

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**APRIL 7, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 7, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of March 17, 2008 were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Janku.

**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. Skala and a second by Ms. Nauser.

**SPECIAL ITEMS**

**Finance Audit Committee Presentation**

Dale Swoboda, 910 W. Broadway, stated he was Chair of the Finance Audit and Advisory Committee and was present to discuss the 2007 audit. The Committee met with the Finance Director and the external auditor of KMPG out of St. Louis on March 4<sup>th</sup> to discuss the content and findings of the 2007 audit. The audit covered all financial functions of the City and the airport passenger facility charges, which had to be audited separately by regulation. The Committee voted unanimously to accept and approve the audit findings. They gleaned from the report that the City's finances continued to be sound. He commended the Finance Director for her work in keeping City finances in order. The auditor reported several material weaknesses in the internal control processes. He explained a material weakness was a deficiency that could cause a misstatement of financial condition. He noted the Finance Department was aware of the issues, and for a variety of reasons, those items could not make it into the 2007 financial report. He commented that after discussing these issues at length at the Committee meeting, they felt management was on top of the problem and had responded to their satisfaction. He stated the Committee was also satisfied with the corrective actions that were being taken. He recommended the Council accept and approve the audit findings and audit report.

Ms. Fleming noted the differences between this year and last year with regard to material weaknesses had to do with a change in AICPA standards. They were mostly items the City brought to the auditor's attention. It was a matter of when they booked them. She thought they had the proper corrective action in place.

Mr. Janku pointed out this was discussed at the pre-Council work session.

Mr. Janku made the motion to accept and approve the report. The motion was seconded by Mr. Skala.

Mr. Skala noted there was an issue of material weakness due to the changing of definitions, which he felt was sufficiently explained by Ms. Fleming. He was confident that there really was no issue and it would be resolved.

Mayor Hindman commented that this was very complex financial reporting and a very complex financial statement. While the material weakness had been highlighted, he thought what needed to be highlighted was the job well done as there was a long list of things that were properly done. He believed that was the most important thing to leave in the minds of the public.

Mr. Watkins explained the material weaknesses had to do with whether or not certain revenues or expenditures were booked in FY06, FY07 or FY08. In every case, they had identified the expenditures and revenues. It was simply a management decision to book it in a particular year for practical purposes. The auditors, due to new requirements, disagreed with the City in three instances.

Mr. Wade stated he felt the important thing was the quickness of staff in responding, so those weaknesses would not be present in another year.

The motion made by Mr. Janku and seconded by Mr. Skala to accept and approve the report was approved unanimously by voice vote.

## **SCHEDULED PUBLIC COMMENT**

### **Regina Guevara and Charles Thompson (Gerod Crum – alternate) - Solid Waste Employees Workplace Issues.**

Regina Guevara, 3602 Zinnia Drive, stated she was the Field Representative for Local 773 and noted they were present in order to address some workplace concerns and ask for Council's help with getting the lines of communication open between management and the employees at Solid Waste. On March 20, 2008, the employees addressed issues involving the merit review system, safety concerns with the trucks driven, and excessive workloads with no resolution. With regard to the performance reviews, she explained Evergreen Consultants had come out last summer to fix what was considered a broken system. There was not a lot of communication with the employees as they were not clear on what the merit system entailed. The safety issues with trucks involved mostly training. They were provided right side steering trucks without proper training. With regard to the excessive workload, she noted more houses were being added to routes due to the growth of Columbia causing an additional 200 houses per route.

Charles Thompson, 2401 W. Broadway, commented that he was with the Solid Waste Department and stated many of them, after receiving their evaluations, were not provided the proper feedback on how they would be evaluated. He noted they were all scored low when it came to their evaluation with regard to a pay increase. He explained they asked their supervisors about this and were told they were not provided proper feedback on how the employees should be graded. He noted they had received trucks with right hand driving, but many of them had not received proper training. He pointed out some of them knew how to drive right hand drive vehicles, but there were others that did not.

Gerod Crum, 1506 Preakness Drive, stated he was with the Street Department, but was asked to attend as the steward. As of April 2, 2008, the Solid Waste Department had started training for right side steering and he was hopeful everyone would soon receive training. It was a matter of getting used to being close to the curb and the truck pulling right or left, particularly on turns.

Ms. Guevara commented that they were bringing these issues to Council, so they could be addressed and so Council could assist them in helping management understand they wanted open communication. She stated they would not have come to the meeting tonight if management had been open and willing to speak with the employees.

Ms. Hoppe asked how long they had had these trucks before they received training. Mr. Thompson replied he could not provide a specific date, but noted the trucks started coming in midway through the summer. Ms. Hoppe understood it was last summer. Mr. Thompson believed they received one truck then and now had four or five new trucks and pointed out they were just now receiving proper training on right hand drive side trucks. Mr. Crum stated he drove a sweeper and all of the sweepers were right side vehicles. He noted he had been with the City for three years and had been driving it for that long.

Ms. Guevara asked how they would be notified of an open discussion at a later time. Mayor Hindman replied he understood there was policy addressing the way labor negotiations took place. If management had not explained the process, they would be doing so soon. He noted they could also obtain an explanation of the process by contacting the City Manger's Office or the Public Works Director.

## **PUBLIC HEARINGS**

### **(A) Considering approval of a design concept proposed by artist Howard Meehan for the City Hall Expansion, Plaza and Streetscape Percent for Art Project.**

Item A was read by the Clerk.

Chris Stevens, 1008 Sunset Drive, stated he was the Chair of the Standing Committee on Public Art and member of the Cultural Affairs Commission and explained this, the eighth Percent for Art project, was the biggest and the most important they might ever see. The selection of the artist and proposal went through the Standing Committee on Public Art and then moved on to the Commission and Council. As part of the process, they looked for an artist without asking for a site specific piece. He explained they liked to draw in the artist early in the process so they could work with the architects and other people involved with the building in order to get a truly site specific piece of art. Howard Meehan of New Mexico was chosen as the artist for the City Hall project. After he was chosen, Mr. Meehan spent some time in Columbia and met with the Standing Committee on Public Art, the Commission, the Public Buildings and Finance Committee, City staff, architects and landscape architects. He was given 60 days to submit a proposal. After receiving the proposal, public comment was accepted for 2-3 weeks. In December, both the Standing Committee on Public Art and the Commission met to discuss public comment and the proposal. At that meeting, both the Committee and Commission rejected the proposal, and from that point, Mr. Meehan had 30 days to come up with a new proposal. After receiving the new proposal, public comment was again accepted. The Committee met and voted 7-2 to accept the proposal, which was shown

on overhead. The Cultural Affairs Commission then met and unanimously approved the proposal. He pointed out the Standing Committee on Public Art was expanded so people who were very involved with the building were represented. It included someone from the Public Buildings and Finance Committee, the New Century Fund, the downtown business community, and a liaison from the City Manager's Office. He stated they were very excited about the proposal and felt Mr. Meehan was extremely qualified as he had completed a lot of public art projects of this size in the past. He believed Mr. Meehan was excited about working with everyone and had been very patient and positive. He pointed out they had more public comment than ever before and he was not sure Mr. Meehan was used to having such personal comments towards his artwork, but was very accepting. He stated they were very excited about the proposal and realized the weight this held since it would be in front of the City building and at a very prominent corner in the downtown.

Mr. Janku asked if he could explain how this would tie into the Plaza design and if it had been finalized. Mr. Stevens replied he did not think anything had been finalized at this point, but understood this would be incorporated into the Plaza. He understood Mr. Meehan had talked about using some interesting recycled materials, including concrete imbedded with glass so there would be different colors throughout the Plaza. He thought Mr. Meehan was still working closely with the landscape architects to come up with a final design.

Mr. Janku noted one slide this inside a semicircular ring with keys and asked about it. Mr. Stevens replied they tried hard not to be "design by committee" and at this point nothing was finalized. The only thing they knew for sure was that it would include the keyhole structure. In terms of the Plaza, some freestanding keys were shown and they had received quite a few comments about that, so he thought Mr. Meehan would be reworking that aspect of the proposal. He reiterated nothing had been finalized yet and Mr. Meehan would work very closely with the architects and the landscape architects to incorporate it into the corner.

Mr. Janku asked for a response to the comments received regarding durability. Mr. Stevens replied he understood the concern of a structure made of glass, but they had seen samples and it was extremely thick glass that would be very hard to break. In addition, with the way Mr. Meehan had incorporated the steel structure, those panels were replaceable. He explained some of the glass panels would incorporate historical markers from the City of Columbia and Mr. Meehan made it so they could add to the structure if something spectacular happened.

Mr. Skala stated he had met Mr. Meehan and was sufficiently impressed. He felt Mr. Meehan went about this the right way by contacting a lot of the constituents in the community. He understood part of the construction would include plexiglass, which caused a concern with regard to weathering. Mr. Stevens stated he did not believe plexiglass was involved. He thought it was just glass. With plexiglass, they would have to worry about scraping and eventually not being able to see the incorporated graphics. He commented that he had complete confidence in Mr. Meehan and his past abilities to build a structure that was long lasting.

Mr. Skala asked if the structure was internally lit. Mr. Stevens replied yes. Mr. Skala asked if it would be chasing or constant and if it would be a colored light. Mr. Stevens replied he understood it would be lit from the inside and would not be a moveable light, but noted it

was the artist's conception. He thought the top would be constructed from another material, so the light would bounce off and around the structure for a glow.

Ms. Hoppe asked if there had been discussion about the lighting being from a renewable source. Mr. Stevens replied yes and noted Mr. Meehan was very conscious of make this as green as possible. He discussed using light that would use the least amount of energy, while still doing what he needed it to do. He reiterated it had been discussed, but he did not know what the end result would be after working with architects and City staff.

Ms. Hoppe understood the Committee recommended the keys be eliminated. Mr. Stevens replied he did not believe the keys off to the side would be a part of the final product and reiterated they were trying not to be "design by committee."

Mayor Hindman opened the public hearing.

Norbert Schumann, 205 E. El Cortez, stated he was excited when he heard of the Plaza and it having a beautiful piece of art that would reflect all of the aesthetics of the City. In his mind, it would reflect the logo that stated they were dynamic, future looking, artistic, etc. and he expected it to be embodied into a beautiful, aesthetic, flowing sculpture. He believed Mr. Meehan's first sculpture embodied that because it did not have to have pictures or writing. It was a true sculpture like the Boone Hospital sculpture, which said a lot of things to a lot people without any negative comment. His connection to this with regard to feedback was what had been included in the Tribune, which did not include anything positive except from Jim Robertson, who stated he was in favor of it and was on the Committee. Another thing that bothered him was that they wanted interaction on the computer since everyone was busy and did not want to go to a central place to look at it. As a result, about 25 percent of the population was left out, which included the older folks and poor folks without computers. He asked that there be a model at the library and a second meeting for more input the next time. He commented that he felt when the first proposal was shot down, the second proposal was shoved down their throats. He read a description of La Colomba by Peter Chinni, which indicated La Colomba was selected from more than 50 submissions by the Columbia Art Council to adorn Guitar Square. That did not happen, but the front patio of the 1971 Columbia Public Library provided a home for the sculpture. He noted it represented a dove in flight and depicted the forward moving, soaring qualities similar to the spirit of a progressive City. It was funded by the Missouri Art Council, private funding, the public trust and the City of Columbia. He pointed out the City had retained ownership of the sculpture and suggested it be brought to City Hall. He commented that it had never been placed correctly and if it was set up on a column or a large natuescape waterfall, the bird would be in flight and would represent all of the things he expected out of the sculpture.

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

Mayor Hindman commented that La Colomba was extremely controversial, which was the reason it was not placed at Guitar Square. He recalled controversy over Jamboree at the Courthouse because it was not serious enough. Mr. Skala noted La Colomba was controversial again when it was moved from the Library to its present resting place.

