive, stated she worked in substance abuse prevention and noted Missouri communities were worried about underage drinking. The Center for Disease Control indicated alcohol use by persons under age 21 was a major public health problem. The U. S. Surgeon General stated adolescent alcohol use was not a parental problem alone, but a community problem that required a collaborative effort to solve. One way to do this was to change societal acceptance, norms and expectations surrounding underage drinking. Other strategies would be to invest in alcohol-free, youth-friendly program environments and to restrict drinking in public places, including community events. The American Medical Association (AMA) indicated communities and parents were in denial about alcohol use by children or discounted the problem by saying it was only alcohol. Environmental factors, such as cultural norms, created a culture where drinking was seen as sexy, cool, fun, cheap, easy to buy and without consequences. The AMA was participating in efforts to identify and change the environmental factors, such as local ordinances and social and cultural beliefs and behaviors that converged to encourage alcohol abuse. The Missouri Recovery Network indicated they were not prohibitionists, but thought people could have fun without having alcohol and believed it would be a good example to set for the youth and others who were attending any of these events. She commented that the Institute of Medicine, which was part of the National Academy of Sciences, stated community-based prevention research pointed to the importance of broad efforts to reshape the physical, social, economic and legal environment affecting alcohol use. The Missouri Division of Alcohol and Drug Abuse indicated policymakers and prevention practitioners should continue to focus on preventing and reducing alcohol use by youth as policies that focused on the reduction of alcohol availability in the home and community were recommended.

Betty Kidwell, 2004 N. Southwest Court, stated she was the Coordinator of Boone County Mothers Against Drunk Drivers (MADD) and noted the MADD mission statement was to stop drunk driving, support victims of this violent crime and prevent underage drinking. This amendment was against everything MADD was trying to accomplish. She understood alcohol was already being served at Rainbow Field and commented that alcohol had gotten into the hands of a minor there. On behalf of MADD-Boone County, she was requesting this amendment to sell alcohol in the parks not be approved.

Richard King, 109 W. Parkway, stated he understood and respected the concerns of everyone at this meeting. He commented that he had been in the business of presenting special events in Columbia for over 25 years. He also sat on the Alcohol Awareness Council at the University of Missouri, so he understood what everyone was talking about. He noted he had put on special events in Columbia and Boone County and believed there were plenty of laws in place instituted by the City, Boone County and State of Missouri to put on the events. After listening to the comments, he understood many felt the gates would be opened and there would be big beer parties. As a business owner that was not something he wanted to see. He believed they needed keep the idea of allowing special events in the parks open with all of the controls previously mentioned. He commented that he began doing Summerfest in downtown Columbia several years ago with the Council's approval and stated they did their best to make sure those events were done well. He noted they had received positive comments from the Police and Fire Departments regarding the way these events

were handled. He stated he was also involved in the Roots 'N Blues Festival, which included well over 60,000 people and was sponsored by Boone County Bank, and did not believe there were any incidents with it. He asked the Council to consider allowing special events because he believed responsible people could present these kinds of events successfully.

Tom Kidwell, 2004 N. Southwest Court, stated he was Co-Coordinator of Mothers Against Drunk Drivers (MADD) and commented that the laws referenced earlier were not stopping underage drinking. He believed the Council had an opportunity to make a statement to the City of Columbia, University of Missouri, and students coming into the City indicating they did not want young people getting a hold of alcohol. He asked the Council to make a statement by saying no to this.

Harold Smith, 405 Rothwell Drive, commented that he had made it 75 years without having tasted beer and had a lot of fun in life without drinking. He thought it would be best to not pass this. He also suggested they stop the sale of alcohol at Rainbow Park. He thought it would be easy for a kid to get a drink in that atmosphere.

Bonnie Lee, 4610 Mexico Gravel Road, stated she agreed with all of those in opposition to this amendment and commented that she recently had a nephew with 3 and 8 year old sons who was in prison due to his third DWI. She was thankful no one was killed in those three DWI's. She noted each time he drank, he did not think he was drunk. She wondered why the City should offer other chances for someone to potentially kill another person. She stated she opposed the City promoting another avenue for drinking that could harm the children and public. She noted there were a lot of bars where people could go. She understood they were only talking about using the largest parks, but commented that those were the parks with the largest number of children and families. In addition, those were the largest areas to try to police. She stated they were not controlling drinking problems now and wondered how they could do it if this was added.

Mary Zieha, 1315 St. Christopher Street, stated she understood bars were responsible for telling people when they had too much. If they were drinking the parks, she wondered who was controlling a person from drinking too much. She asked if that was a City responsibility. She thought they would just be encouraging more drinking and believed this issue should be looked into more.

Norbert Schumann, 205 E. El Cortez Drive, stated he thought this was a bad idea. He noted they had to include a lot of regulations to just keep it under control at this point in time. If they opened the door, he thought there would be many who wanted to push this limits. He did not believe this was something that should be started. He understood a \$2 million dollar bond was required and did not believe a wedding party could come up with that, but noted Anheuser Busch could. He thought this was geared to for-profit people at the expense of the public and did not believe it was worth it. He stated the park was a place where dysfunctional families had the chance to have some peace. Parks also allowed some the opportunity to exercise or experience different visual territory. He could imagine a child watching a parent drink at a party knowing they were happy in public, but when they went home, there would be rage at the other parent and children. He thought it would kill their experience at the park. He asked the Council to defeat it.

Becky Awad, 4702 Cedar Rock Court, stated she had a 21 year old son, a 19 year old daughter and an 18 month old baby and she was concerned with the 21 year old and 19 year old at the park together when there was alcohol. She understood there was already a problem with teenagers and alcohol in the park. She was also concerned about going to the park with her 18 month old son because they would have to check for parties and if alcohol would be served. She stated it would keep her away from the parks. She commented that the risks involved driving, loud music, litter and clean up. She wondered if they would be required to take their garbage with them or if they would leave all of the beer cans at the park. She noted there was a problem with homeless people in the parks and did not believe this would help that. She asked the Council to look at this in terms of safety. She commented that she fell in love with Columbia because it was all about families and because of its beautiful parks. She felt allowing the sale of alcohol in parks it would take away from that.

Dan Gough, 808 W. Broadway, stated he went to the Roots 'N Blues Festival and loved it. He noted he also attended Mizzou and understood what alcohol consumption was like at the University and pointed out the downtown was not the University and the parks were not the University. He commented that he grew up in the German Lutheran tradition in the 1920's and 1930's where children walked down the street to fill up a bucket with beer for the family to partake in. He understood there were other issues such as drinking and driving. He noted there was still the celebration aspect of partaking in alcohol, having a drink and relaxing with friends and family and the ceremonialness of alcohol. By saying no to this, they were also saying no to those celebrations and festivals in the park.

Ms. Crayton stated she did not believe that not allowing children to access alcohol would stop someone from having a festival. She commented that her mother was a recovering alcoholic and they had to be separated because of it. Anyone who thought that was a celebration had not lived with an alcoholic. She did not believe children should be exposed to that at the parks. She understood a parent could expose their children to it at home, but did not believe it should be allowed in the park. Mr. Gough stated he appreciated her comments, but believed there was a difference between bad behavior and moderation and thought that was the issue he was discussing. Ms. Crayton commented that children saw too much bad behavior from adults. She did not want children to think alcohol was needed to enjoy oneself.

Tiffany Bowman, 1204 Fieldcrest, commented that her parents did not drink in front of her, which she believed made her a more responsible drinker. She noted she did not think this was a moral issue. It was fine for adults to drink. She was concerned with the potential of having Anheuser Busch tents in parks at not-for-profit events and youth access to alcohol. She stated in Missouri, youth had their first full drink of alcohol at 12 years of age, which she believed was too young. By bringing the sale of alcohol into the parks and making the restrictions less than it currently was, they were increasing youth access and sending a message indicating this was acceptable and the way to have fun. She also thought it was a liability issue. She thought they should make it as restrictive as possible and allow the youth to grow up and make the choice for themselves when they became 21.

Dennis Knudson, 2100 Southwood Drive, stated he had a beer once in a while, but thought it was best not to have drinking in the parks because he felt parks were for families

and kids. If parents wanted to take alcohol into the parks, they could. He did not agree with selling it and having big venues making big profits on it at the parks. He commented that the City had a great park system and the selling of alcohol was opening it up to people who should not be using it. He noted his brother was an alcoholic and died that way. He stated the thought allowing the sale of alcohol in the parks would be a mistake.

Becky Markt, 1661 High Quest Circle, stated she had several issues with the proposal. She commented that they were limiting this to a number of the larger parks to the exclusion of other parks, some of which were located in the central City. In addition, many of the parks named had large bodies of water, which increased the risk of accidental drowning. She noted research had shown that if they decreased access to alcohol, they reduced alcohol use and if they increased access to alcohol, they increased crime, accidents, violence, etc. She commented that there was already an existing policy, which Art in the Park had availed itself of twice. She wondered why they needed an additional policy that further opened the doors to more organizations or individuals. She thought some might want Greek parties to raise money for Greek organizations. She noted a couple of those parks were next to schools and the document specified the sale of alcohol could not happen on school days. She wondered why there was a restriction if they believed there was no harm in alcohol being consumed near children. She commented that there were zoning restrictions in place indicating alcohol could not be sold within certain districts or within a certain amount of feet of churches and schools. In addition, there were restrictions against advertising in those locations. She felt Columbia had beautiful parks, which were zoned for enjoyment, fitness, health and family togetherness, and when families moved in around those parks, they chose those locations for a reason and by bringing in events that involved alcohol use, they were increasing litter in their neighborhood, reducing property values and impacting the environment of their neighborhood. As Ms. Crayton stated, they would be influencing those kids that lived in those neighborhood as to what type of behavior was acceptable.

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

Upon her request, Mr. Janku made the motion that Ms. Nauser be allowed to abstain from voting on B342-07. Ms. Nauser noted on the Disclosure of Interest form that her husband was a distributor of alcoholic beverages. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mayor Hindman stated they had heard some very powerful arguments tonight and agreed there were dangers in relation to alcohol, but there were also great pleasures that came from alcohol. When used in moderation, he believed it could add to peoples' lives. When abused, alcohol could cause problems such as drunk driving, underage drinking, domestic violence, alcoholism and homelessness. He noted he understood those risks with respect to alcohol. He commented that some stated the parks were for children and families, but he believed they were for everyone to include adults, children, families, single people, people who wanted alcohol at picnics and they recognized that since they allowed that to happen now. Some indicated parks were for physical fitness and health, which was true to a certain extent, but he believed they were also for watching and participating in sports, bird watching, reading, etc. He felt the biggest concern they heard this evening was underage drinking. Currently, they allowed people to go to any of the shelters in the parks and take

alcohol with them. No one was patrolling these events. He believed there were already parties in the parks. He thought this proposal would provide significantly more control over these situations. He suggested adding to the limitations already included. He wanted to see the open container law enforced by requiring the sale and consumption of alcohol contained within a barrier, similar to the beer gardens at the Roots 'N Blues Festival. He thought they needed to have a damage deposit in addition to the fee already indicated. He felt this deposit should cover everything to include administration and clean up. He noted he had spoken with the Parks Department in Boulder, Colorado because they allowed the sale of alcohol in parks. They had the same restrictions as what was being proposed, except they also restricted it to certain shelter houses. They required approval by the same three departments as was proposed here. They also had the damage deposit and a wristband requirement. They had been doing this for 8 years and had indicated it was working fine. In fact, they were getting ready to increase the number of shelter houses and places where alcohol could be sold. When considering the City, itself, sold alcohol under controlled conditions and with the extreme controls indicated, he thought it was reasonable to allow. He suggested they try it to see how it would work.

Ms. Hoppe commented that they originally asked for an ordinance to be drafted because Art in the Park wanted to include alcohol as part of their event and because they wanted a policy so Council would be less involved and staff could rely on the policy. She noted many people were not aware of the fact that the public could use alcohol in the park, which showed the existing policies and practices were okay. She stated she had spoken with many people who were concerned the City would be promoting alcohol in the parks more than was done today with the passage of this ordinance. She believed there were limited events, such as Art in the Park and the Roots 'N Blues Festival, where alcohol might be appropriate, but the message she was receiving from everyone was that they liked the current policy. They did not want to see a furthering of the use of alcohol in the parks. She felt this ordinance was a fast track for more events with alcohol in the parks. She thought they should allow people to come to the Council as they had done occasionally in the past. She reiterated the message she was receiving from the public was that the status quo was fine and working well. They did not want to see an expansion of it. She stated she appreciated the drafting of the policy and thought it gave the Council good direction for the future for individual exceptions. She understood the public wanted to see it as an exception rather than a rule.

Mr. Wade stated he believed this was bad public policy and all of the restrictions in the world did not change the flawed fundamental concept of it. He noted the reason it was bad policy had been stated quite eloquently, so he would not restate it. Several of the Council, when asking for this ordinance to be prepared, indicated they wanted to hear the public's response. He had talked to a lot of people and found a large number of people were against this and a small number did not care either way. No one had contacted him to urge active support of the ordinance. With the comments given tonight and the Parks and Recreation Commission's unanimous recommendation to not pass the ordinance, he would vote accordingly.

Mr. Janku stated he anticipated supporting this, but the combination of the recommendation of the Parks and Recreation Commission and the testimony given tonight indicated to him that this was the community feeling on the issue. He understood they could make exceptions as had been done in the past. He commented that by putting in all of these restrictions and increasing the cost with the insurance policy and fee, they would be pushing bigger events. A small quiet group would likely not be able to pay for the insurance policy and the deposit fee. They would need a big event to generate the money to pay those costs and to take the risk. He stated the comment that struck him was when someone indicated that when they went to the park, they expected to know what was there. He believed if they showed up on a day with a big event, it could impact their experience.

Mr. Skala stated he also anticipated he would support this idea with the restrictions as he thought some of this had been a hyperbole. He agreed it was not a hyperbole to be an alcoholic or to drive while intoxicated. He noted Mayor Hindman made the point that there was great concern about underage drinking. He stated he agreed with Mayor Hindman in that alcohol, at certain events, could enhance the feeling one had and could enhance one's life if used responsibly. He commented that he was having difficulty with some of the hypocrisy. He noted that since they allowed people to bring their own alcohol into parks for consumption, it seemed logical, under controlled circumstances, that they allow selling alcohol in the parks. If they did not agree, he wondered what that meant for allowing the consumption of alcohol in the parks. He stated he did not want to force this on anyone and wanted it to be a matter of individual choice as long as they did not preclude the option of the Council to have the prerogative to restrict certain events to certain kinds of alcohol sales in the future. As a public servant, he would pay attention to what the public had to say.

Ms. Crayton stated she was supportive of the Parks and Recreation Commission's decision. She did not want to start checking coolers, but she also did not want to be a part of helping with the sale of alcohol. She commented that no one in the neighborhood could afford the fee for the insurance. She wondered about the open container law as it appeared it was okay for one group, but not another. She questioned whether they would allow others to sell alcohol as they had with Art in the Park. With the restrictions, only certain people could utilize it. She pointed out not everyone brought alcohol in the park. She believed it was an individual choice, but did not want to open it up to big events. She commented that she did not mind closing streets for private businesses because they could control it due to defined locations. In the park, they would not necessarily have defined locations. She stated she would vote against the bill.

Mayor Hindman understood the Council was against this policy, but would adopt a policy where people could come to the Council for approval. Ms. Crayton stated they already did this. Mr. Skala indicated that was his understanding. Mayor Hindman asked if they should defeat this and pass another ordinance to accommodate that. He believed they would have no alcohol sales in the parks on the books if they did not. Mr. Boeckmann explained the status quo was that they would not allow the sale of alcohol in the parks by any outside groups. They had experimented by letting the Art in the Park to do it, but unless they were going to stop that and not allow anyone to do it, he thought they needed to adopt an ordinance with some sort of standard indicating who could do it.

Mayor Hindman noted he thought some Council members were indicating it would be appropriate for people to come to the Council under very limited conditions to make application. Mr. Boeckmann stated they either wanted people selling in the park or not selling in the park. He did not think they should do it on a case by case basis.

Ms. Hoppe commented that road closings came before the Council and were approved selectively for businesses and asked how that differed from what was being suggested. Mr. Boeckmann replied there was not much difference. He believed they needed a policy on that as well.

Mr. Skala asked how this related to the fact the City already had alcohol sales in a couple of its parks. Mr. Boeckmann replied the City could choose if it wanted, as the owner of the property, to sell alcohol. Mr. Skala understood the justification was because it was the City itself and not an outside source. Mr. Boeckmann stated that was correct and noted the City was responsible for the sale of alcohol. Mayor Hindman understood from the comments that some who were opposed to the policy being proposed were willing to allow it on a case by case basis with Council approval. Mr. Skala stated that was his perception. The only difference he saw was that they would not hand off this responsibility to the Parks and Recreation Department. It would be the responsibility of the Council to make that decision on an individual basis. Mr. Wade pointed out some of them believed it was bad policy period.

Mayor Hindman asked about the policy on street closings and if they had an ordinance. Mr. Boeckmann replied there was an ordinance that authorized the City Manager to close streets under certain circumstances except in the downtown area as those decisions were made by the Council.

Mayor Hindman asked if they could defeat this bill and come up with an amendment to the present ordinance indicating no alcohol sales were permitted without authorization by the Council. Mr. Janku thought if they did that, they would have to have standards. Mr. Skala agreed. Mr. Janku explained Art in the Park was a test and he did not believe it contributed much to the event.

Ms. Hoppe stated she heard the public saying they wanted it to be the exception rather than the rule and putting this ordinance in place made it a rule. She noted she was in favor of making it the exception similar to this issue of the closing roads in the downtown. People would have to come to the Council and it would have to be rare and infrequent requests.

Mr. Janku asked if they proposed to move forward with the exception approach if it would be something that would have to come for a vote before the Council by resolution. Mr. Boeckmann replied they could do it by motion like they did with street closures. Mr. Janku asked if they would have more discretion than the Parks and Recreation, Police and Finance staff would in terms of approval. He wondered if an organization came to them and met all of the standards if staff would have an obligation to approve it versus the Council having more discretion. Mayor Hindman thought it would be a legislative matter. Mr. Boeckmann noted a legislative matter was when they were setting up the rules. They would be acting in an administrative capacity when they were enforcing the rules set up. Mayor Hindman asked how that compared to street closures. Mr. Boeckmann replied he could not recall what the ordinance stated.

Ms. Hoppe suggested they defeat this ordinance and come back with something else. Mr. Skala suggested they draft a solution in terms of allowing that kind of discretion to the Council.

Mr. Janku stated one approach was to establish standards and try to apply them to a number of groups. Another approach was to identify particular events where it would be accepted with standards and by a public vote. He noted most people seemed comfortable with Art in the Park and wondered if they could list that particular event. He believed if they had an ordinance, which indicated the Council could approve it, they would receive the same response from the public. He thought if they specified an event, there would be less concern. He asked if making it too specific was inappropriate. Mr. Boeckmann replied the problem was that if they granted someone permission to do something and then someone else came along with a similar situation, he wondered how they could say yes to one and no to the other.

Mr. Wade stated he heard no one from the public say no alcohol in the park except for these situations and events. He thought that was clear. He believed they needed a policy of no alcohol sales in the parks or a policy of alcohol sales in the park. He felt the game of exceptions was a worse policy.