Mr. Janku stated his position was to defer to the judgment of the Standing Committee on Public Art since they had spent a lot of time and effort on it. He noted there would always be differences of opinion, so he intended to support their recommendation. He commented

that he was around a lot of government buildings in Jefferson City and after 9/11 there was a lot of retrofitting of those buildings to include bollards and jersey barriers to provide security. He hoped they kept that in mind when designing the area, so it was done in an attractive way versus doing something that was not attractive at a later date.

Mr. Janku made the motion to approve the recommendation from the Standing Committee on Public Art and the Cultural Affairs Commission to accept the artist's design concept for the City Hall Plaza and Streetscape Percent for Art project. The motion was seconded by Mr. Wade.

Ms. Hoppe commented that although La Colomba was controversial, it was loved and appreciated now. She stated she had heard from a lot of people who wanted it moved to this location and noted that was her personal preference as well, but she would go along with the Committee's recommendation.

Mr. Wade stated he could not imagine a community in which so many people would voice their opinion on a piece of art and thought it was a wonderful statement on the quality of Columbia. He pointed out he was one of those people that had grown to love La Colomba, but did not want to it in front of City Hall. He preferred to see it in a new plaza near the new Missouri Theatre and the new University museum and would work to see that happen. He thought they would grow to love this piece of art as well, but noted it might take a while.

Mr. Skala stated he preferred an alternative, but would defer to the people that worked on it since there were only two votes against it.

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

**B68-08      Rezoning property located at the eastern terminus of Chapel Hill Road from O-P to C-P.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposed rezoning would change two fully developed lots from O-P to C-P to allow some limited commercial uses. The uses were proposed in the applicant's statement of intent included those allowed under C-1 with the exclusion of thirteen uses, which included alcohol sales and automobile oriented uses, such as car washes and service stations. The Planning and Zoning Commission recommended approval of the proposed rezoning request.

Mr. Teddy noted an exhibit provided to Council listed all of the proposed uses. It appeared from the minutes of the Planning and Zoning Commission meeting, all of the allowed uses were not entirely clear to the Commissioners.

Mayor Hindman opened the public hearing.

Kevin Murphy, an engineer with A Civil Group, 1123 Wilkes Boulevard, provided a handout and explained this was a simplified C-P plan. It involved two developed properties in The Colonies development that were originally zoned O-P in 1990. He noted there had been several rezonings in this area, but it was still mostly O-P based. His clients wanted to increase marketability and leaseability for these units. They were asking for non-obnoxious uses, such as a beauty salon. The idea was to serve more of The Colonies development and

the immediate surrounding area. They were not asking for uses that would draw people from across town.

Ms. Hoppe stated the Planning and Zoning Commission minutes indicated there were 19 listed uses in C-1 and asked how many uses there were as she saw 52 uses. Mr. Murphy replied C-1 covered R-3 and O-1 uses and they specified the ones that would not be permitted. He had 28 C-1 uses in addition the O-1 uses and listed the 28 C-1 uses.

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

Mr. Wade stated this was one of a series of minor adjustments for a major employment area and was entirely appropriate. He believed this was the fifth minor adjustment in the area since he had started on the Planning and Zoning Commission. It was part of an area trying to remain viable and strong. He supported it because it was legitimate and consistent with the uses at that intersection and on down Forum.

Mr. Skala noted the Planning and Zoning Commission had discussed it adequately and he was prepared to support it.

Mr. Janku commented that the speaker indicated this was in part to support or provide services for those that worked in the immediate area. Unfortunately, based on the plans that were approved in the 80's, there were no sidewalks in the area so the people who worked in the area would have more difficulty getting to those places.

B68-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B69-08      Amending Chapter 23 of the City Code as it relates to billboards.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the Council directed staff to prepare an ordinance prohibiting digital and changing message displays on billboards, which were off premise signs. A draft ordinance was prepared and a public hearing was held before the Planning and Zoning Commission on March 6, 2008. The proposed ordinance added two subsections. One would prohibit revolving, moving, flashing, blinking or animated characteristics and the other would prohibit any electronic, digital, tri-vision or other changeable copy displays on billboards along interstate highways or freeways. The Planning and Zoning Commission voted 7-1 to recommend approval of the proposed revisions with one exception, which involved including language in the draft that would exempt tri-vision billboards from the new regulations. He understood the ordinance before them did that.

Mr. Teddy showed some images of what was subject to this regulation on the overhead. He explained a tri-vision sign included three-sided panels that turned, so a single billboard could convey three different messages. The Commissioners felt there was a certain value to three billboards being combined into one and that it should be considered for exemption from the ordinance.

Mr. Janku asked if the word "tri-vision" was taken out. Mr. Teddy replied the Planning and Zoning Commission recommended tri-vision be allowed and the ordinance before Council incorporated that recommendation.

Mr. Janku pointed out tri-vision was not the same as a triangular sign and asked if tri-vision had three different messages. Mr. Teddy replied yes and explained there was an electronic motor that twirled the typically three sided components of the sign. Mr. Janku asked if it could be two or four sided. Mr. Teddy replied it was defined as three or more.

Ms. Hoppe read that tri-vision signs changed every six seconds, but the Planning and Zoning Commission meeting minutes indicated it changed every 20 seconds and asked for clarification. Mr. Teddy replied one of the Commissioners characterized tri-vision as changing at that interval, but he understood they could be programmed to change at any number of intervals. Ms. Hoppe asked if it could be as quickly as six seconds. Mr. Teddy replied he thought it could be every several seconds, so there could be ten changes in a minute. Ms. Hoppe asked if they could restrict how often those were changed within a minute. Mr. Boeckmann explained this ordinance was based on one that Kansas City adopted several months ago and they prohibited them so there was no need to define how often they could change. Since they were now allowing them, they might want to limit how often they changed. He thought there was probably an industry standard.

Ms. Hoppe commented that the Planning and Zoning Commission assumed allowing tri-vision would reduce the number of billboards, but there was nothing in the ordinance to change the distance required between billboards. She thought they should adjust that so allowing tri-vision actually reduced the number of billboards. Mr. Teddy agreed spacing requirements was a means to reduce the total. If they were allowed by ordinance, they would be subject to the minimum spacing requirements for certain types of zoning and land use.

Mr. Janku noted the language in the ordinance stated "...a maximum surface area of a billboard along any interstate shall be 288 square feet..." and asked if that meant the one side could be 288 square feet, so it could have a back side with the same area. Mr. Teddy replied yes and stated it was the exposed face of the sign as seen from one direction.

Mayor Hindman opened the public hearing.

Karl Kruse, 2405 Lynnwood, stated he was representing the Columbia Chapter of Scenic Missouri, which was a statewide organization dedicated to the protection of the visual quality of Missouri's communities and countrysides, and noted he was in support of part of the ordinance and opposed to part of the ordinance. He commented that he was in support of the prohibition on the digital LED billboards, but did not believe allowing tri-vision made any sense. He explained there was a statewide vote in November of 2000, which would have prohibited new billboards among other things. While the measure failed by a thin margin, it did pass in twelve cities and urban areas, including Boone County and Columbia. The vote in Columbia showed 65 percent were in favor of it, so he believed there was clearly a past mandate to restrict billboards in the City of Columbia. In terms of safety, the courts had decided cities, counties, and states could prohibit billboards altogether regardless of whether they were digital or not based on safety because their primary purpose was to distract the attention of people in vehicles to include drivers. He noted the Federal Highway Administration was currently studying the safety issue related to digital billboards, so he did not think they should start permitting them until that study was complete. He commented that he had attended a citizens group meeting in which they had talked about the gateways and entryways into Columbia and the billboard issue came up. The group of 30-40 people agreed



the proliferation of billboards in Columbia inhibited the capacity to enhance the visual appearance of the entryways into the City. He noted there was a Senate bill pending in Jefferson City. He was not sure it would go anywhere this year and thought it would come back next year if it did not. The bill, which he believed was SB809, would permit the upgrading of nonconforming billboards to the digital LED technology. Currently, that was not permitted under MoDOT rules. He pointed out virtually all of the billboards in Columbia on I-70 were nonconforming uses under City ordinance or State statute. He did not believe they wanted to send a message indicating LED or digital technology was appropriate. He stated they were working to kill that bill and thought they had the support to do it. He commented that at some point I-70 would be rebuilt and, according to MoDOT estimates, about 80 percent of the billboards along I-70 would be affected and there would be a cost to the taxpayers to remove them. It did not make sense to increase the value of billboards by making them LED or digital technology. He noted it would really enhance their values tremendously. The profit margin on the LED's was astounding because the billboard industry could sit in their offices and change the message on a computer. They would not have to send a crew out to paint the board or put up a vinyl sheet. For those reasons he thought the ordinance was a great idea. He wondered if they would still permit digital for on-premise signs and thought that should be addressed as well if the ordinance did not currently do that. With respect to tri-vision billboards, he wondered why they would want to increase the value of any billboards, assuming they would allow any of the nonconforming signs to be upgraded to tri-vision, as it would in effect enlarge a nonconforming use. He thought they should delete that section.

Ms. Hoppe understood Mr. Kruse did not want tri-vision, but if Council agreed to them, she asked for his perspective in terms of increasing the distance between billboards, so they would actually decrease the number of billboards. Mr. Kruse replied the spacing requirements in Columbia were pretty strict with a 2,000 foot spacing on I-70 and 4,000 foot spacing on 63. If they were to increase it further, he did not believe it would reduce the number of billboards. He thought it would increase the number of nonconforming billboards and all existing billboards would be grandfathered. He agreed over time, they might see a reduction. If the Council wanted to consider tri-vision, even though there was a safety issue, and if they could find the space to put one up as he did not think there were any spaces left on I-70, he thought they should require the removal of 2 or 3 nonconforming regular billboards in exchange. He did not believe Scenic Missouri would support any tri-vision unless it involved the removal of a number of nonconforming signs as well.

Mayor Hindman thought there had been a tri-vision sign at West Boulevard and I-70 and asked if it was removed due to City ordinance. Mr. Kruse replied he did not believe so. He thought the billboard industry decided to take it down. He noted they were permitted under State law, although most progressive cities in Missouri did prohibit them. Mr. Janku understood to prohibit tri-vision signs, they would have to go back to the original language. Mr. Skala agreed. Mr. Janku thought if they were allowed, existing billboards would probably be changed into tri-vision signs. Mr. Kruse agreed and pointed out most of the billboards in Columbia were nonconforming uses. If they allowed a nonconforming use to be upgraded with new technology, there was no point of having nonconforming uses. He understood the

billboard industry indicated it would put up fewer billboards if they could put up more tri-visions, but believed the billboard industry would put up billboards everywhere they could legally do so.

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

Mr. Skala stated he agreed with Mr. Kruse and noted this was one of the rare times he would make a point to disagree with the Planning and Zoning Commission. The argument of tri-visions reducing the number of billboards was specious as it was not shown by history in this State or City. He thought Missouri had a reputation of having a lot of the visual pollution that billboards created. He commented that there was a good deal of criticism for on-premise signage resembling a forest of billboards on recent decisions made, to include Crosscreek. He believed there was a good deal of resentment for packing the highways with all kinds of distracting signs for all the reasons cited, not the least of which was safety. He felt some of the small indicator signs that listed various restaurants or hotels prior to the exits imparted more information and were less visually obnoxious and more effective because they were understated compared to some of the huge billboards. He commented that he would not get into the point of trying to suggest the lighting should occur from the top down instead of the bottom up in order to reduce the amount of light pollution they had in the City. He suggested they pass this prohibition and include a prohibition on the tri-vision signs as well.