Ms. Hoppe noted she talked to a lot of people who were for the status quo, but not for expanding it. Mayor Hindman asked if she was speaking against the idea of granting exceptions. Ms. Hoppe replied no. Mayor Hindman thought the status quo was that there was no selling of alcohol in the parks. Mr. Boeckmann stated the status quo was no alcohol sales with the exception granted once or twice for Art in the Park. He understood when they allowed Art in the Park to do it, they were trying to determine how it worked and would make a policy based on it. He did not think the policy should be to only allow one group to do it.

Mr. Skala noted they would probably defeat this measure, but thought there needed to be a way to ensure these were exceptional circumstances with a set of guidelines while taking them away from the policy realm and putting them into the hands of the Council on that exceptional basis. He stated he disagreed with Mr. Wade as he did not hear what he had. He had heard of a few exceptions with some of the contacts he had made on this issue over the last few weeks. There were a lot of people who were against the wholesale sale of alcohol in the park. The status quo to him was for Council to allow an exceptional event that might be reasonable on an exceptional basis.

Mayor Hindman understood this bill was an amendment to the present policy. Mr. Boeckmann stated this was to add provisions on alcohol because there was no current provision in the Code indicating no one could sell alcohol in the park or authorization for it. Mayor Hindman asked for an explanation. Mr. Boeckmann replied the status quo was that there was no ordinance dealing with this issue. There was a policy against it, but not an ordinance.

Mr. Hood explained the existing policy was a Parks and Recreation Department policy indicating no alcohol sales could occur in the parks by outside organizations and individuals. There were only two sections of City Code that addressed the issue. One was Section 17-114, which talked about intoxicating beverages and it indicated it was unlawful for any person in a park to enter or be in a park while under the influence of intoxicating liquor. That had

always been interpreted to mean someone that was intoxicated, but had never been interpreted as stating alcohol could not be in the park. The other was Section 17-122, which related to vending and peddling and indicated it was unlawful for any person in a park to expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing with the exception of any regularly licensed concessionaire acting by and under the authority and regulation of the Park Director. He noted it had always been the responsibility of the Park Director to issue licenses for selling in the parks. For many years, they prohibited all selling except by licensed concessionaries. In 2004, there was a discussion in front of the Council about outside groups being allowed to sell at certain events and festivals in the park, such as what Art in the Park and many other organizations did. With Council approval, it was decided to allow that with the exception of alcohol. When he denied the permit requested by Art in the Park to sell alcohol, they appealed his decision to the Council. He believed any action he took for special permits could be appealed to the Council per ordinance. In regard to Art in the Park, the Council determined it was appropriate to allow them to sell alcohol.

Mayor Hindman understood if they voted this down and the status quo remained and if the Parks and Recreation Department turned down a request for a permit, the requestor could appeal to the Council. Mr. Boeckmann stated he would have to look at the ordinance again, but noted he thought it would be a stretch for the Park Director to think he could grant a liquor license based on that section. Mayor Hindman agreed, but stated he thought people could appeal to the Council where it was not a judicial decision. Mr. Boeckmann agreed and explained an appeal could be taken to the Council just like anyone could file a lawsuit. He pointed out it did not mean there were good legal grounds or they should win. Mayor Hindman did not believe their basis for overruling a decision had to be that discretion was abused. He thought they could just think they should be able to do it. Mr. Boeckmann stated in reality that would work, but legally it was not a sound theory. Mr. Skala noted that sounded like an option whether or not it proved to be a sound option.

B342-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN. VOTING NO: SKALA, WADE, HOPPE, CRAYTON, JANKU. ABSTAINING: NAUSER. Bill declared defeated.

(B) Construction of street improvements on Hunt Avenue, from Worley Street to I-70 Drive Southwest.

Item B was read by the Clerk.

Mr. Watkins stated this was a required public hearing for a public improvement of Hunt Street, which was located in the central City. Funding would come from Community Development Block Grant (CDBG) money that was approved by Council in FY07 and FY08. The proposal was to construct a 28 foot wide street with one 5 foot sidewalk at the back of the curb on the west side. It was programmed in the FY08 CIP with a budget of \$561,000. It was in the CDBG eligible area and funding sources included CDBG funds and capital improvement street money. Engineering services were provided by Shafer, Kline & Warren. The resolution estimate for construction of Hunt Street was \$521,000. Staff was proposing they not tax bill any part of this street. He noted they had discussed this, but had not

instituted a policy on tax billing. Staff believed, for CDBG streets, the tax billing would cost more than it would bring in.

Mr. Glascock pointed out with this project they were trying some new stormwater methods, which included rain gardens and porous pavement in the parking areas on the west side.

Ms. Hoppe stated she liked the idea of the rain gardens and controlling stormwater with the natural feature, but wondered what type of maintenance was involved and who would be responsible. Mr. Glascock replied the City would maintain it. He noted there would be some maintenance to ensure the porous pavement was clean and swept so debris did not get in it and clog it up. It involved some extra maintenance costs.

Mayor Hindman opened the public hearing.

Mary Zieha, 1315 St. Christopher Street, commented that three of the people who lived on the street had to leave due to work obligations and asked if she could name them now. She also asked if the Council would be voting on this issue tonight. Mayor Hindman replied this required a motion and he assumed they would vote tonight. She noted Jay A. Strawn of 700 Hunt Avenue felt this was a street going no where and wondered why the City was spending money on it now. She stated she looked over this and thought it was a wonderful underground water project for a problem that went for about five blocks. She thought it was hard for neighborhood people to see what was going on. She pointed out this was only for one block and some businesses. She noted Mr. Strawn was concerned because it seemed overwhelming. It was a City street that had never been attended to. They did not have sidewalks, but did have beautiful old trees. To do the work, she understood they would probably have take trees out of individual yards. They understood property that would develop later would lose their trees regardless and that the neighborhood was going to change. The other two individuals opposed it because it had not been attended to since they had been there and it was overwhelming to them as well. They also wondered how this would be kept up. She stated Mr. Ryan, who lived on Patsy, called the City because of the drainage problem. They thought the water would run down on the west side even with those things there to block it. The other main concern of the two other individuals, Michael A. Hall of 701 Hunt Avenue and David Snipes of 713 Hunt Avenue, were the trees as each had trees that were very old, which they wanted to keep. Visually, it appeared as though all of the trees would come down, so that was a concern.

Mayor Hindman asked for clarification regarding the trees. Mr. Glascock replied he did not know which trees would come down, but noted some would come down. He explained they would try to save as many as they could. He noted the road would be wider as the right-of-way was being expanded about six feet with four on the west side and two on the east side. He pointed out they would also need temporary construction easements along there. It was an unimproved street and time for it to be brought up to today's standards.

John Renfro, 508 Hunt Avenue, asked who came up with this idea and wondered with the water draining through the porous concrete, if it would put too much weight on the other edges. He also wondered if it would crack and break up and who would pay for the upgrade years down the road when the project was over with. Mr. Janku replied it was the City's responsibility. Mr. Renfro understood it was the City's responsibility to plow snow, but that

had not been done. He commented that he thought they could use their money more wisely by purchasing snow plows than doing an exotic road on a short street.

Martin Ryan, 1504 Patsy Lane, stated he lived around the corner from this proposed project and they were concerned about having their utilities shut off for a period of time. He understood there was a drainage problem and other problems with the area, but was concerned as to whether this would really help the neighborhood and street and if it was really needed.

Ms. Crayton commented that several years ago, a lady that lived near that street went around with a petition for this to be looked at. They had already done Hirth and Donnelly and this was the last street to be done. She understood there was no drain. She asked what they should do. If they did not fix it, the water could rise again. Mr. Ryan replied he did not know. He noted there were concerns expressed by people who saw the project coming. Patsy was done back in the winter of 1992 or 1993. Ms. Crayton believed this part of Hunt was the last part of the project. Mr. Ryan stated Hunt ran between I-70 Southwest and Worley. It was a rather short street. Ms. Crayton understood it was on the other side and noted they would eventually have drainage problems if they did not fix the street. Mr. Ryan understood there would be problems down the road if it was not fixed. Ms. Crayton noted the lady also wanted a sidewalk. Mr. Ryan stated Hirth was quite a bit further to the east than Hunt. Hunt was by College Town Plaza. There were no sidewalks or curbs or gutters. It was a very old street that had not been improved or maintained for many years.

Amy Foerstel, 503 Hunt Avenue, stated she had just purchased her home on June 15th and her lot was 70 feet x 130 feet. She thought putting in the new sidewalk was wonderful. She was also in favor of improving the street. She was concerned with maintenance and understood the City would be providing the upkeep. She noted the lot next to hers, which she thought was identified as 1501, was maintained by the City, but no one took care of it. There was trash on it and it was essentially a parking lot. She commented that a large chunk of her property was being taken for the sidewalk and wondered why they needed one this wide. Mr. Janku understood she wanted four feet versus five feet. Ms. Foerstel stated she thought three feet was sufficient. She noted they had a lot of foot traffic and believed this construction would be a blessing in disguise because it would cut foot traffic down because people would find a different way to get to the liquor store, but it would also make them closer to her house when it was done. She pointed out her house was broken into three weeks after she moved it and they took everything. She was concerned about her security. Moving the sidewalk five feet closer to her house was like moving people five feet closer to the inside of her house. She wondered if they could do something to assist with that. She understood during construction traffic would cut back, but after it was done, those people would come back. She thought some adjustments could go a long way in making her and her neighbors happy.

Ms. Hoppe asked how close her house was. Ms. Foerstel stated her lot was 70 feet deep and her house was about 20 feet from the existing street. This would involve another five feet. She noted that because of the empty lot, she had people cutting through her lawn at all hours.

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

Mr. Janku explained this involved CDBG money, which was targeted to particular areas. It could not be used to purchase snow plows. He noted that once the City upgraded this street to the current street standards, it would be easier to maintain than a street without curb and gutter. He stated it took a lot of time to save this money and if they decided not to do it, the street would probably remain in its current condition without them being able to do much other than occasionally patching a pot hole.