Mr. Janku made the motion to amend B69-08 by inserting “tri-vision” after “digital” in Section 23-16(a)(16) and Section 23-16(b)(18) as it was in the original language and to delete Section 23-16(a)(17) and Section 23-16(b)(19). The motion was seconded by Mr. Skala.

Mr. Janku stated he believed there was a safety issue and if they balanced it by trying to eliminate other billboards, it would dilute their argument of safety being at the core of their concerns.

Mayor Hindman stated he agreed and believed a major argument was the nonconforming use issue. If they allowed the upgrading of nonconforming uses, it would open up some suspicious legal issues.

Ms. Hoppe stated she agreed and noted she usually gave deference to the Planning and Zoning Commission, but believed they missed that point. They assumed it would eliminate the number of billboards. Mr. Wade noted they missed the testimony of Mr. Kruse at that hearing.

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

B69-08, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B79-08 Amending Chapter 9 of the City Code as it relates to fire sprinkler systems in fraternity and sorority buildings.**

The bill was given second reading by the Clerk.

Mr. Watkins explained at the January 7, 2008 meeting, Council accepted a report from the Building Construction Codes Commission (BCCC) recommending, by a vote of 7-3, they

repeal Section 903.2.7.1 of the 2006 International Fire Code, which had previously been adopted by the Council on January 3, 2007. Council asked for a public hearing to be scheduled prior to making any changes and that hearing was advertised and set for tonight.

Mayor Hindman noted they had received a letter asking for a continuance, but since it was an advertised public hearing, they would allow people the opportunity to speak.

Mr. Skala understood there was a suggestion to make a distinction between 13 and 13R and asked if they had to decide on that issue as well. Mayor Hindman thought it was important to understand the Council passed an ordinance requiring a sprinkler system, which was the present law. They were discussing whether to repeal or amend that ordinance. Mr. Skala understood that would fall in line with amending that ordinance. Mayor Hindman agreed.

Mayor Hindman opened the public hearing.

Richard Shanker, 1829 Cliff Drive, stated he was a member of the Boone County Industrial Development Authority, the Plumbing Examiners Board, the Electrical Examiners Board, the Airport Advisory Board and the Building Construction Codes Commission and had no past or present association with any sororities or fraternities in Columbia. He was present to give a brief history of the BCCC's evaluation of this aspect of the overall code. He noted Fred Malicoat, the Chairman of the BCCC, was also present. He explained the BCCC evaluated, considered and recommended the adoption and modification of various codes to the City Council. They reviewed, through public meetings, many codes including the building, plumbing, HVAC, electrical, and fire codes. With regard to review of the fire code and due to the primary work and diligence of Battalion Chief Sapp, they accepted and rejected many aspects of the new code. One aspect of the new code that was rejected involved mandatory sprinklers in new single-family dwellings. One they initially accepted involved the issue of sprinklers in fraternities and sororities. In subsequent meetings, they rejected the proposal based on an abundance of facts the public provided in their public hearings. The testimony they received showed living off-campus was more dangerous than living in Greek Town. In addition, it was shown the Greeks had an on-going organized fire awareness and prevention program. The rule also had inequities between Greek and other housing choices. It forced encumbrances on this group versus others and excluded some fraternal or campus organizations that were like Greek organizations from this rule. He hoped the Council would support the BCCC recommendation and remove this requirement from the ordinance.

Skip Walther, 700 Cherry Street, stated he represented a significant number of the Greek fraternity and sorority house corporations and their houses and noted he submitted a letter asking the Council to postpone a decision on amending this ordinance and for the Mayor to appoint a committee that would create a framework with which members of the public, Greek community, professionals and the Fire Department could discuss the differences they had with respect to this ordinance. He thought Mr. Shanker did a good job in summarizing the problems expressed to the BCCC with respect to this ordinance and he believed those problems needed to be resolved. He stated the Greek community was as interested in the safety of kids as anyone in town. They wholeheartedly supported the International Fire Code, which did not require the retrofitting of existing structures without substantial modifications. He explained that Code had been adopted by consensus and

through a significantly complex series of conferences and committee work, the net result was a Code that virtually everyone in the United States followed. The City of Columbia had chosen to exceed that requirement. The requirement passed in January, 2007 added a layer of safety to what the International Fire Code would otherwise provide. He agreed it was difficult to argue with anything that increased safety, however, there were a number of problems as pointed out by Mr. Shanker and others that had not been discussed. He believed with sufficient time, where they could sit down and talk about this in a collaborative manner versus in an adversarial capacity as they had been for the last year, they could solve the various problems that existed. He asked the Council to postpone further consideration and to give the members of the public, Fire Department, and Greek community the opportunity to arrive at a consensus opinion on how to proceed.

Mr. Janku understood the proposed ordinance was a significant shift from what was passed and what the Fire Department was recommending, as they wanted the discretion to evaluate each building. This ordinance would allow for 13R as the standard. He asked where he thought they would end up after having community discussion. Mr. Walther replied without being able to sit down and discuss the many issues other than 13R, he could not answer that question. He pointed out the ordinance in front of them did not do what the Mayor made a motion for it to do in January, 2008. He noted the bottom of the first page of the ordinance included a standard that compelled the use of 13 systems, not 13R systems, where there was substantial modification. He believed that was in contradiction to what the Mayor said and was a problem in communication that needed to be solved. He would not encourage the Council to adopt this ordinance because it did not achieve the change that the Mayor's motion sought.

Mr. Janku asked what the National Fire Code talked about in terms of modification. Mr. Walther replied he believed it was a 50 percent medication. Mr. Janku asked how that was triggered. Mr. Walther replied he understood that once there was a 50 percent or more modification in a structure, the owner would have to install a sprinkler system. Failing a substantial modification of 50 percent or more, there was no requirement in the International Fire Code to retrofit R-2 use groups with sprinkler systems.

Janet Wheeler, 4105 Meadow View Drive, stated she was the Vice President of the Kappa Alpha Theta Facility Corporation Board and echoed the sentiments of Mr. Walther. She commented that they had been intimately involved in all of the conversations with Greek Life. She noted a sprinkler system had been installed in their chapter house at 603 Kentucky Boulevard between 1999 and 2002 and that system had been represented as being compliant under the current ordinance as it existed according to Battalion Chief Sapp. They wanted to speak because they felt the issues before the Council were very important and because they could have future implication for their chapter facility. She stated the Kappa Alpha Theta and Alpha Mu Chapter fully supported all reasonable measures which had the potential to increase the safety and security of their members. If the Council did not proceed as recommended by Mr. Walther, they would suggest, with regard to the proposed revisions to the current ordinance, a clarification regarding type 13R, the life saving type sprinkler system, as it added a level of certainty to the ordinance that did not exist before with the language of automatic fire sprinkler system. She commented that another proposed revision

added a requirement that would impose an obligation on fraternities and sororities that undertook large renovations projects the charge of investing in a property saving style sprinkler system, the 13 system. It appeared to be a property loss mitigation measure rather than a life saving measure and deviated from the focus this Council originally had, which was narrower and on life preservation. She stated they took no view in support or opposition of the clarification regarding 13, but suggested the Council weigh the imposition of a 13 system on a fraternity or sorority house in relation to the current lack of any similar fire protection ordinances aimed at other similarly situated Columbia residents, namely those that resided in multi-family housing. She noted many of their members resided in multi-family housing off-campus and hoped they took that into consideration.

Ms. Hoppe understood they installed their sprinkler system in 1993. Ms. Wheeler stated she had been on the Board for five years and had gone through minutes, meetings and notes to ascertain when the system was installed. She had facsimile transmissions from 1999 regarding bids for the system and references from their accountant regarding payment of some of those bills as recently as 2002. She joined the Board in 2003 and the sprinkler was in place and new at that point. Ms. Hoppe asked if it was a 13 or 13R system. Ms. Wheeler replied she was unable to represent which system was installed in the facility, but Battalion Chief Sapp had made an affirmative representation to their President, Nancy Lear, that their installation was compliant with the current ordinance. Mayor Hindman asked if their sprinkler system was installed in connection with a remodeling or if it was a separate project. Ms. Wheeler replied their system was installed as part of an initiative initiated by their national organization to seek increased fire safety within their houses. In addition, there was a larger renovation project that was undertaken at the same time, which included a large development campaign to raise money to pay for the project. She was not sure if it was done in relation to a full gut or if it was just the installation.

Donna Passantino Henson, Kansas City, Missouri, stated the Council had heard from the Greeks regarding the hardship that might be created by installing sprinklers and asked that she be allowed to share the hardship of losing a child. In the early morning hours of May 8, 1999, she received a call saying her son, Dominic Passantino, had been killed in a fraternity fire at the Sigma Chi house at the University of Missouri. At that moment, her life and the lives of those who knew and loved Dominic were forever changed. They struggled with why his life was cut so tragically short. When the fire broke out in Dominic's room, there were no working fire extinguishers, no batteries in the smoke detector, no sprinkler system and no safety devices in place to save her son's life. In order to spare other parents the same anguish she had endured, she was asking Council to not repeal their support of the adoption of the 2006 Fire Code. Since January 2000, there had been 129 deaths in college living quarters and countless others had been injured or lost their housing and personal belongings. She noted 17 had died in campus related fires this academic year with three of those deaths occurring this past Sunday at the University of Wisconsin. Smoke alarms and fire alarm systems provided the invaluable early warning that was needed to alert the occupants of a fire, however, they required human action after being activated. If the occupants were not capable of reacting to the alarm, the best fire alarm systems would not help them. Unfortunately, impaired judgment from alcohol consumption, a cigarette

carelessly disposed of in a trash can, candles left unattended, etc. were some of the reasons it was necessary to provide students with layers of fire protection. An automatic fire sprinkler system, in addition to a fire alarm system, would provide the early suppression or control needed to save lives. Early suppression by a sprinkler system, often within seconds or minutes, would stop the spread of the fire beyond the room of origin and would stop smoke production. A vast majority of fire deaths were from smoke inhalation, which meant anything that stopped smoke would save lives. She stated sprinklers were recognized as the single most effective method for limiting the spread of fires in the early stages, preventing death and injury and reducing property damage. The absence of such systems resulted in tragic consequences. No college student had lost their life where there had been a working sprinkler system. She believed the candle in her son's room that ignited the bedding would have triggered a sprinkler head causing her son to be alive today. She agreed there was a cost involved with installing sprinklers, but asked them to compare the cost of a sprinkler system to the cost of a child's life. The number one cost was the loss of a life. They knew they had a fire problem and the solution was fire sprinklers. She noted college students were extremely resourceful and intelligent, especially when they combined their efforts to achieve a goal or finish a task. They performed fundraisers, income generating parties, food drives, etc. If alumni and current members worked together, their goal could be accomplished. She stated her son would have been 28 this Saturday and asked that they not allow her son to have died in vain. She commented that in less than a minute lives could be changed and lost in the wake of a fire and believed they needed to protect what they valued most, which was their children.

Tom O'Neal, 5308 Whitekirk Drive, stated he served as the Executive Director of Advancement for the University of Missouri's College of Business and was the head fundraiser. He noted he also served as the Alumni Advisor to the Kappa Alpha order, which was one of the largest fraternity's on campus with over 80 kids living in a house and annex. Another 30 lived in student housing elsewhere. He did not believe this was a simple issue. He did not think it could be decided with just a vote. He thought it needed a lot of work between the Fire Department, Greek Life and others with housing. He agreed with Mr. Walther's suggestion of getting a working organization together to work this out in a reasonable manner due to the many complexities. He stated it was hard to argue against fire sprinklers, especially when a Sigma Chi member died a few years ago in a unit that was no longer allowed in any of the houses. He noted the question involved the cost-effectiveness. Fraternities were basically large residential units. He pointed out their annex had R13 sprinklers and they were looking into installing it at the house. He commented that students were living 2-4 to an area with a window and fire alarm in each room. He asked how many had a sprinkler system in their homes and noted many did not because it was not cost-effective. With regard to the fraternity he was involved with, they did not allow candles or smoking and every room had a fire alarm that was checked twice a year. In addition, they had fire drills. He agreed there was a lot of student housing on campus, but most of the fires had been outside of student housing. He pointed out no sorority girl had ever died in a fire in the United States. He felt the issue involved what the right cost-effectiveness was and believed the R13 was the best alternative. From a financial standpoint, fraternity and

sororities were non-profit organizations, so there was no depreciation. It was a lot of money that had to be raised and it was not tax deductible. He stated the time frame of 2011 or 2012 was unrealistic in terms of raising the money to pay for the work.