Ms. Crayton stated she understood what the neighbors were saying, but wondered what would happen if they did not fix the street now because the money would not be there forever. She thought the street would continue to be a problem as it eroded.

Mayor Hindman asked about the trees. Mr. Glascock explained there was a 20 foot pavement there today and they were going to a 28 foot pavement plus a five foot sidewalk, so they would be getting into some trees. He pointed out they were not building to the street standard as it would call for another five foot sidewalk on the other side. The 28 foot street allowed parking on both sides with a 12 foot lane down the middle. If they went any narrower, there would not be parking on both sides. Mayor Hindman asked if the sidewalk could go around the trees if they provided easements. Mr. Glascock replied he thought it could for some extent, but did not believe it would be a great saver of the trees. He commented that they were saving the trees by not putting in a lot of piping in this project. They were putting rock underneath the pavement instead. If they were to put in piping, which was their standard template, they would be pushed out even further. There was a lot less root disturbance with they way they planned to do it. He noted they could try to work around the trees but with them being close to the pavement, they needed to get the machinery in there to do the work. Mayor Hindman asked where the damage would come from. Mr. Glascock replied it would come from cutting the roots. Mayor Hindman understood it would not from cutting trees down. Mr. Glascock replied it would to some extent.

Mr. Janku understood the action tonight was to make a motion directing staff to design the road and asked if they would know which trees would more likely be affected at that point. Mr. Glascock replied yes. Mr. Janku understood the final decision was not being made tonight because they would still need to complete the design. He understood they would likely to move forward since they were spending money on the design, but noted they would have a final chance to say no if it was severe. He thought they included tree planting as part of the project. Mr. Glascock noted they did not have it included in this project. They were planning on doing some planting and additional landscaping for rain gardens in the right-of-way. Mr. Janku thought they would negotiate with the property owners in regard to replacement trees. Mr. Glascock replied they would have to pay for the trees they took off of peoples' property. Mr. Janku understood they could replace their trees through that. Mr. Glascock stated that was correct.

Ms. Hoppe asked if it was possible to only have parking on one side of the street if the neighbors were agreeable. She wondered how many trees would be saved by that. Mr. Glascock stated they could look into it, but noted their standard was 28 feet. He stated the Fire Department would have trouble with anything less than 28 feet. Ms. Hoppe understood they could get down there now when it was only 20 feet. Mr. Glascock explained they pulled off of the road into the yards since there was no curb and gutter. He reiterated that they

could look at a 24 foot pavement. Ms. Nauser understood they would then not be building it to street standards. Mr. Glascock stated that was correct. Ms. Nauser thought there were probably a lot of people in the community who wanted less than 28 foot streets. She felt if the policy was 28 feet, they should be following that. She commented that she had a problem with not being consistent and applying different standards to different streets. Ms. Hoppe stated she was on the Street Standards Committee and noted they designed the standards with future streets in mind. She thought flexibility was needed when retrofitting a street in that they wanted to move toward that standard while still fitting it into what already existed. Ms. Nauser commented that when looking into the future, they would have a variety of different streets. She thought the purpose was to get the streets to a standard. She asked if Hirth, which was a couple streets over, was a 28 foot street. Mayor Hindman assumed it was. Mr. Skala stated he was also on the Street Standards Committee and one of the reasons it was successful at the time was because the document contained standards and options besides those standards. He thought it was the flexibility of the document that made people buy into it. In certain cases, there were some options due to unique circumstances. He wondered if this was one of those cases. Mr. Glascock thought the 24 foot was for an access road, not a street. He noted 28 was the narrowest street they had for a local street. The others were for alleys and access streets.

Ms. Crayton asked if this could be tabled to the next agenda so she could talk to the neighbors to try to come up with some kind of solution. Mayor Hindman thought it could.

Mr. Janku stated if they were going to think about not doing 28 feet, he wanted to know the zoning of the street because although it was currently low density residential, it might be a street that redeveloped with more density if it was zoned R-2. Mr. Teddy thought it was mostly R-1.

Ms. Crayton made a motion to table Item B to the November 5, 2007 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

R247-07 Approving the FY 2008 Community Development Action Plan.

The resolution was read by the Clerk.

Mr. Watkins explained this was a resolution approving the 2008 Action Plan, which incorporated the CDBG and HOME budgets for 2008. HUD required an annual action plan with updates in compliance with the five year plan. He noted they would come back at the end of the year to indicate what they had accomplished.

Mr. Teddy stated this was a public hearing and that they would be taking public comments until October 31, 2007. Comments were being accepted by the Planning and Development Department. Staff would advise the Council of any comments received at the November meeting. He pointed out they needed to get a document to HUD in November. He explained they were reporting on their progress in meeting the HUD national objectives which included providing decent affordable housing, a suitable living environment and economic opportunities. The Plan also summarized financial resources from federal sources, such as CDBG, the HOME investment partnerships block grant, other HUD programs and private not-for-profit sources. It also contained the CDBG budget and the proposed HOME budget for the City's expenditure of those grants and described the activities by category. A

change in the 2008 Plan included a proposed increase in the per unit subsidy for the home ownership assistance program for a first time home buyer from \$3,500 to \$4,000 to meet more stringent underwriting requirements. The HOME budget included \$100,000 to continue the tenant based rental assistance program, which provided rent subsidies to persons who were described as deinstitutionalized tenants. It required a two year commitment with the Columbia Housing Authority, which ran the program. There was a technical change in the way income was computed, which was significant in qualifying individuals for assistance. Since the community development programs of the City benefited low and moderate income persons, they found it desirable to change to the census long form methodology when reviewing applications for housing assistance. The benefit of the change included it being consistent with the way income was defined in the consolidated plan when measuring the approximate dimensions of need in the community for financial assistance. In addition, the census long form did not discourage applicants from saving funds in retirement accounts. It also reduced paperwork. Another change involved them defining the housing rehabilitation feasibility threshold to up to \$30 per square foot, which was an increase from \$25 per square foot. He explained a building would be considered feasible to rehabilitate if the job could be done for that amount or less. The Plan eliminated the one-third match requirement in the rental rehabilitation program that was set up for the neighborhood response team area. This year \$10,000 would be the minimum an applicant would have to have. They felt this would increase the number of affordable rental housing units in the City. The HOME budget and descriptions of projects for this year's HOME program were reviewed by the Community Development Commission and recommended for approval. They acknowledged the issues Council expressed an interest in, which were assistance for mobile home tenants and occupants if needed and the possibility of seed money for a housing trust fund. Future amendments to the Plan could accomplish those objectives. CDBG would be the best resource for the housing trust fund and a number of HOME supported and CDBG supported programs could help residents or tenants of mobile homes that might need assistance.

Ms. Hoppe stated she appreciated the information on how manufactured home assistance might fit in and understood the recommendation was that once HUD approved the FY08 funding, Council would be notified by staff and would then ask the Community Development Commission (CDC) to provide recommendations regarding the issue. Those would then come before Council to amend what was being approved tonight. Mr. Teddy replied they would take the matter to the CDC for recommendations and it would then come back to the Council. Ms. Hoppe understood there would be funds within the whole package for pursuing it by amendment. Mr. Teddy stated they could amend the language in the Action Plan to make mobile home occupants a priority need. The programs were already in place with the exception of the CDBG-based emergency relocation assistance and they would not recommend putting that into practice until there was a demonstrated need. The owner occupied rehabilitation, home ownership assistance and tenant based rental assistance programs were all existing programs. With the tenant based rental assistance program, they were anticipating the Columbia Housing Authority would want some administrative monies to be included with the mobile home assistance, so they would need to negotiate something with them. The other two programs could apply to mobile homes. It would just be a matter of

stating it as a priority need in the document. Ms. Hoppe asked if that could be done now or if they should wait. Mr. Teddy replied they would have to write the text for the amendment for Council review.

Mr. Janku asked what they anticipated happening with the Community Housing Development Organization (CHDO) mandatory set aside. Mr. Lata replied they requested proposals annually and thought applications for 2007 were due this week. The CDC would discuss those on the October 31st. He thought the Council would see recommendations for the 2007 CHDO money sometime in December. Mr. Janku asked which organizations were eligible for that. Mr. Lata replied Habitat, Job Point and Central Missouri Community Action and noted Habitat was the most active. Mr. Janku understood they would evaluate those proposals. Mr. Lata stated the methodology by which the CDC evaluated the applications was in the plan. In terms of the housing trust fund, Visioning recommendations and the Affordable Housing Committee recommendations, he noted it was possible for a not-for-profit housing development organization to become a CHDO as well. Mr. Janku asked if the Housing Authority was exploring the possibility of setting one up. Mr. Lata replied they were going back and forth on it because they had to be a 501(c)(3) in order to become a CHDO. He thought they were going through that process now. They would later decide whether to be become a CHDO. He understood they were trying to decide whether they needed to have a separate housing development organization.

Ms. Crayton understood organizations were receiving HOME money to build homes and asked how long the homes should sit after being built. She noted it had been almost six years for the yellow house down the street from her and about four years on the one Job Point built at the corner of Oak and Worley. She stated it was good that they were taking the initiative, but felt if they kept building them without moving people in them, they would become eyesores as people began to break windows, etc. She asked why they were not placing people in the homes. Mr. Lata replied those two houses were owned by Central Missouri Community Action and one of those was built by Job Point. He explained Habitat would select their clients before building the house. He noted Job Point was a new CHDO and were building their first house. He agreed it was too long for the other two houses and explained there had been a lot of staff turnover at CMCA. He thought Job Point was helping to market the houses. Mr. Watkins asked if the houses could be leased until they were sold even though they were built as owner occupied houses. Mr. Lata replied he thought they could. Mr. Watkins suggested they have that discussion with CMCA. Ms. Crayton stated she understood the yellow house was in probate with Enterlight. Mr. Lata explained the yellow house was built by Enterlight in 2003, but they did not finish the house, so it was foreclosed on by the bank. CMCA purchased the house at the bank foreclosure sale and finished the house, but then had a lot of staff turnover. He thought they had been making some additional efforts recently.