Ed Lampitt stated he was the President of the House Corporation for Alpha Omega Fraternity and believed it was important to show the solidarity of the entire Greek system with regard to the problem of retrofitting houses with 13 and 13R systems. He had great sympathy for the lady that lost her son, but understood he would not have been saved even if there had been a sprinkler. In addition, none of the fire regulations were being complied with at the time of the accident since the batteries of the fire alarm system was dead. If they had enforced the rules they had, they could keep the students extremely safe. If they imposed this additional responsibility on the fraternities and sororities, many would go out of business. He felt this was discriminatory because they were being singled out. This was not required in the multi-family dwellings on campus. He noted they built their home in 2001 and had sprinklers, but there was some debate as to whether they would qualify as a 13 or 13R because the Fire Code was not clear enough for them to discern which it was.

Chris Gaut provided a handout and stated he was a representative of the National Fire Sprinkler Association (NFSA). He understood this Council was deciding on whether to keep, amend or repeal an ordinance that was adopted in 2007 by a Council that felt requiring fire sprinklers in the Greek housing community was the right thing to do and wondered what had changed their mindset causing them to take a step backwards from 2007. Whether they sided with the advocates or opponents while making a decision, he asked that they reflect on the possible future outcomes. He wondered if they were willing to take the risk that there would never be another fire or death in Greek housing within Columbia, Missouri. If there was another fire death, he questioned what their responsibilities might be. He wondered if they would be personally liable due to repealing a life saving ordinance that would have prevented the life loss. He noted the Greek community would not take the responsibility of standing by them then. He believed they would point the finger and state the City did not require them to have sprinklers. He wondered how they would explain repealing a public and life safety ordinance was the responsible thing to do. He felt the Council made the right decision in 2007 by requiring fire sprinklers systems and asked that they not make a mistake by repealing this ordinance. If the Council felt the ordinance was not well written, he was offering the assistance of the NFSA to ensure that a well written amended ordinance regarding the installation of fire sprinkler systems was acceptable by all parties involved. The NFSA, along with other advocate organizations around the United States, had worked hand in hand with Greek letter housing and council members who understood the concept of fire safety and the importance of protecting students with fire sprinklers. Not only did the Greek communities and council members value the importance of fire sprinkler systems, insurance companies also embraced the concept by giving tremendous insurance premium discounts of up to 50 percent in some cases. He asked the Council to stay on course.

Edward Young, St. Louis County, stated he was speaking on behalf of his student son and the sons and daughters of his friends that could not attend the meeting. He thanked the Fire Department for attempting to do the job they had been hired to do and noted they were the experts in the field, not the attorneys or the representative from the University of Missouri.

He was hoping there would be someone from the University that would speak in favor of fire sprinklers in all buildings. He did not believe money was an excuse to not have the buildings sprinkled. If the fraternity's and sorority's felt it was too expensive, he believed the University should shut them down. They would then find the money to sprinkle the buildings. He felt this was nothing less than choosing life over and death. He hoped the Council would make the right decision.

Mayor Hindman pointed out the speaker did not say he was representing the University, so there was no position by the University. Mr. Young understood he just worked for the University. Mayor Hindman stated that was correct. Mr. Young noted that was his mistake.

Dennis Deckert, Springfield, Missouri, stated he was a business agent for fire sprinklers and road sprinkler fitters, 669, which had about 12,000 members and pointed out fire did not discriminate. After talking to some contractors, he understood they could retrofit for \$2-\$3 per square foot and the 13R and 13D would be determined by the engineer. He asked the Council to not repeal the fire sprinkler ordinance.

Mayor Hindman asked for a further staff report as recommended by Mr. Watkins. Battalion Chief Sapp stated the Columbia Fire Department (CFD) felt when they first proposed the issue of fire sprinklers in Greek fraternities and sororities that they were doing so on more of a consensus basis than what was thought tonight. This originally came to light about two weeks before Dominic Passantino's death in 1999 when they had their first meeting with the Office of Greek Life regarding fire safety education and things that could be worked on with the University's Greek Life system. Unfortunately, during the 2003 code process, this issue came up, but it was a short lived because the 2003 family of codes were not in committee long before it was decided to wait for the 2006 family of codes to come out. At that point, it was put on hold and discussions were not held on a community basis. When they began talking about the 2006 code in 2006, they worked hard to include all interested parties and held a number of advertised open meetings. He noted they had a unique opportunity in Columbia with the University of Missouri because they had a liaison since 2000. This person was a member of the CFD, but was contracted out to the University Department of Environmental Health and Safety for 20 hours a week to deal with issues on the University campus. When working for the CFD for 20 hours week, this person was assigned as the liaison between the Greek community at the University as well as Columbia College and Stephens College. As a result, they felt the lines of communication were more open than some believed. He noted that according to the liaison, they had meetings with house chapter presidents and some alumni advisors when they began the subcommittee meetings in 2006 and were surprised they did not attend more of the public meetings as the amendment was further discussed. He explained the NFPA 13 system was one that encompassed the whole house. It was a life safety feature, but had some additional property preservation efforts in that the attics, concealed spaces, bathrooms, closets would be sprinkled. A 13R system was applicable to buildings up to four stories in height and was primarily in residential or living areas and means of egress, such as corridors and stairwells. It did not protect the entire building. The CFD felt a design professional should be the one that makes the determination as to which system would be installed. They supported a 13



system because it provided added benefits, such as protection to the attic and concealed areas where fires occurred due to mechanical and electrical systems and lightening. He commented that they understood there were cost issues involved when they first approached the Council with the amendment in 2007 and were told by sprinkler contractors that a \$2-\$3 per square foot cost for retrofitting was what could be expected. Included in the Council packet were several estimates that came in at about that price. In addition, some of the larger insurers for fraternity and sorority houses were offering a substantial discount providing a return on their investment costs. They understood there might be minor additional costs for covering exposed piping, which could be done during the installation process or later. Also, included in the Council packet were a number of ordinances from other communities that had successfully implemented and completed a retrofit of fraternities and sororities in their community. He noted one speaker indicated many of these organizations might cease to exist. In talking with the communities that had implemented these retrofits, less than one fraternity on average per university campus was forced to close and they were having financial or other difficulties prior to retrofitting their house with a system. He stated the report included in the packet was accurate and they intended no disrespect to the Mayor in not providing what he wanted. They felt the inclusion of the 13R system in houses where over fifty percent of renovation took place was not in addition to the code, but what the code would state. If a renovation of a fraternity or sorority house was done today, they would have to not only meet current fire codes, but all other building, plumbing, electrical and mechanical codes, which was why the second paragraph was included in the ordinance.

Mayor Hindman agreed there was an equity issue with regard to student housing in general. Many old houses had been converted to student residences and he assumed they might be risky places to live. He understood this ordinance covered more than Greek housing because it involved any University recognized living facility with more than 16 people. He asked if any of the other communities that had implemented a program with respect to Greek housing had taken on the equity question. Mr. Sapp replied he understood a couple had moved out into other areas and explained the “16” was taken from some of those ordinances. He noted as an example the retrofit of the sprinkle would apply to an existing apartment building with more than 16 occupants. With regard to looking at single-family or smaller apartments, he was unaware of any other community taking it lower than the “16” aggregate.

Mr. Wade asked if they had put together a working group to work with house corporation representatives during the process of defining the ordinance. Mr. Sapp replied all of the meeting took place through the Building Construction Codes Commission on a subcommittee level. Mr. Wade understood a stakeholders group was not put together. He asked how the meetings were announced. Mr. Sapp replied through the standard means. He understood all public meetings were announced through the City Clerk’s Office. He stated he was not familiar with all of those methods, but they were announced as required by the Sunshine Law. He pointed out their liaison spoke in front of groups, such as house and chapter presidents and directly with the Office of Greek Life letting them know this process was taking place and the meetings were open to the public. Mr. Wade asked if he knew

house presidents and house directors had no policy say on housing corporations. Mr. Sapp replied yes.

Mr. Walther stated he believed one of the most important things they did as a City was to build consensus. Every time there was a rezoning issue, the Council expected the applicant seeking the rezoning to communicate with the people who were affected by that decision and at least make a substantial effort to discuss and resolve issues. That did not happen in this case. The report from the BCCC made it clear that one of the reasons they were suggesting repealing the ordinance was due to the process, as they were advised that the Greek community was supportive of this ordinance when in fact the Greek community was not and had not participated in the process. He referred to BCCC minutes dated March, 2005 where the Fire Department proposed a retrofit for sprinklers and noted it was more than 16 months later before the first communication was given to anyone from Greek Life. In addition, it was given to the Executive Director of Greek Life and not to any of the housing corporation presidents. He felt it was an after thought for anyone affiliated with the Greek organizations to be consulted. He stated they now had an ordinance where the stakeholders did not participate and he felt that compromised the integrity of the ordinance. He believed the solution was to get the groups together to discuss these issues versus debating it before the Council in an adversarial manner.

Kyle Clower, 101 Sondra Avenue, understood the language indicated each fraternity and sorority house and fraternity and sorority annex with 16 or more occupants existing on April 7, 2008 shall install an automatic fire sprinkler system. He did not see apartments included and asked for clarification. Mayor Hindman replied the ordinance did not cover non-University approved apartments.

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

Mr. Wade stated he was struck by the November 26, 2007 BCCC report as it was an exceptionally unusual action for them to reverse a decision and noted he was especially surprised by the comment reading "...still others objected to the passage of the ordinance...because of the lack of notice given to the affected organizations by the fire department in contrast with what was represented to this Commission...." As he analyzed that report, he came to several disturbing conclusions. First, the whole thing had been focused on sprinkler systems. He noted he was generally supportive of sprinkler systems, but thought this was an opportunity for them to take a hard look at their policy on fire safety for a whole range of student housing. Everything focused on a sprinkler and the kind of sprinkler system, so they were missing an opportunity. As a process for development of policy, this process was an example of how not to do it, which usually meant they would end up with a poor or inadequate policy. He believed this was too important of a policy to not develop the best possible ordinances. He thought it would be better to step back and start over, so they could move further ahead with higher quality ordinances that provide more value to housing. He felt they should do it right rather than try to fix what they had. He stated he was not in disagreement with the process Mr. Walther laid out, but thought there might be a better process. He reviewed the International Code Council website and from that found the International Code Council Governmental Consensus Process, which was based on a set of principles. He applied those principles to this process and none of those principles had

been followed. Those principles included openness, inclusiveness, transparency, and working together versus creating a few announcements of public meetings and saying it was done since people did not show up. He thought they needed to aggressively go out and bring the stakeholders together. He did not believe those principles could be applied retroactively because that process had already happened, but thought they could be the guide for the process if they began from the beginning. He suggested they repeal the existing ordinance, instruct the BCCC to address the issues of its November 26, 2007 report, which would include the creation of the working stakeholders group and four or so members of the BCCC. He thought the basic premise to start from was the need for the best possible ordinance that provided for fire safety of a broad category of multi-unit residential facilities. He suggested the entire system be addressed. He noted they were moving into the 2009 International Code Council revisions and thought this was an excellent opportunity for them to do this within that context with this specific focus. He reiterated he believed they needed to address other categories of housing, such as all off-campus University sanctioned housing and other categories of housing. The BCCC report defined the issues and the challenges and the International Code Commission Governmental Consensus process provided the guide on how it should be done. In order to do it correctly, he believed they needed to repeal the existing ordinance and start over.