Mayor Hindman opened the public hearing.

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

The vote on R247-07 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B331-07 Amending Chapter 6 of the City Code to add to the 2006 Edition of the International Building Code a new provision on encroachment of structures into the public right-of-way.

The bill was given second reading by the Clerk.

Mr. Watkins explained for the first time a couple of weeks ago, they ran into a situation where a person applied for a building permit for an intrusion into the City right-of-way. Since that time, the City and the owner had reached an accommodation whereby he would keep his balcony but would do some things to eliminate concerns about liquids, solids, or semi-solids going over the railing onto the most traveled sidewalk in the downtown area. Staff was suggesting the Council consider an amendment to the Building Code that would, in the future, require people who wanted an intrusion into the City right-of-way to come to the Council to obtain a right-of-use permit.

Mr. Janku understood this essentially meant the sky and any encroachment at any height would be considered an intrusion. Mr. Glascock stated that was correct.

Michael McClung, 515 E. Cherry, stated since he was the one involved with the overhang issue, he had become intimately involved with the Building Code and his major concern with this ordinance was that any encroachment into the public right-of-way would mean any encroachment below, at or above grade. He thought the Council might want to address that. If they did not like the balcony, he suggested specifically addressing the balcony. He was not sure they wanted this to involve a footing of the wall, brick work of a few inches, etc. He noted the sign ordinance indicated the Director of Public Works would not issue a sign permit unless it was applied for and paid for properly and followed all City ordinances. He thought a sign would be affected by the proposed ordinance. He noted the Building Code addressed the issues individually and very well and if Council wanted to restrict the Building Code, he suggested they restrict it individually, but not for the entire chapter of Building Code, which addressed all encroachments. Mayor Hindman asked for clarification. Mr. McClung replied Chapter 32 of the Building Code involved encroachments into the public right-of-way. It addressed every type of encroachment into the public right-of-way via the Building Code to include balconies, architectural features, awnings, signs, footings, etc. and thought this proposal could cause some problems with regard to it. He noted he did not have a problem with the regulation, but wanted to point out the issue he saw with regard to this.

Mr. Janku asked Mr. Glascock to respond to Mr. McClung's comments. Mr. Glascock replied most everything else was attached to the ground, but anything that went into the right-of-way would have to get Council approval. He noted those were brought to Council now. In regard to the sign hanging over the right-of-way, he thought that was covered in the sign ordinance. Ms. Nauser pointed out the sign ordinance indicated it could protrude three feet at a minimum of eight feet above the sidewalk and a maximum of twelve feet above the sidewalk. She noted the awning regulations indicated the size of the awning was based upon its setback from the street. It did not provide the right to project into the public right-of-way. She asked if they would have to approve awnings in the future if they approved this proposed

ordinance. Mr. Glascock replied that was not their intent. Mr. Boeckmann understood the awnings were an amendment to the Building Code and this was part of the Building Code, so unless they could find some other justification in the section on awnings, they might be requiring a right-of-use permit. Ms. Nauser stated she was looking at the awning regulation passed for the downtown Special Business District recently.

Ms. Nauser noted she passed around a copy of Chapter 32 at the pre-Council session and noted she had a problem with the way this situation was handled. She thought it would have been nice to have had this at the beginning as it clearly stated what encroachments were allowed. She thought they had gone through this whole episode and were essentially allowing it to now be done. She stated she had a problem with the Council being asked to make subjective judgments on whether they would or would not allow specific items. She noted there was a sign ordinance that dictated the kind of signs that would or would not be allowed for every type of subdivision. They also had an ordinance regarding awnings. If they wanted to regulate balconies, which she felt was a perfectly reasonable for public safety and other issues, it should be approached that way. She believed they needed to provide a level playing field for everyone in the C-2 district with certain design criteria. She did not think each individual person interested in a balcony should come before the Council for permission because there was too much subjectivity. She was also concerned with whether this would affect all encroachments in the Building Code due to the way it was worded. She felt if the objective was to control balconies, they should adopt a policy to control balconies. Mr. Boeckmann stated the ordinance could be easily amended to just apply to balconies. He suggested it read "...all encroachments by balconies in the public right-of-way...." Ms. Nauser stated she wanted to take it a step further because she did not think anyone should have to ask permission to build a balcony if they were going to allow balconies in the C-2 district. She also thought criteria needed to be set for what would be allowed for balconies. This would allow everyone to know what was acceptable for balconies. There would be no ambiguity.

Ms. Nauser asked with regard to the canopies in the downtown, if those were under the Building Code and if right-of-use permits were required. Mr. Boeckmann stated the canopies were treated specially in the Building Code because they were constructed substantially into the right-of-way.

Ms. Nauser reiterated she did not want to require people to go through another step of asking for Council permission to build a balcony. She thought they should either allow them or not allow them. Mr. Janku understood they could have a balcony if it did not encroach into the right-of-way. Ms. Nauser noted the ordinance indicated balconies were allowed in the public right-of-way. Mr. Watkins stated staff was supposed to be the protector of City assets and City property. He asked if she owned property if she would allow a neighbor to put a balcony over her property 28 feet up and next to her house. Ms. Nauser replied they could not do it because there was a setback requirement in that scenario. Mr. Watkins asked why they should allow the community's property to be violated in that direction. He noted it was the public's property and wondered why they should treat their property any differently than they treated private property. Ms. Nauser noted the Building Code currently allowed it and she was not sure why they wanted to change it. Mr. Watkins stated he thought it should be

the extreme exception that people should be able to use the right-of-way except for obvious things like landscaping, sprinkler systems, etc. Ms. Nauser noted they allowed awnings, canopies, signs, architectural features, etc. without requiring permission for it to be in the public right-of-way. Mr. Watkins thought that was because the Council indicated those were okay. Ms. Nauser agreed it was okay by virtue of the Council adopting an ordinance that provided design criteria. She noted she wanted the same for balconies. She stated she was envisioning a change in the downtown where they would have more residential areas with balconies becoming an integral part of it. Mr. Watkins suggested they move them off of the right-of-way line. He noted they were very concerned about tables in the right-of-way and had regulations with regard to those. He explained this was something the staff had never seen before and thought it was something that needed to be brought to the Council's attention. If the Council did not feel it was an issue needing to be addressed, he was fine with that. Ms. Nauser noted she was not saying it did not need to be addressed, but felt they should not have to approve each one. Mr. Watkins pointed they had at least one other request they had not issued a permit for because they were awaiting Council direction on this issue. If they wanted staff to go by the letter of the Building Code, the permit would have to be issued. Ms. Nauser clarified she was saying they should go with the Building Code with design criteria for balconies. Mr. Watkins explained in the meantime, staff needed to know whether to issue the permit or not. If they placed a moratorium on them and referred the issue to another group to develop criteria or standards, they would need to issue pending permits.

Mr. Janku agreed they could issue a moratorium, but thought that was a prohibition. He did not think they wanted to be that strict for this situation as they were saying they would consider it. He did not think they had the luxury of sending this issue to the Planning and Zoning Commission or another review board because they had pending construction. He thought the public would be disappointed if they did not exercise some control now that they had the opportunity. If they wanted to develop standards while this was in place, he was agreeable. He stated he thought the public expected them to exercise some degree of control over the right-of-way for a variety of reasons to include public safety. Mr. Watkins stated he believed they had a duty to protect pedestrians walking down the street from something coming over the edge because the City would be named in any lawsuit along with the building owner and person who threw the object.

Mayor Hindman stated in Chicago they had signs indicating it was dangerous to be under balconies due to icicles falling. They even had lines painted in some places on the sidewalk. Ms. Nauser agreed there were safety and aesthetic issues. She believed it would be too subjective to have people come to the Council for approval since they did not have any criteria. She commented that she was an advocate of creating a policy to ensure a level playing field so everyone knew what to expect. She felt if it was in the International Building Code, which was an international standard, it was not that big of a problem because lots of communities had balconies over public rights-of-ways.

Mr. Wade stated he had sympathy with Mr. Watkins in terms of protecting the public right-of-way, but noted he also had sympathy with what Ms. Nauser was trying to say. He commented that he was uncomfortable with the continuing movement of what he believed

needed to be decisions by the professional staff based upon the codes and ordinances passed. He did not like the pattern of the Council being where all exceptions were made. He understood the need to deal with the question in the immediate, but thought there could be a better solution than moving these exceptions to a decision by the Council. They needed to work on the policy that framed those decisions. He noted he could support this proposal only if it was a short term measure while an ordinance was being written that specified the decision framework and policy whereby the process was with building permits rather than the Council. He believed they needed to get out of the business of making these kinds of decisions as he felt they should be setting policy instead.

Ms. Hoppe noted the ordinance indicated staff would issue the right-of-use permits or it could come before the Council. She understood it would be a staff issue. She commented that they might want to give staff further direction. Mr. Boeckmann explained the right-of-use permit would be granted by the Council. It would not be done administratively.

Mayor Hindman understood there was talk about architectural review and wondered how that would work. He thought that was one of the recommendations of the Sasaki group.

Mr. Janku thought it would be fine to develop standards, but thought they needed to act tonight. He thought they could also refer the issue to the appropriate commission or ask for a report to begin the process of developing standards.

Mr. Skala stated he felt this was a circumstance where staff was asking for some direction due to this movement toward building balconies and thought it was a decision that could be made by the Council. He agreed with Mr. Janku in that they should head toward establishing the kinds of standards they were talking about in the background, so it was no longer necessary for the Council to exercise that kind of judgment in these particular instances. He also agreed it was important for them to provide direction to staff, so they could deal with the situation that existed now.