Mr. Janku stated he was not aware of the suggestion for a task force and a continuance, so he was prepared to support the amendment to change to the 13R standard after reviewing the material received as the bids showed the costs were moderate or reasonable because they excluded the work in the attic that was part of the 13 standard. He understood the cost might have been previously understated. Even if they decided to proceed with the idea of a task force or consensus group, he was in strong opposition to repealing the ordinance. He noted the ordinance did not require anything immediately. It only set a time standard. He thought it would send the wrong message for them to take something out of the equation that was in effect. He pointed out the University was in the process of updating all of their dormitories to include sprinklers. He thought it was being done in the same time frame as was proposed for this ordinance. He understood Columbia College had also been doing significant work. He believed it was becoming a national standard and referred to the documents received from insurance companies, which talked about the number of national groups that were adopting standards. He thought the long term trend was toward this and that they would regret it greatly if they stepped back to where there was no standard in place. He commented that he loved having consensus, but there were times when there was not consensus. He stated he hoped the Fire Department would be considered a stakeholder and would be surprised if they agreed to anything that did not include sprinklers of some sort. If the fraternity and sororities did not come to the same conclusion, they would not have consensus and would still need to make a tough decision. He noted insurance companies provided significant discounts in the coverage to fraternities and sororities that put sprinklers in place. By electing not to put sprinklers in place, they were paying the insurance company an on-going cost that could be going toward the sprinklers. In one case, he understood the insurance agency was not only willing to reduce the cost of property coverage, but also liability coverage. He reiterated that if they decided to move

forward with the stakeholder process, they should not repeal the existing ordinance and they should have a firm idea of when they wanted a report to be brought back. He did not believe the group would be able to come to a 100 percent agreement. He noted one of the challenges in dealing with fraternity and sorority houses was turnover, not only with student leadership, but also within their boards. He commented that summer break was coming up as well and asked if that meant they could not continue the stakeholder process during that time. He wondered how the process would play out. He suggested they continue the ordinance to a date certain in order to give the stakeholders the opportunity to talk and bring back a resolution. With regard to off-campus deaths, he recalled an off-campus death in the early 90's in the East Campus area due to a heating flue which did not function appropriately. After that, they adopted standards for inspecting and licensing HVAC systems. He noted he did not want to go through that process after the fact again.

Mr. Wade stated he thought long and hard about Mr. Janku's proposal versus repealing the existing ordinance and the reason he was leaning toward repealing the ordinance was because he felt everyone needed to have a clear understanding that they would need to create what they would have. If they left the existing ordinance on the books or with the change to R13, part of the responsibility would be met and he did not believe there would be commitment to provide full attention to the regulations. He commented that they did not have to reach a consensus, but thought it should be something they could live. If they did not come to an agreement everyone would know, the Council would make the decision and they would have to live with the end result. He reiterated he felt it was a question of commitment with regard to what had to be accomplished and noted he did not disagree with a lot of what Mr. Janku stated.

Mr. Skala stated he was always in favor of making sure the process was done right in the first place, but felt repealing the ordinance suggested the same lack of process as not allowing a group to meet and consider what the process should have been. He believed they were saying something if they took action on this particular issue before putting the stakeholders group in a position to craft a better product. He agreed it was important to have a date certain because more was usually done with deadlines. He thought they could work over the problems with summer vacations, etc. He agreed there was merit in Mr. Walther's suggestion of bringing all of the people involved together. He noted he also thought a compromise might be the appropriate way to go due to the circumstances, but given the explanations and the merit the stakeholder process would provide with regard to this issue, he believed that was the way to proceed.

Ms. Nauser stated a comment was made indicating fire did not discriminate, but pointed out they were picking out fraternity and sorority houses, so they were saying only students that lived in fraternity and sorority houses were worth a fire sprinkler ordinance. She asked about the kids that lived in off-campus housing. Information on news made it seem as though more people living off-campus were involved in injury or death from fire as opposed to people living on-campus. As a result, she agreed with Mr. Wade's comment to stop because they did not have a good policy. She was in favor of a sprinkler ordinance, but felt it needed to be more encompassing and that they should look at off-campus housing. She suggested they give a date certain of one year to get a consensus and bring more people into the

consensus building committee. She did not think one year would make a big difference in the big picture. She stated she concurred with Mr. Wade in repealing the ordinance, at least temporarily. If there was no consensus, the Council could come back and implement what they currently had. She noted she was not in favor of the overarching discretion of a design consultant to decide whether it would be a R13 or 13 sprinkler systems. If they were going to require people to retrofit with the objective of saving lives, she understood that standard would be met with a residential 13 fire suppression system as opposed to the more commercial property saving system.

Ms. Hoppe stated she believed it was important for the stakeholders to have input in this process and it was clear that did not happen due to a variety of reasons. She noted she tried to encourage communication after the ordinance had passed to look into the issue. She commented that one of her concerns regarding repealing the ordinance was a national headline reading “Columbia City Council Repeals Fire Sprinklers” and the reason for doing so would not be made clear. In addition, providing time for the stakeholders to talk while keeping the ordinance in place gave both sides the motivation to negotiate and discuss the issue seriously. She noted she liked the limited time frame and the idea of expanding it to other housing.

Mayor Hindman stated he proposed this amendment because, at the time, he thought it was a reasonable solution to the problem. He bought into the idea that the sprinkler system was good, but life saving was the goal with property being an extra. It was between the insurance company and the owner as to the economic decisions made. He understood the argument of expanding the issue to off-campus housing, but believed it was reasonable to think University recognized student housing as a class, which included more than the Greek system. These were organizations with national representatives and backing, so they were a distinct class that could be dealt with in a good way. Dealing with private owners of off-campus housing, which he agreed needed to be looked into, involved a different class of ownership. He thought the recommendation made by Mr. Walther was a sound one. If they wanted to tweak what the committee would look like, he was okay with that. He noted Mr. Walther represented the Greek group, which was not the same as the University recognized group but was a big part of it. He understood Mr. Walther and his clients were willing to negotiate, which was what Council wanted. He pointed out he was involved in the decision made by the prior Council. There was a tremendous amount of testimony and it was a difficult decision to make, but it was a well thought out decision based on more evidence than provided tonight. He understood there was now new evidence and the willingness of this group to try and work things out. He noted they might not come to a consensus, but thought they would refine and reduce the number of issues, so they were faced with a better decision making situation. Although he sponsored the proposal for the amendment, he would recommend they not repeal the ordinance, but continue the process by accepting and tweaking Mr. Walther’s recommendation, setting a deadline and moving forward.

Mr. Janku thought there was a consensus for a date certain and asked if they could discuss what that might be. He noted they did not want to have a public hearing when the students might not be in town. He anticipated that when they received the report, the Council would ask for a new ordinance to be drafted. He thought if they could get the report before

December, they could introduce a draft ordinance during the beginning of the next calendar year when the students were back. Mr. Wade stated he did not believe the students' schedule should affect this. Mr. Janku noted during the first public hearing, a lot of students were present. Mr. Wade commented that that they were talking about two different things when discussing public hearings and the stakeholder work group. The stakeholder group would do the work resulting in a report. Mr. Janku agreed and stated that if they received the report in November, they could move the process forward by having an ordinance introduced and scheduled for a public hearing after the students were back. Mr. Skala agreed and noted the evaluation of the report and all of the formal public hearings needed to be held at a time when everyone could participate, but the bulk of the work in terms of the stakeholders group could continue through the summer.

Mr. Wade commented that he was not yet ready to give up on dealing with the broad range of groups. Mr. Skala did not believe they had to. Mr. Wade noted the proposal involved the Greek system and he thought they needed to use this opportunity to address others. He reiterated he was strongly influenced and impressed with the report from the BCCC and they recommended repealing the ordinance and starting over. He felt they would be remiss by not trying to address the broader range of fire safety in housing with this issue being on the table and having public awareness. Mr. Skala agreed that was a laudable goal, but did not understand how they would get a handle on who was representing this broader range. He wondered how they would be represented in the stakeholders group. Mr. Wade suggested they give that responsibility to the BCCC as part of their task. Mr. Janku thought the idea was for the Mayor to appoint a stakeholders group versus turning it over to the BCCC. He noted part of the problem was the issue of the fire flow not being there to support this type of thing. He was afraid if they waited to do a perfect plan, they would lose the opportunity to make some improvements. He suggested they move forward on an incremental basis to get something resolved, learn from that process, and then move forward.

Mayor Hindman explained they had an ordinance in place and one suggestion that it be repealed and asked how they would do that. Mr. Boeckmann replied they need to amend the bill before them tonight. Mayor Hindman understood another option was to table this until January. Mr. Janku thought they would want to receive a report in November. Mayor Hindman recommended this bill be tabled to January, but that they ask for the report to be provided by the end of November. Mr. Skala thought that was reasonable.

Ms. Nauser understood if this was tabled, the current ordinance would remain in effect and there would be a presumption that these organizations would still have to meet these higher standards. She asked how the moratorium would address the timeline for the improvements to be completed. She understood it was now due by December, 2012, and they would have to continue to meet the current ordinance without any guarantee that once a decision was made in January, 2009, they would be allowed additional time. Mayor Hindman agreed they would be in limbo, but thought since the Council was responsible for the delay, it would be reasonable to provide an extension. Mr. Skala agreed the expectation, when they acted on it later, would be to restore the amount of time this took. Ms. Hoppe stated she expected the group to make that recommendation.

Ms. Hoppe suggested two stakeholder groups. One could include the fraternities and sororities so they could proceed with discussions with the Fire Department. The other stakeholders group could begin the process of looking at other housing. Mr. Wade commented that if his proposal was not approved, he intended to request they ask the BCCC to propose a way of addressing other categories during Council comments.

Mr. Wade stated if they were going to table this issue, he thought they needed to be explicit with regard to their expectation. He agreed with Ms. Nauser in that he was not sure about placing faith in the time frame being different or being taken care of a year from now.

Mr. Janku noted the current ordinance was unusual in that it prescribed a time line indicating 2007 would be used to plan the installation, and the years of 2007 and 2008 would be used to acquire and appropriate funds. Some of it was advisory versus mandatory because it would be difficult to enforce. The primary issue was that it needed to be done by a certain date. He thought they could delete the language indicating what they were supposed to be doing in 2007 and 2008. Mayor Hindman wondered if they could extend all of dates by one or two years.

Mr. Janku asked if they would have to hold this bill over to the next meeting if they made a significant change or if that was only applicable to zoning issues. He wondered if they could repeal it. Mr. Boeckmann replied an argument could be made that it was a significant change if they repealed it. Mr. Boeckmann suggested they table it to the first meeting in January.

Mr. Wade stated they needed to ensure it was clear that it was all University sanctioned housing and not just Greek housing if they went with Mr. Walther's suggestion.

Mr. Wade made the motion to amend B79-08 to remove all of the language associated with Item 903.2.7.1, so there was no sprinkler ordinance. The motion was seconded by Ms. Nauser and defeated by voice vote with only Mr. Wade and Ms. Nauser voting in favor of it.

Mr. Janku made the motion to table B79-08 to the January 20, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku made a motion authorizing Mayor Hindman to appoint a stakeholders group to work to produce a report by the November 3, 2008 Council meeting to address the issues discussed tonight with respect to fire safety for all University sanctioned housing. The motion was seconded by Mr. Skala.

Mayor Hindman stated he would be heavily guided by Mr. Walther's recommendation and might add another person to ensure someone not in the Greek system was included. Mr. Wade strongly suggested it also include representatives of the BCCC. Mayor Hindman thought they were included in the recommendation.

The motion made by Mr. Janku and seconded by Mr. Skala to authorize Mayor Hindman to appoint a stakeholders group to work to produce a report by the November 3, 2008 Council meeting to address the issues discussed tonight with respect to fire safety for all University sanctioned housing was approved unanimously by voice vote.

**(B) Construction of the Clear Creek Pump Station and Force Main Improvement Project.**

Item B was read by the Clerk.

Mr. Watkins explained this was originally brought forward at the March 17, 2008 Council meeting, but because appropriate notice was not provided to some stakeholders, they recommended it be postponed until tonight. This was a construction project that was included in the 2003 sewer ballot issue. He stated the resolution estimate for the sanitary sewer was \$4 million and financing for the project had been approved by the Missouri Department of Natural Resources State Revolving Loan Fund, which would significantly lower the interest rate.

Mr. Glascock stated this force main would be taken on to the Grindstone Watershed because it had a larger capacity. It currently dumped into Mill Creek, which had a limited capacity. It would not have any tie-ins and would strictly be a pump station with a force main. He noted the current 1.5 million gallon pump was being replaced by a 5 million gallon per day pump to handle the entire Clear Creek Watershed and the development in Gans, which included Discovery Ridge and the Bristol Lake tract.

Ms. Hoppe understood the pump was designed to accommodate full watershed development and noted they had been talking about a growth management plan, so she was concerned about putting money into something where they did not have a plan for development. She asked what full watershed development meant or what they anticipated. Mr. Glascock replied they tried to project the number of houses the watershed would support and this pump would be over capacity when Bristol Lake was put in. Ms. Hoppe understood there was a need because Mill Creek was too small, but was concerned with spending money unnecessarily, if, with growth management planning, they decided there should be less development in this particular watershed. Mr. Glascock stated if they determined the Clear Creek Watershed would have limited development, the pump station could support the development in Gans. He noted Gans was not being developed right now and this did not take anything in Gans into account, but could provide the capacity for both watersheds if they did that.

Mayor Hindman opened the public hearing.

Keith Goyne, 705 Norman Drive, stated he lived in one of the subdivisions that would be impacted by the main and asked about the width of the area that would need to be cleared to install this main. He noted there were five ephemeral stream crossings that would occur during this installation and he was concerned about the one at the end of Norman because of a rock bluff that prevented the main from extending farther away from the stream. It would be confined closely between the stream and the rock bluffs and would potentially impact the riparian zone around the ephemeral stream, which prevented subsequent erosion from occurring in the area. In addition, it was not clear how the sewer line would cross the ephemeral streams. He pointed out there was the potential for flooding at the end of Norman. Also, if the main went over the top of the ephemeral stream, there was a potential for debris to catch on the main and cause additional flooding within the development. He noted there were a lot of concerns about erosion from slopes funneling into the ephemeral channel in this area. He believed there was a potential for wetlands to exist in the floodplain where the pipe would go through and asked if a wetland assessment had been done, if any hydrosols had been identified and what the plans were to avoid or prevent additional damage



to the ecosystem. He felt these concerns needed to be investigated and addressed before the project moved forward.

Mr. Glascock explained this public hearing was to determine the project. They had not identified any impact to properties or streams yet. They did not even have an exact design of the project. He noted it was a force main, so he anticipated it would be underground. They had discussed the option of boring for sensitive places and when going through the Seven Oaks area to the east. They were aware of the sensitivity of this area and would minimize impacts as best they could. He stated it would come back to the Council when they needed to obtain easements.

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

Ms. Hoppe asked if they would be dealing with different state and federal agencies in terms stream crossings and the ecosystem. Mr. Glascock replied yes. He explained that anytime they dealt with a stream, the Corps and DNR were likely to be involved. While it was a strip construction, all of it still needed to be submitted to them. He noted DNR was funding the project.

Ms. Crayton made a motion to proceed with the final plans and specifications for this project. The motion was seconded by Mr. Janku.

Mr. Janku asked if there would be another public hearing or opportunity for public comment before the project was started. Mr. Glascock replied he was not sure about a public hearing, but an ordinance to acquire easements would be brought to Council and it would probably be under Old Business. Mayor Hindman understood there would be an opportunity for public comment. Mr. Glascock stated that was correct.

Ms. Hoppe stated she appreciated the speaker who addressed the environmental concerns and noted she would be looking at that to ensure it was done right.

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

**(C) Voluntary annexation of I-70 right-of-way and property on the north side of I-70, east of the present city limits.**

Item C was read by the Clerk.

Mr. Watkins stated this was the voluntary annexation of about 35 acres of I-70 and 68 acres owned by ABC Labs. The eastern most portion of the ABC Labs property was developed with research associated buildings. The western part of the property was undeveloped. The purpose of the hearing was to take public testimony on the question of whether it should be annexed. The Council would consider zoning as well as annexation at its next meeting.

Mayor Hindman opened the public hearing.

Craig Van Matre, 1103 E. Broadway, stated he represented ABC Labs and was available to answer questions. He noted the request for annexation was contingent upon the zoning request being granted simultaneously.

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

**OLD BUSINESS**

**B72-08 Authorizing a cooperative agreement with Boone County relating to 2008 revenue sharing funds for the Clark Lane improvement project; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize a cooperative agreement between the City of Columbia and Boone County for county road revenue sharing funds in the amount of \$300,000 to be used exclusively for Clark Lane improvements from Route PP to St. Charles Road. This was a project they hoped to be able to bid this year. The estimated cost for the entire project was \$3.25 million, so the County would be contributing about nine percent of the project.

B72-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B77-08 Authorizing an agreement with Ed and Carmel Skrabal relating to construction of a pedestrian trail connection to Longview Park; accepting permanent and short-term recreational trail easements.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this agreement would authorize an exchange of property between the City and the Skrabal's. It would also facilitate the construction of a pedestrian trail connection to Longview Park, which was scheduled to be dedicated this summer. They had proposed the exchange of property on March 5, 2007 when the public hearing was held.

Mr. Hood stated he appreciated Mr. and Mrs. Skrabal for working with them to resolve this situation as neither party was satisfied with it as it existed. He believed they had worked out an agreement both sides were comfortable with.

B77-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B80-08 Authorizing an amendment to lease and agreement for hangar ground site at Columbia Regional Airport with Jeffrey E. Smith and Robert M. LeMone.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would extend the ground lease at the airport for an existing hangar. He explained the FAA required the City to own all of the grounds, so the City leased it. As a result, every so many years, they had to extend hangar leases. This one would extend the ground lease to August 31, 2052. It was about five years longer than usual, but still reasonable. He noted there was a cost of living escalator in the lease, so it went up every so many years.

Ms. Hoppe asked how the City used it or if the City just leased it out. Mr. Watkins replied the City did not own the hangar. The City owned the ground, so they provided a ground lease to all developers. He reiterated the City owned all of the ground at the Airport.

Mr. Skala asked if there were any circumstances aside from cost of living increases causing a need for the lease to be adjusted. Mr. Watkins replied not unless an improvement was made.

B80-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B70-08**     Approving the Final Plat of Oakland Ridge, Plat No. 2 located on the southeast corner of Oakland Gravel Road and Oakland Ridge Drive.
- B71-08**     Approving the Final Plat of Bluff Creek Estates Plat 8 located on the east side of Bluff Creek Drive, west of U.S. Highway 63; authorizing a performance contract.
- B73-08**     Authorizing Amendment No. 1 to the agreement with Donohue & Associates, Inc. for engineering services for the Bear Creek Stream Bank Stabilization Project; appropriating funds.
- B74-08**     Authorizing Change Order #1 with T-N-T Excavating; approving the Engineer’s Final Report relating to construction of the C-3 Trunk Sewer Extension, an 80-acre point sanitary sewer serving the University of Missouri South Farm property.
- B75-08**     Authorizing Change Order #1 with Joshua Excavating, LLC; approving the Engineer’s Final Report relating to construction of the H-21 Relief Sewer, Hominy Branch Relief Sewer.
- B76-08**     Accepting conveyances for utility purposes.
- B78-08**     Accepting and appropriating donated funds for Parks and Recreation Department programs.
- R66-08**     Setting a public hearing: construction of a traffic calming speed hump on Rainbow Trout Drive between Golden Trout Drive and Coho Court.
- R67-08**     Setting a public hearing: rehabilitation of portions of the general aviation apron and commercial service apron and enhanced centerline markings at the Columbia Regional Airport.
- R68-08**     Setting a public hearing: construction of a new parking garage located north of Broadway between Fifth Street and Sixth Street, on the south side of Walnut Street.
- R69-08**     Setting a public hearing: considering proposals for Essential Air Service at Columbia Regional Airport.
- R70-08**     Authorizing an agreement with the Missouri Department of Health and Senior Services for the FY 2008 Summer Food Services Program for Children.
- R71-08**     Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for breast and cervical cancer screening services.
- R72-08**     Authorizing Amendment No. 1 to the agreement with Shafer, Kline, and Warren, Inc. for engineering services relating to reconstruction of Hunt Avenue from Worley Street to I-70 Drive Southwest.

- R73-08 Authorizing the temporary closure of Stewart Road, Conley Avenue and Fifth and Sixth Streets for construction of a new utility tunnel and the update of the University of Missouri power plant.
- R74-08 Authorizing the temporary closure of Rollins Road, from Hitt Street to Missouri Avenue, for reconstruction of a telephone duct bank to serve the University of Missouri Student Center/Brady Commons.
- R75-08 Authorizing an agreement with The Curators of the University of Missouri for consulting services relating to a road safety audit along Lake of the Woods Road and St. Charles Road.
- R76-08 Authorizing a historic preservation fund grant agreement with the Missouri Department of Natural Resources.
- R77-08 Authorizing an agreement with the Thomas Jefferson Agricultural Institute for Attraction Development Funding under the Tourism Development Program for construction of the Jefferson Farm & Gardens visitor education complex.
- R78-08 Authorizing an agreement with Thumper Productions, LLC relating to entertainment for the 2008 Roots N’ Blues and BBQ Festival.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

#### NEW BUSINESS

- R79-08 Authorizing an amendment to the airport car rental concession agreement with Enterprise Rent-A-Car at Columbia Regional Airport.

The resolution was read by the Clerk.

Mr. Watkins explained R79-08 and R80-08 did the same thing with two different businesses located at the Airport. Since traffic was particularly low right now, they had requested some relief in order to continue to remain there. Staff felt it was important to have rental car agencies there and were recommending they reduce the minimum license fee from \$1,000 to \$500 per month while maintaining the percentage of sales, so when sales went back up, they would be back to where they were now. He noted this seemed to be satisfactory to both businesses.

The vote on R79-08 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R80-08 Authorizing an amendment to the airport car rental concession agreement with Cerini Investments, Inc. d/b/a Hertz Car Rental at Columbia Regional Airport.

The resolution was read by the Clerk.

Mr. Watkins stated this was the same thing as was just done with Enterprise.

The vote on R80-08 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R81-08 Authorizing a sidewalk renovation agreement with the Missouri Symphony Society as part of the Missouri Theatre renovation and restoration project.**

The resolution was read by the Clerk.

Mr. Watkins noted the Council amended the sidewalk policy to pay for the renovation of 50 percent of downtown sidewalks deemed in need of renovation earlier this year. Staff concurred with the Missouri Theatre’s request and agreed those sidewalks were in need of renovation. They would be built to City standard and the City’s cost was projected to be about \$28,500.