Ms. Nauser stated she would support this proposal if it was altered. She noted one of her concerns was that this was overreaching and would affect everything within this section of the Building Code. She did not believe that was Council's intent. She thought they wanted to focus on balconies. In addition, she wanted some form of a sunset provision included for the amount of time they felt was necessary for the standards to be established. She did not want this ordinance to be in effect into perpetuity. She stated she would feel more comfortable if there was some kind of trigger in the document forcing the Council to take action on this, so it did not continue to be pushed to the bottom.

Mr. Watkins explained he thought there should always be an appeal from staff's decision, so staff was not seen as acting arbitrarily or capricious. In most cases, the place for appeal was with the Council. He commented that it was unrealistic to think they would be able to write a set of standards where an issue never came back to the Council. Ms. Nauser stated she understood and agreed.

Mr. Janku asked if they could make a motion to add a sunset clause. Mr. Boeckmann replied they could add a provision indicating this would only be in effect to a certain date.

Mr. Skala stated he was not opposed to this idea, but thought if they started the process of establishing standards that would create its own sunset. Once they had standards, there would be no reason for this except for an appeal. Ms. Nauser commented

that agendas and issues could change where it might not be a priority and she felt this would assist in keeping it a priority. She suggested a date of one year from today.

Mr. Janku made the motion to amend B331-07 to insert a statement indicating this provision would be in effect until October 15, 2008. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Nauser asked if this also needed to be amended to involve only balconies or if they wanted it to apply to everything. Mr. Boeckmann noted it applied to everything now.

Ms. Nauser made the motion to amend B331-07 so this provision would only apply to encroachments by balconies. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B331-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B332-07 Amending Chapter 22 of the City Code as it relates to landfill large volume discounts.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a recommendation from the rate consultant for solid waste. This large volume discount was established in 2000 when they were working with the City of Booneville to bring their trash to the City of Columbia's landfill. They were no longer bringing their trash here, so staff agreed it was time to end this volume discount. He noted it could potentially bring \$275,000 per year into the solid waste utility.

B332-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B333-07 Authorizing acquisition of easements in connection with the construction of Brown School Road from approximately 300 feet west of Highway 763/Rangeline Street to Providence Road.

The bill was given second reading by the Clerk.

Mr. Watkins stated this road project would be funded by the 2005 capitol improvement street issue. The public hearing was held on April 2, 2007. The easements necessary affected eleven property owners.

B333-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B336-07 Authorizing an agreement with Consolidated Public Water Supply District #1 relating to the relocation of water mains as part of the Gans Road interchange project.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was similar to what was recently approved for Route 763 where they needed to relocate water lines. In this case, the water line was owned by Consolidated No. 1 and they would be paid for this relocation out of the project cost. It was estimated to be about \$105,000.

B336-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B337-07 Authorizing the Ponderosa Street Customer Transfer agreement with Consolidated Public Water Supply District No. 1.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was another water line agreement associated with the Gans Road interchange. It would eliminate the necessity for Consolidated No. 1 to rebuild and move an old four inch main by moving four customers to the City and feeding them off of a twelve inch main that was being built by a developer in the area. This would eliminate an old water main that did not meet fire flow requirements from Consolidated No. 1 while the City picked up a few customers on the end of the system. He thought it was a win/win situation.

B337-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B338-07 Authorizing conveyance of water line easement to Consolidated Public Water Supply District No. 1 of Boone County, Missouri relating to the Gans Road interchange project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an easement Consolidated No. 1 needed for a water line along Gans Road next to the Crane property. The City agreed to convey the ten foot easement once they owned the Crane property for convenience purposes.

B338-07 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B343-07 Authorizing the issuance of Sewerage System Revenue Bonds (State Revolving Fund Program), Series 2007.

The bill was given second reading by the Clerk.

Mr. Watkins stated these bonds were authorized by the voters in 2003. This allowed the City to use the State Revolving Loan Fund to issue these bonds. He explained they would be pooling these projects with a number of others, including some by the Boone County Regional Sewer District, which allowed them to pay a lower interest rate.

Ms. Fleming noted these bonds would be priced on October 30th and the amendment included Exhibit A, which limited the interest rate on the bonds to 2.5 percent and the maturity to 13.3 years. The projected interest rate was 2.035 percent. Mr. Watkins pointed out this was substantially cheaper than what the City could obtain on the open market.

Ms. Nauser made the motion to amend B343-07 per the amendment sheet. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

B343-07, as amended, was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. 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.

- B334-07** Authorizing a right of use permit with Woodland Hills Properties, LLC for construction, improvement, operation and maintenance of brick pavers in crosswalks and adjoining handicap ramps in street rights-of-way located in Copperstone Subdivision Plats 1, 2, 3 and 4 and Copperstone Commercial Plat 1 located south of Vawter School Road and east of Scott Boulevard.

- B335-07** Authorizing a right of use permit with Woodland Hills Properties, LLC for construction, improvement, operation and maintenance of decorative street name signs, sign posts and decorative regulatory traffic sign posts in street rights-of-way located in Copperstone Subdivision Plats 1, 2, 3 and 4 and Copperstone Commercial Plat 1 located south of Vawter School Road and east of Scott Boulevard.

- B340-07** Accepting conveyances for utility purposes.

- R235-07** Setting a public hearing: construction of water mains serving Crosscreek Center, Plat 1.

- R236-07** Authorizing an agreement with the Missouri Department of Health and Senior Services for the Child Care Sanitation Program Inspections Participation.

- R237-07** Authorizing an agreement with the Missouri Department of Health and Senior Services for Core Public Health Functions.

- R238-07** Authorizing an agreement with the Missouri Department of Health and Senior Services for the Missouri Community-Based Home Visiting Program.

- R239-07** Authorizing an agreement with Columbia College for Sports Development Funding under the Tourism Development Program for the 2007 NAIA Volleyball National Championship.

- R240-07** Authorizing a novation agreement with Jacobs Civil Inc. and Jacobs Engineering Group Inc. for engineering services relating to the expansion of the McBaine water treatment plant and the Hillsdale Pump Station project.

- R241-07** Authorizing an agreement with Larkin Group Inc. for engineering services relating to the Brandon Road culvert replacement project.

- R242-07** Authorizing an agreement with TREKK Design Group, LLC for engineering services relating to sanitary sewer manhole inspections and rehabilitation recommendations.

- R243-07** Authorizing Safe Routes to School Program Agreements with the Missouri Highways and Transportation Commission.

- R244-07** Approving the Final Plat of Trade Winds Park, Plat No. 2 located outside the city limits on the north side of Richland Road, east of Sunrise Estates Subdivision.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON,

JANKU. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R245-07 Adopting the 2008 Capital Improvement Program planning document.

The resolution was read by the Clerk.

Mr. Watkins explained this was a document the Council was familiar with since the City had been working with it since April. The changes were highlighted during a work session. Staff was requesting Council adopt this for planning purposes.

The vote on R245-07 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R246-07 Supporting the extension of the Boone County one-half cent sales tax for roads.

The resolution was read by the Clerk.

Mr. Watkins noted Commissioner Pearson requested the City consider endorsing the County's road tax issue. This resolution would endorse the County's ten year extension of its one-half cent sales tax for roads, which would be on the November ballot. He pointed out the City shared in the revenue to some degree. This year it involved about \$1.2 million. The funds were not programmed since they were not assured. If this were to pass, this would provide the Council a little flexibility on other road projects.

The vote on R246-07 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. 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.

B344-07 Approving the Lot 7A North Woods Plat 1 C-P Development Plan located on the northeast corner of Rangeline Street (State Route 763) and American Parkway.

B345-07 Changing the name of "Woody Lane" to "Woodard Drive".

B346-07 Authorizing an agreement with HDR Engineering, Inc. for engineering services for design or feasibility studies or both for nine trails including a bikeway from MU to Rock Bridge Elementary School; appropriating funds.

B347-07 Authorizing construction of water mains serving Crosscreek Center, Plat 1 (Phase 1); providing for payment of differential costs.

B348-07 Accepting conveyances for utility purposes.

B349-07 Authorizing Supplemental Agreement No. 1 with HNTB Corporation for engineering services for the design of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park.

- B350-07** Authorizing an agreement with the Missouri Department of Public Safety for a Title V Juvenile Justice and Delinquency Prevention Grant; authorizing subgrant agreements with Big Brothers/Big Sisters of Boone County, Inc., the Columbia Housing Authority of the City of Columbia and Rainbow House; appropriating funds.
- B351-07** Appropriating funds for the Share the Light Program.
- B352-07** Accepting the FY 2006 Missouri State Homeland Security Grant Program; authorizing a grant agreement; appropriating funds.
- B353-07** Amending Chapter 2 of the City Code as it relates to conflicts of interest rules for several city commissions.
- B354-07** Amending Chapter 16 of the City Code to add a new section on engine brakes.
- B355-07** Approving a settlement agreement with Verizon Wireless; assigning a percentage of the settlement proceeds to the Missouri Municipal League.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Report accepted.

(B) Overuse of City Streets Due to Development.

Mr. Watkins explained this report was requested by Council to determine whether the City should charge developers for overuse of a public street. He noted there were some questions and practical issues.

Mr. Glascock stated he thought most of the streets involved would be unimproved streets. He explained streets throughout the City were in different stages of deterioration. A new street was at its best. Once the street was opened to traffic, it deteriorated from that point on. The ones involved in this issue were at the end of their lives. He wondered how they would determine who needed to pay for them.

Ms. Hoppe noted she raised this concern due to damage done on an established street near Crossroads Church. The street was in pretty good condition, although it did not have curbs and 200 trucks traveling on it a day for a short period of time destroyed a good section of it. She pointed out they agreed to repair it, but felt a policy was needed since this was happening. She stated she wanted to pursue a policy in regard to it and would bring that up at the end of the meeting.