The vote on R81-08 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**INTRODUCTION AND FIRST READING**

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

- B81-08 Voluntary annexation of I-70 right-of-way and property on the north side of I-70, east of the present city limits; establishing permanent O-P, M-P and M-C zoning.**
- B82-08 Rezoning property located on the northeast corner of Old Highway 63 and Alfred Street from R-1 to O-P; approving the Landmark Hospital O-P Development Plan; setting forth conditions for approval.**
- B83-08 Approving the PUD Development Plan of Rock Quarry PUD – Phases I & II located on the west side of Rock Quarry Road, between Stadium Boulevard and Grindstone Parkway; granting a variance to the Subdivision Regulations relating to construction of a cul-de-sac bulb; setting forth conditions for approval.**
- B84-08 Changing the name of “Lenoir Street” within the Discovery Ridge University Research Park to “Discovery Drive” and changing the name of the new extension of “Gans Road” to “Discovery Parkway.”**
- B85-08 Authorizing an annexation agreement with Traci L. Best and Clara Busenbark for property located on the south side of I-70 Drive Southeast, approximately 800 feet east of East Park Lane (8060 and 8070 I-70 Drive Southeast).**
- B86-08 Authorizing construction of a traffic calming speed hump on Rainbow Trout Drive between Golden Trout Drive and Coho Court; transferring funds.**
- B87-08 Authorizing rehabilitation of portions of the general aviation apron and commercial service apron and enhanced centerline markings at the Columbia Regional Airport; appropriating funds.**
- B88-08 Amending Chapter 22 of the City Code as it relates to the definition of a residential unit with regard to refuse collection.**
- B89-08 Authorizing the purchase and installation of a security camera system and wiring in City parking garages; appropriating funds.**
- B90-08 Authorizing Change Order #1 with J.C. Industries, Inc.; approving the Engineer’s Final Report relating to construction of the F-1 Relief Sewer (UMC South Campus Relief Sewer) and Maryland Avenue and Richmond Avenue Drainage Project - Phase 2.**

- B91-08 Authorizing a right of use permit with Columbia Orthopaedic Group for construction, improvement, operation and maintenance of a monument sign within Keene Street right-of-way.
- B92-08 Amending Chapter 27 of the City Code as it relates to electric rates.
- B93-08 Accepting conveyances for utility purposes.
- B94-08 Authorizing an agreement with Sustainable Farms & Communities, Inc. for an option to lease city-owned property located at the intersection of Ash Street and Clinkscales Road for the operation of a farmers' market.
- B95-08 Authorizing an agreement with the Columbia School District for a playground improvement project at Parkade Elementary School.
- B96-08 Accepting a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources relating to construction of the Stephens Lake Park amphitheater; appropriating funds.
- B97-08 Appropriating funds relating to the Walton Building remodeling project.

**REPORTS AND PETITIONS**

**(A) Intra-departmental Transfer of Funds.**

Mayor Hindman noted this was an informational report.

**(B) Health Improvement Initiative (Sexually Transmitted Diseases).**

Ms. Browning stated this report was submitted for informational purposes. They had an agreement with the Missouri Department of Health and Senior Services for core public health function services, which included a lot of activities, but the major focus was on community health assessment, planning and evaluation. She explained that about every three years, they studied and developed an action plan for improvements to a priority issue where data suggested they were having problems in comparison to Missouri and other communities. This year they looked at the sexually transmitted disease data because the rates, especially chlamydia and gonorrhea, exceeded Missouri rates, particularly for 15-19 year olds, 20-24 year olds, females of all races, and a disproportionate share of non-minority whites. They pulled together a working group to look at the various issues and to try to identify barriers and issues in terms of increasing citizen awareness, treatment, screening, etc. They came up with some ideas and have submitted a plan to the State Health Department for review. She noted in the FY09 budget, they would be making a request for supplemental funding for a disease intervention specialist.

Ms. Hoppe asked if St. Louis and Kansas City were equivalent or having more problems. Ms. Browning replied the St. Louis City and Kansas City rates were slightly higher, but Columbia was higher than Springfield, St. Louis County and the rest of Missouri. Kansas City, St. Louis City and Columbia were the highest. Mayor Hindman asked if it reflected the overall age of Columbia's population. Ms. Browning replied that definitely had an impact. She noted they did a good job in looking for disease in Boone County and often when looking for it, they would find it. Even if they were successful in bringing on a disease intervention specialist, they would initially see an increase in the rates.

Mr. Skala stated he appreciated receiving the report.

Mr. Janku made a motion to accept the report. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(C) Percent for Art Ordinance.**

Mr. Watkins explained the current ordinance involving the Standing Committee on Public Art included a liaison member of the Planning and Zoning Commission. The Planning and Zoning Commission was exceptionally busy and its representative had not attended a number of the meetings. Staff was suggesting this position be eliminated from the ordinance. He understood the Planning and Zoning Commission was in agreement with the suggestion.

Ms. Hunter stated she spoke with Mr. Teddy, who had spoken with the Planning and Zoning Commission, and understood there was no concern on their end. She noted the ordinance had been in effect for eleven years and this was an area in which they felt an improvement could be made.

Mr. Wade thought this change had probably been needed for some time. He noted this position was appointed by the Chair of the Planning and Zoning Commission and was usually given to the least tenured person.

Mr. Janku made a motion for staff to prepare an amendment to the ordinance with regard to the Standing Committee on Public Art. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(D) Broadway West of Providence Road (Walgreens Driveway).**

Mr. Watkins explained there had been a number of collisions and staff was suggesting left turns into the Walgreens driveway be prohibited by the use of delineators.

Mr. Glascock stated this issue had been going on for quite a while. It was now to the point they needed to do something about it. They felt this was an inexpensive solution. He noted they had contacted Walgreens so they were aware of the report.

Mr. Wade thought this was a constituent complaint issue he had submitted and was pleased to see action.

Mr. Watkins stated the use of the delineators were not so permanent that they could not try something else if it did not work or if there were unintended consequences.

Mr. Skala thought this was anticipated to some extent when construction was originally going on.

Mayor Hindman understood this was informational. Mr. Watkins stated that was correct.

**(E) Pharmaceuticals in the Water.**

Mr. Watkins noted this was a Council request in terms of concerns regarding pharmaceuticals in the drinking water. Earlier this year, they began testing groundwater in the area of the City's wells. The three suggestions being recommended were that they continue to monitor the levels, begin a program of public education on what should be done with unused pharmaceutical, and continue to monitor research showing the actual impact of pharmaceuticals in the water.

Ms. Hoppe stated she appreciated the report.

Ms. Hoppe made a motion for staff to proceed with the suggested recommendations and to have the monitoring of pharmaceutical levels reported to Council and available to the public.

Mr. Watkins stated he was not sure they actually had results at this point. They would make them available when they did. He noted they would not know what they meant since there were no standards at this point. Mr. Janku understood testing was planned before the story came out. Mr. Watkins stated that was correct. Mr. Skala thought the levels could be provided on a nominal scale of whether they were present or not present. Mr. Watkins agreed.

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

**(F) Austin TX – Green Building Program.**

Mayor Hindman stated this was an item he requested. He noted he wanted more detailed information, but would not make that request tonight.

**(G) GetAbout Columbia Bicycle Rack Cost Share Program.**

Mr. Watkins noted this program was recommended by GetAbout Columbia. One of their goals was to install 1,000 new bike parking spots within the City by sharing installation and maintenance costs. They were proposing the purchase of bike racks and making them available to businesses that would install and maintain them. If Council concurred, he suggested they accept the report and endorse the program.

Mayor Hindman made the motion to accept the report and endorse the program.

Mr. Janku asked if this was to retrofit existing buildings that were not obligated by zoning. Mr. Watkins stated this was not for new construction where they would require bicycle parking. Mr. Wade understood it was for occupants who wanted them. Mr. Watkins stated that was correct. It was a voluntary program.

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

**(H) Street Closure Requests – Columbia Multi-Sport Club; Columbia Art League; Mid-MO Soap Box Derby.**

Mr. Watkins stated there were three street closure requests. One was for the Columbia Multi-Sport Club, the second was for the Columbia Art League, and the third was for the Mid-Missouri Soap Box Derby. All of them were reviewed by the downtown association and they were recommending approval.

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

**(I) Salute to Veterans Parade Parachute Jump.**

Mr. Watkins stated this was an annual request for permission for the Army's Black Dagger Special Operations parachute group to jump on to Broadway on Memorial Day.



Mr. Janku made a motion to approve the request. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(J) Tobacco Use and Exposure to Secondhand Smoke.**

Mr. Watkins noted this was a Council requested report.

Ms. Hoppe stated she appreciated receiving the report and understood there was a lot being done in terms of secondhand smoke, but that it was mixed in with a lot of cessation issues. She asked for a brief explanation of what they were doing with local groups and how they might be available to help others.

Ms. Browning stated one of their strategies was to be as diverse in their approach as possible. They had received a grant from the Missouri Foundation for Health for smoking cessation, which enabled them to purchase nicotine replacement therapy in the form of patches. The existing staff was trained and provided counseling. The grant also allowed them to do some education projects. One involved targeting food handlers as part of their food handling classes. The City cable staff had done some nice work for them as well. She noted they were also providing education to various groups and organizations as requested. She pointed out the grant only covered materials itself and not additional staff time, so everything they had taken on was done with existing resources. She commented that they were doing a lot with the schools and had recently helped the Columbia Public Schools prepare a grant for a youth tobacco use prevention program. She explained they worked with the Missouri Campus Community Alliance, Stephens College and Columbia College. They were working to expand cessation services to work sites because there was a big demand from employers to have healthier employees. She noted that would be their focus next year. She commented that she had been previously asked what other communities with successful programs had been doing and noted, typically, programs that were doing high quality evidence based programs had a great deal of funding due to voter approved tobacco tax initiatives dedicated toward prevention and cessation activities or because they used their tobacco settlement agreement funds in that manner. She pointed out Missouri was second to the last in spending on tobacco settlement funding, but had some of the highest smoking rates in the country. She was hopeful of change every year the legislature met, but until there was a change, they would have to continue to look toward grant funding or what they could provide from their own department.

Ms. Hoppe asked if the partnership with the Youth Coalition Committee to train high school students in the peer education program had a secondhand smoke component. Ms. Browning replied it did and explained it was an evidence based program targeting youth. Mr. Janku asked if evidence based meant it had been reviewed by people and shown to be effective. Ms. Browning replied yes.

Ms. Browning noted this was reviewed by the Board of Health and they were pleased with the report.

Ms. Hoppe asked if they had been working with the groups that had supported the smoking ban with regard to education. Ms. Browning replied the main group involved was the Campus Community Alliance and they were on that advisory committee. She noted they

had been very helpful in terms of the funding received by the Missouri Foundation for Health as well. She hoped to continue working with them in the future as the grant ended.

Mr. Wade made the motion to accept the report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(K) Howard B. Lang, Jr. Award for Outstanding Volunteer Service.**

Mr. Watkins explained Leo Hill, a former and possibly the first city manager, donated \$10,000 to create a volunteer award program to honor Howard B. Lang, Jr., who until he recently passed away was the oldest living mayor of Columbia. The report outlined the details of the award.

Ms. Britt stated Mr. Hill wanted to do something to honor volunteers in the memory of Mayor Lang. They took a look around the community and although there were already several volunteer recognition programs, there was nothing specific to the City of Columbia and to the many services volunteers provided the City. They outlined an opportunity to honor a deserving volunteer, which would be done at the volunteer reception, with a \$1,000 cash gift. They understood the money given would not last forever, but they felt it would be a great way to have a volunteer recognition program for several years. She noted the New Century Fund would hold the money. This would assist them in earning some interest and by providing some leadership for the award program.

Mayor Hindman made a motion to accept the report and to proceed as outlined. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted Mr. Hill called him indicating he wanted to do this and sent a check for \$10,000 within about two days without asking about the details of the program. He trusted the City to do the right thing with it, which was very impressive. Ms. Hoppe hoped others would step forward to add to the fund so it would last longer than ten years.