(C) Refuse Collection Fee for “Trash Out Early” (TOE).

Mr. Watkins stated Council asked staff to review the cost of servicing “trash out early” which meant people putting their trash out on the wrong day. The fee was \$45, but the cost was around \$75.

Ms. Hoppe thought the first pick up fee was \$25 and the second was \$45 if in the same year for the same person. Mr. Glascock stated that was correct.

Mr. Janku thought some of the costs would be incurred since it involved existing people and time. Mr. Watkins explained a “trash out early” involved a day they were not running the route.

Ms. Hoppe understood the \$73 was based on a ten mile run. Mr. Glascock stated that was correct.

Mr. Janku noted this occurred throughout the City. He commented that unless it was a repeat offender, he would not call it in. He thought they might want to make the fee more severe for a second or third offense. The first time could involve a lack of understanding of the rules. Mr. Boeckmann explained it was not an offense and they could not do that unless it was being prosecuted in Municipal Court. This was a fee to recover the City's cost and should not be more than the cost. Mr. Janku understood and stated he felt the cost for recovery should be more if it was a repeat offense. Mayor Hindman stated the penalty should be through the Court. Mr. Boeckmann agreed and noted there should be no penalty attached to this. Mr. Janku understood. He thought if the cost was \$73, they should not require the first offense to pay \$73. Mayor Hindman understood he was suggesting the first offense be less and the second offense be \$73. Mr. Janku replied possibly.

Ms. Hoppe stated this concern stemmed from the East Campus neighborhood and they thought the first pick up was \$15 which was not high enough to deter people from having a massive amount of trash out early. She understood it was actually \$25. She noted she would provide this information to them for further discussion.

(D) Cell Phone Data – Traffic Crashes.

Mayor Hindman noted this was an informational report.

(E) Villas.

Mr. Janku explained he asked for this report and wanted to continue to pursue it. He noted he had seen a duplex development called a "villa" so the name did not mean anything.

Mr. Janku made the motion to refer this issue to the Planning and Zoning Commission for further review.

Ms. Nauser commented a duplex was typically a two-unit structure on one lot and a villa usually had the property line going down the middle of the property. Mr. Janku stated he was looking for specific, legal differences, so if someone came before them, they would have confidence it would develop as a "villa" versus a duplex. He was looking for a policy or facts they could rely on.

The motion made by Mr. Janku was seconded by Ms. Nauser and approved unanimously by voice vote.

(F) Council Candidates Espousing Candidacy Issues during Public Comment Portions of City Council Meetings.

Mayor Hindman explained this was an informational report.

(G) Digital Billboards.

Mayor Hindman made a motion to refer this issue to the Planning and Zoning Commission for further review. The motion was seconded by Mr. Skala.

Ms. Hoppe stated she understood State law allowed the City to impose up to a 2% gross receipt tax on billboard companies. She thought these funds could be used for beautification and other things.

Mr. Wade asked if billboards in the City were taxed for property tax. Mr. Boeckmann assumed they were, but did not know. Mr. Wade commented that electronic billboards would have a higher property value, and therefore, the City would receive more revenue from them. He thought there should be an issue of taxation also. Mayor Hindman noted they were trying to get rid of them.

The motion made by Mayor Hindman and seconded by Mr. Skala was approved unanimously by voice vote.

(H) Bus Traveling on Oak Street.

Mayor Hindman noted this was an informational report.

(I) Columbia Grease to Gas Preliminary Investigation.

Mayor Hindman understood this would be difficult to do.

Mr. Wade explained he requested this report. He stated there were enough differences between the situations in Columbia and Riverside and agreed it did not appear to be feasible for Columbia at this time.

Mr. Watkins explained with the new bioreactor, the City would get some methane production.

(J) Partnership with Lee Elementary School for Grant Application.

Mayor Hindman made the motion to direct staff to apply as an in-kind partner on a grant application with Lee Elementary School. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(K) Buttonwood Drive Speeding Issues.

Ms. Hoppe stated she requested this report and had concerns with how it was evaluated. She thought all of the information might not have been presented as the solution and the response was not satisfactory to her. She noted she had been to this location twice. The suggestion for not allowing parking on the south side of Buttonwood close to the outer drive was a safety/visibility issue. It was not a speed issue. She stated traffic turning around the curb going north was fast. Since there was parking on both sides, it was essentially a one lane street. It also had a bus stop. The problem was fast traffic and collisions with visibility issues on the south side of the street. She wanted to revisit the situation. She suggested she, the City Manager and appropriate staff view the situation together. She noted the problem with the radar count was that people went slower because it was there. She did not think it provided a good indication of the problems. She asked if the radar was set for both directions or just one. Chief Boehm thought it was picking up the traffic that was going north. Ms. Hoppe thought the problem was with traffic coming from the west. She noted Buttonwood was essentially a residential street. One section was commercial, but the other section was Gateway Apartments. There was bus service on it and when she drove by it, there were 20-30 students. They were crossing a rather wide street without any protection. She thought a pedestrian crosswalk was one step. Another would be the reduction of speed.

Ms. Hoppe believed she had a couple options. One would be a motion to only allow parking one side of the street, west of the bus stop, and the other would be to further discuss the situation. Mr. Watkins noted an ordinance would be needed if they only allowed parking on one side of the street. Mr. Glascock pointed out the speed would increase if parking was removed regardless of what it was posted at. Mr. Watkins stated one thing that partially controlled speed was a narrower road and parking on both sides. Ms. Hoppe understood, but noted it was coming from an outer drive with people going fast and involved a right 95 degree angled turn where one could not see on-coming traffic. She noted there had been several near collisions. She reiterated speed and visibility were the issues. Mr. Glascock stated that if parking was removed, people would be able to see farther and would therefore go faster. He pointed out the 28 foot road with parking would slow people down. Ms. Hoppe stated she wanted to discuss it further because she did not feel leaving it as status quo was a reasonable response since it was not safe.

Ms. Nauser noted under the suggested Council action, there was discussion in regard to extending the Peachtree crossover. At various times of the day, this area was congested. She stated a high school and elementary school got out around the same time. She thought a signalized crossover would slow down some of the traffic on Providence. She wanted staff to discuss the possibility with MoDOT. She thought this would allow people another way out instead of converging on to Nifong.

Ms. Nauser made a motion directing staff to discuss the Peachtree crossover possibility with MoDOT and to provide a report with the results.

Ms. Hoppe stated she was not clear as to how this change would improve the situation on Buttonwood. Mr. Glascock replied it would assist because they would not have access to Providence Road. The outer roadway would have to go down Buttonwood. He explained the kids were coming down Providence, taking the crossover and cutting through Buttonwood to get to all of the eating establishments. If they took that out, it would address that issue, but the storage places would likely complain due to access.

Ms. Nauser understood they would be asking for a signal at Peachtree to go to the east outer road. Mr. Glascock replied that was correct.

The motion made by Ms. Nauser was seconded by Mr. Wade and approved unanimously by voice vote.

(L) Street Closure Request – Courthouse Addition.

Mr. Watkins stated this was an amendment to a previous street closure request that had been approved for the Courthouse. The date had been changed and extended.

Ms. Crayton made the motion to approve the street closure as requested. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(M) Daniel Boone Building Lobby Skylights.

Mr. Watkins stated per Council request they discussed the idea of the skylights with the Historic Preservation Commission, who were in support of the idea and were suggesting it be included in the base bid. Staff was suggesting they ask Chiodini to look at it to

determine if what everyone wanted could be done and to include it as an add alternate in the bid specifications.

Mr. Janku recalled with the Fire Station when people were unfamiliar with something, they bid higher. He wondered how this might affect the bid. Mr. Watkins replied he did not know. Mr. Janku stated he would like for them to be able to do it. He was just trying to figure out the best way. Mr. Watkins stated if this was something the Council wanted to do, they would put it in the base bid.

Mayor Hindman stated he would like to see it done. He thought the uncertainty would be removed after the inspection was done.

Mr. Wade asked if they would be doing nine because it was architecturally and historically correct. Mayor Hindman thought that was what the exploration would prove. Mr. Watkins stated they saw the nine skylights in the 1917 plans for the building. Mr. St. Romaine explained the only cross section they could find was provided by Deb Shields, a local architectural historian, and was included in the packet. He referred to three cathedral looking structures across the front of the entrance and explained it was assumed since there were nine openings, there would be two more rows of three skylights. The fact there were nine curves up there now made them think there were nine skylights. He pointed out the skylights were not seen in the pictures they had from 1939. He assumed they were taken out between 1917 and 1939 because they were leaking.

Ms. Nauser asked if they were going to move forward with all nine if there were nine. Ms. Hoppe replied she thought they should. She stated Columbia had so few historic buildings and thought it would be ideal to restore it historically. Mayor Hindman commented that he thought they should bring the lobby back to its splendor and believed this would be better than the street lights currently in the lobby.

Mayor Hindman stated if they wanted staff to move forward with the skylights, they should make a motion directing staff to proceed with the skylights. If they found out the skylights did not exist, there would be no historic preservation to it.

Mayor Hindman made a motion to proceed with the skylights. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(N) Electric undergrounding work on Orr St & NN Alley.

Mayor Hindman noted this was an informational report with no action needed.

Mr. Dasho stated it was part of the long term plan for the downtown area in removing the old electric facilities as development was done.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ADJUSTMENT

Clithero, Philip, 4208 S. Wappel Drive, Ward 4, Term to expire November 1, 2012

COMMUNITY DEVELOPMENT COMMISSION

Ritter, Mitchell, 805 Sandy Court, Ward 2, Term to expire November 1, 2010

Williams, Carmelita, 1742 N. Orié Drive, Ward 3, Term to expire November 1, 2010

CULTURAL AFFAIRS COMMISSION

Barbis, Anthony, 201 Orleans Court, Ward 5, Term to expire October 31, 2010

Gamblin-Green, Michelle, 1912 Grant Lane, Ward 4, Term to expire October 31, 2010

Goodman, Kip, 9100 W. Terrapin Hills Road, County, Term to expire October 31, 2010

Pursifull, Megan, 802 Boulder Drive, Ward 6, Term to expire October 31, 2010

HEALTH INSURANCE APPEALS BOARD

Williams, Carmelita, 1742 N. Orié Drive, Ward 3, Term to expire February 16, 2010

NEW CENTURY FUND BOARD

Gerding, Bob, 101 S. Fifth Street, Apt. 1, Ward 1, Term to expire September 30, 2010

Maledy, Teresa, 215 W. Brandon Road, Ward 5, Term to expire September 30, 2010

PARKS AND RECREATION COMMISSION

Kespohl, Gary, 2215 S. Country Club Drive, Ward 3, Term to expire May 31, 2010

SUBSTANCE ABUSE ADVISORY COMMISSION

Moore, Mitchell, 1210 W. Broadway, Ward 4, Term to expire October 31, 2010

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Crayton noted in light of the recent shooting on Park Avenue, she wanted to bring someone from the Combat Program to Columbia to talk to the community. She thought this person could engage the young people who were committing these types of offenses. She stated a written request was needed to enable this person to come to Columbia. She stated the Prosecuting Attorney was on the Committee, so there was substance to the program.

Ms. Crayton made a motion directing staff to assist her in contacting a representative of the Combat Program to determine what it might take to have them come to Columbia. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku noted they recently had an excellent meeting with the School Board. One of the issues that came up was bus service to schools.

Mr. Janku made a motion directing staff to provide a report indicating what it would cost to extend the bus route to Lange Middle School. He stated the route currently stopped at Oakland Junior High. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Janku stated, in the past, there was an issue with respect to cellular towers before the Board of Adjustment and he thought they had referred the issue to the Planning and Zoning Commission. He wanted to expand the request. He understood Chesterfield had adopted a new ordinance and wanted staff to review it to see if there was anything the City could learn from it.

Mr. Janku made a motion directing staff to review Chesterfield's new cell tower ordinance. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku understood the Parks and Recreation Department had leased a building for senior activities and thought they needed a staff report regarding long term plans, such as expanding the ARC.

Mr. Janku made a motion directing staff to provide a long term plan in regard to housing senior activities.

Mayor Hindman asked for clarification. Mr. Janku replied the senior activities used to be located in the Parkade Center. It was moved to a building off of Walnut, near Stephens Lake Park, because the rent was anticipated to increase. This was also a building they were renting. He thought an alternative to renting would be to buy a building or expand the ARC as had been discussed in the past. He noted this was not urgent as there was a lot of time left in lease.

The motion made by Mr. Janku was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman stated he had been invited to attend a U.S. Conference of Mayors meeting in early November in regard to The Mayors' Climate Protection Summit – Accelerating Local Leadership. He commented that it might be something good for him to attend and was asking for their approval.

Mr. Janku made the motion to authorize Mayor Hindman to attend The Mayors' Climate Protection Summit. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman pointed out he might not attend, but wanted the authority in case he did decide to attend.

Mr. Skala commented that he requested a report regarding the traffic problem on East Walnut and thought they might want to tie the issue brought up by Mr. Janku with it. There was a bottleneck when leaving due to the College.

Mr. Skala stated he was moderating a CAT-3 show called "Counterpoint". He understood it was showing on Wednesday's at 8:00 p.m., Thursday's at 7:00 p.m., Saturday's at 10:00 a.m. and Sunday's at 10:00 p.m. The first installment discussed intergovernmental cooperation. The next one, which would be filmed on October 23rd, would be a panel discussion on affordable housing. He encouraged them to look for it.

Mr. Skala stated he was disappointed in missing out on a green test plot on top of the building where the skylights were. He commented that he spoke with the Mayor of Chicago in regard to green roof movement there who indicated it did not take too long before some of the costs were mitigated and the business community decided it was a reasonable investment. He was hopeful this issue could be revisited so they could set the example, which he thought would be useful for the community.

Mr. Wade noted after the previous Council meeting, he looked at the agreement with Boone Electric and found their bulbs were 400 watts as opposed to the City's bulbs, which were 250 watts. He checked with staff on whether there was a difference in cost and understood the 250 watt bulb would cost about \$34 per year less. Depending on the number of poles, it could be a lot of money. He wondered if they wanted to give staff the prerogative to negotiate the payment of a 250 watt bulb versus a 400 watt bulb if it still provided adequate lighting. If it did and they reduced the wattage, they would reduce light pollution and cost. He thought there needed to be discretion although they already approved the 400 watt bulbs.

Mr. Skala thought all that might be necessary was to ask them to go along with what was in place in the rest of the City.

Mr. Wade made a motion directing staff to discuss this issue with Boone Electric. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman noted someone called him on the radio this morning complaining about the poles lying across the sidewalk. He suggested they be moved off of the sidewalk. Mr. Watkins stated they would do that.

Ms. Nauser asked for the status of the technology ordinance which Mr. Wade had requested. Mr. Watkins replied it was with the Planning and Zoning Commission.

Ms. Nauser made a motion directing the Planning and Zoning Commission to review balcony standards in the C-2 district. Mr. Wade asked if it should be referred to the Building Construction Codes Commission instead. Mr. Janku suggested they refer it to both. He noted this was in the building code. Mr. Wade thought they should start with the Building Construction Codes Commission. Mr. Skala noted it would be interpreted as a land use issue also, so he thought they should obtain advice from both. Ms. Hoppe asked if they wanted to involve the Historic Preservation Commission or the Special Business District or if they would just provide input. Mr. Skala replied there would be hearings, so they could provide input.

Ms. Nauser revised her motion to direct the Planning and Zoning Commission and the Building Construction Codes Commission to review balcony standards in the C-2 district. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe stated there was a motion made by the Mayor and seconded by her at the end of the last Council meeting relating to the payment of \$202,000 for mitigation for the Gans interchange. She noted she thought the motion was directing staff to proceed with completing an application for the funds. She understood a letter was sent indicating the City wanted these funds to be used in this watershed, but thought they had to make an application for a project. Mr. Watkins explained that was the cover letter with the check. He noted they were planning on having a meeting in Jefferson City with several members of the Department of Conservation to discuss process and what they needed to do. They also verbally requested input from several group in terms of projects they might have. He stated they were proceeding. They were first trying to determine if they were amenable, which he thought they were per his telephone conversation with them, provided they could go through the appropriate hoops.

Ms. Hoppe made a motion directing staff to prepare an ordinance for payment of the destruction of roads due to the overuse of the road. She was concerned with the immediate short term destruction of a road close to construction. She understood trucks were using roads in general. Her concern was with the immediate short term destruction of a road based on construction. She stated the City did not have enough funding for improving and constructing City roads and felt destruction due to intense and non-normal use should require replacement.

Ms. Nauser asked how they would determine what the road condition was prior to the destruction. Ms. Hoppe replied they could accept testimony from the neighbors, use photographs, etc. She stated it was easy to determine on Southland Drive. Ms. Hoppe stated this would provide policy.

Ms. Nauser thought this might deter infill development, which was something the Council wanted to increase. Ms. Hoppe did not think it would. She thought they were asking people to pay the cost if they were responsible for the destruction. Mr. Skala thought an opportune time to ascertain the condition of the road would be after an application was approved by the Council, but before construction started, and during the development process. He thought it was a possibility. He stated if the roads were not designed for intense construction, someone would have to pay to repair them.

The motion made by Ms. Hoppe was seconded by Ms. Crayton and approved by voice vote with only Ms. Nauser voting no.

Ms. Hoppe understood staff was working on the Old 63/Walnut crossing issue discussed by Mr. Skala. She commented that she had noticed a lot of pedestrians were crossing from the west side of Old 63 to Stephens Lake Park. She understood a sidewalk would be constructed on the south side of Walnut between Williams and Old 63. She stated she saw mothers with strollers running through traffic to get to the other side since there was no good way for pedestrians to cross. She wanted this issue, i.e. a good way for pedestrians to get across 63, to be included in the study being done for Mr. Skala.

Ms. Hoppe made a motion directing staff to include recommendations for ways for pedestrians to get across Old Highway 63 to Stephens Lake Park in the study being done in regard to traffic issues at Old 63/Walnut. The motion was seconded by Mr. Skala.

Mayor Hindman noted there was some correspondence with someone in regard to the road that went through Boone Hospital. Ms. Hoppe stated it was Jack Estes Road. He understood the construction was causing an additional problem for people crossing there. He thought this might need to be reviewed at the same time. Ms. Hoppe and Mr. Skala were agreeable to include that issue in the motion.

The motion made by Ms. Hoppe, amended by Mayor Hindman and seconded by Mr. Skala was approved unanimously by voice vote.

Ms. Hoppe understood the City could charge up to two percent of gross receipts tax for billboard earnings and thought they might want to look into it. Mr. Janku stated it was subject to the Hancock Amendment and would require the vote of the people. Mayor Hindman thought that was why they did not already have the tax.

Mr. Skala recalled a gas station off of I-70 being given a variance for an electric sign. He understood it was no longer operable and asked if his recollection was accurate. Mayor Hindman believed it was granted at the time of application for annexation.

Ms. Hoppe stated the Council website indicated hours that were inaccurate. She stated her hours were from 12:00 – 1:00 p.m. at Uprise on Saturdays before Council meeting Mondays. She noted she had been there for the hours indicated on the website in case people were there, but wanted the change to be made on the website. Mr. Watkins stated they would make the change.

The meeting adjourned at 12:49 a.m.

Respectfully submitted,

Sheela Amin
City Clerk