**(L) Social Service Programming for Ex-Offenders.**

Mr. Watkins stated this report was requested by the Council and provided a list of programs.

Ms. Browning commented that most social service organizations and agencies provided services for anyone who qualified for those services, whether they were the general public or ex-offenders. The same was true for the Health Department. They made their services readily available if income requirements and Boone County residency requirements were met. She pointed out through social services funding, they provided \$8,760 to the Reality House each year for the purchase of transitional housing. A lot of the other funded organizations provided services. She provided Job Point for job placement, the Food Bank for emergency food, the Phoenix Program and the Voluntary Action Center as examples of programs funded with social services dollars that were available to ex-offenders. She noted there were not a lot of ex-offender specific programs due to the size of the population being serviced and the financial viability for agencies to service that population.

Mayor Hindman made a motion to accept the report. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**(M) Consideration of Recent CATSO Major Roadway Plan Amendments as Part of the City of Columbia “Comprehensive Plan”.**

Mr. Watkins explained this was something they did periodically and noted it had not been done for two years. The first step was to ask the Planning and Zoning Commission to review the changes, make recommendations and hold public hearings.

Mr. Teddy pointed out the Commission was aware of the need to update the City's Major Roadway Plan, so they were ready to start those hearings.

Mr. Skala made a motion to refer this issue to the Planning and Zoning Commission. The motion was seconded by Mr. Janku.

Mr. Janku asked if Harvester Road would be part of this. Mr. Teddy replied they had not finished it at the CATSO Coordinating Committee level, but there would be a public hearing on it. He explained CATSO would consider an adoption of an alternative to Harvester as it was shown on the current plan. Once it was approved by CATSO, they could add it to the list. Mr. Janku understood it had to be approved by CATSO first. Mr. Teddy stated that was correct and noted all of the amendments in the report had been approved by CATSO and were part of the CATSO Major Roadway Plan. Harvester was in that Plan, but with the alignment approved in 2005. The public hearing by the Coordinating Committee was scheduled for May 22, 2008. Once it was reviewed and if it was different from the alignment in the 2005 Plan, it would then be appropriate for the Planning and Zoning Commission and the City Council to consider it.

Mayor Hindman asked what the status would be if it was approved by CATSO, but not the City Council. Mr. Teddy replied they would have to keep two separate maps for any differences. He noted CATSO could reconsider something based on Council's action. Mayor Hindman understood there could be a situation where CATSO had something on the map that was within the City, but not approved by Council. Mr. Teddy explained they would want to make a considerable effort to reconcile the two maps. Mayor Hindman understood the Council did not have veto power. Mr. Teddy commented that it was an advisory plan.

Mr. Watkins pointed out the City's Major Roadway Plan was the one required for developers with regard to constructing roads. Mayor Hindman understood it had to be on the CATSO Plan for federal funding. Mr. Watkins stated that was correct.

Mr. Janku asked if they could still amend the City's Major Roadway Plan if Harvester was not approved by the Coordinating Committee for some reason. Mr. Watkins replied yes.

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

**(N) Stephens Lake Swim Buoys and Lane Lines.**

Mr. Watkins stated this was a request by Council for an explanation regarding the buoys at Stephens Lake. He explained the buoys were staying in the lake at the recommendation of the Department of Conservation to discourage resident geese. He pointed out they would be cleaned.

Mr. Hood noted this was one of many strategies they were using to help manage or control the geese. The logic was that when geese were in open water, they tended to not want to swim across some kind of barrier, so it helped in keeping them from swimming up to

the sand beach, which they really liked. He pointed out its effectiveness was hard to measure, but they felt it was one of many strategies in an over plan to help control the situation.

Mr. Skala understood there was now a strategy with a border collie and asked if it had started. Mr. Hood replied it had recently started and they would be doing it for a couple months before evaluating its effectiveness. He noted it was specifically aimed at keeping pairs of geese from nesting on the property and hatching their young in the spring. Mr. Skala stated it had less impact than shooting them. Mr. Hood stated it was an alternative recommended by many of the organizations that promoted non-lethal means.

Ms. Hoppe stated she was pleased to hear about the collie program. She commented that she did not contemplate why the buoys were left out and was pleased to see the lines would be cleaned. She noted during the winter, the buoys and the lines would get loose and floated everywhere. Mr. Hood stated they needed to watch that closer. He explained they were anchored into heavy concrete weights at the bottom of the lake. He thought high winds and weather conditions caused them to occasionally break free.

Mr. Wade noted large residential geese were almost extinct at one point, so this was another example of a very successful re-establishment program.

Ms. Hoppe commented that the Parks and Recreation Department had done a really good job with Stephens Lake and noted she was amazed at how many people of all ages were using that park this year. She was happy to see that happening.

**(O) Nuisance Bars.**

Mr. Watkins stated this was a request by Council to look at potentially expanding the nuisance ordinance. Staff felt it might be easier to tighten up the existing ordinance in terms of liquor licenses versus setting up a new process.

Ms. Crayton commented that she wanted to see the patrons having some personal responsibility. It did not make sense for a person to be able to close a business and then go on to other bars as the owner had no recourse against that person.

Ms. Nauser noted that on February 4, 2008, she made a specific motion directing staff to provide a report with recommendations for Columbia based upon the Kansas City policy. In that request, she asked for staff to provide a report for recommendations based on the Kansas City policy, noting the Kansas City policy might be too elaborate, but would provide ideas for Columbia to implement to address some of these problems. She felt they were proactive solutions in alleviating these types of problems prior to license renewal dates. On the 13<sup>th</sup>, by e-mail to Mr. Watkins, she reaffirmed her desire to have a report on recommendations and not a standard “for information only” report. She felt this report basically recited the ordinance, which she could have looked up herself. It supported operating under the status quo and indicated the way to currently address these issues was simple and effective. She disagreed with those assumptions. It was simple only because when there was no set policy to follow, there was more discretion. She felt more discretion led to a lack of accountability resulting in a lack of results. She wanted someone to explain how allowing a business to operate with over 300 calls for service was effective. She also wanted to know how it was effective to allow a business to operate for four months on an

expired provisional license. Had it not been for the MU basketball players getting into trouble at the establishment that was originally in question, the place would still be operating under the status quo. She found it interesting that they could respond to 82 locations, arrest 151 persons, and collect penalties ranging from \$500 to \$1,000 from guilty individuals under the nuisance party ordinance, while places like Athena's could remain open for business for over four years with over 300 calls of service from the Police Department, taking up valuable City resources and time. If they had focused as much attention on this establishment as they did with the Quinton's balcony and accessibility issues, this issue would have been solved three and one half years ago. She noted the City operated more efficiently and fairly when they had set criteria and policies. Individual discretion was unfair to the applicant or parties in question as personal bias and factors could play a role in determining the course of action.

Ms. Nauser made the motion to not accept this report and for another report to be provided generating the specific information she requested on February 4, 2008, which was unanimously approved by the Council. She explained she wanted to see an ordinance that set specific criteria, such as how many and what types of complaints constituted a nuisance, and defined a formal procedure to address places that became a nuisance, etc. She also wanted this issue to be placed on a work session or as a topic for the Council retreat. She noted one of the criteria for revocation of a business license in Kansas City, which she thought would be very applicable in Columbia, was five or more police calls for service within a thirty day period. She stated they had set criteria and set issues that prompted a review. She believed it put everyone on a level playing field and felt that was the way they should operate. As part of that report, Ms. Hoppe had asked for a report on other locations in town that might have similar problems, so they could make a comparison of whether this was a systemic issue or an isolated situation at several locations and believed that should be part of any information that would come forth on this. She thought the Council should be the ones deciding whether they wanted to move forward in proactively and effectively dealing with some of the problems they would continue to see.

The motion made by Ms. Nauser was seconded by Ms. Hoppe.

Mr. Skala asked, when at the point where they were challenging a liquor license with the possibility of suspension or revocation, if that was complicated by the fact there were dual authorities with the City and State. Mr. Boeckmann replied no. Mr. Skala thought when he was dealing with the Paradise Lounge issue, part of the explanation was that there had to be some sort of reconciliation or partnership between the State and City in terms of the liquor license because that was the means by which that particular establishment was encouraged to shut down. Mr. Boeckmann explained several years ago, the State cut back on enforcement and it might have been done prior to then. In order to sell liquor, one needed a license from the City and a license from the State. They were separate. The State could take independent action to revoke a license. Mr. Skala understood a business needed both in order to operate. Mr. Boeckmann stated that was correct.

Ms. Nauser pointed out the Kansas City ordinance did not specifically target bars. It also targeted other businesses that had other issues, such as multiple building code violations, persistent overcrowding, traffic congestion, etc. She was not trying to target one industry. She wanted set criteria for these kinds of things and wanted to take the subjectivity

out of determining who they would go after. If everyone was on the same level playing field, everyone would know the rules and they would have something to stand on to point out violations. In addition, everyone would know where they stood. She reiterated she strongly believed in setting standard policies and criteria so both City officials and the general public would know where they stood.

Mayor Hindman understood a motion had been made to not accept the report and thought they could not accept the report without a formal motion. He also understood she was asking for a second report. Ms. Nauser explained she was asking for her original request to be fulfilled by looking at policy changes on how they could alleviate problems. Mr. Skala understood she wanted recommendations and set criteria. Ms. Nauser stated that was correct and asked that they use some of the information from Kansas City or other communities with regard to how they might more effectively deal with these types of problems, so they did not have places that operated for four years with an increase in problems. She pointed out there was a place in the Fifth Ward which had 20 incidents within a four month period. She understood the landlord put an end to it because he was losing other tenants, so that issue had not even been addressed at the City level. She noted the threat of being able to revoke a business license made people comply and work harder as opposed to making idle threats with people playing the system which would allow them to operate for a long period of time. She reiterated it made better policy to have criteria.

Ms. Nauser revised her motion to be to direct staff to provide a report fulfilling her original request by looking at policy changes and providing recommendations and set criteria as described. She noted her motion included Ms. Hoppe's request for numbers on other places in town for comparison purposes. Ms. Hoppe was agreeable to the revised motion.

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

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

## **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Janku stated he received an e-mail from a constituent, which he had forwarded to staff, in regard to a problem in Valley View at Barnwood and Abbeywood with people parking on the street. The constituent would like parking to be removed from one side of the street.

Mr. Janku made a motion directing staff to provide a report regarding the parking problem in Valley View. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted the I-70 Advisory Committee was studying the idea of truck lanes and at its meeting the issue of pedestrian crossings across the interstate was raised. The engineer of the previous project indicated they had taken that into account to some extent with the bridge at Clinkscales as an example.

Mr. Janku made a motion directing staff to advise the I-70 Advisory Committee of the City's plans for pedestrian crossings, including trail crossings at the Hinkson Creek and the Hominy Branch, so they were aware of it as they moved forward in developing the concept

and reviewing the idea of whether it was functional. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented that last year he brought up the possibility of putting Proctor Drive on the list for resurfacing. He understood the list for this year had already been decided, but wanted it to be considered for next year's list.

Mr. Skala noted he introduced some suggestions for road improvements that might obviate the need for the LeMone/Maguire extension a few meetings ago and asked for the status. Mr. Watkins stated he received a report, but was not happy with it, so he sent it back for revisions as it was not clear.

Mr. Skala pointed out the election was being held tomorrow and encouraged everyone to vote.

Mr. Wade stated he wanted to the BCCC to consider the development of fire safety standards for multi-unit housing not necessarily affiliated with the University. He was not asking for them to develop the standards since there were lots of issues involved in that. He only wanted them to preliminarily consider the possibilities of fire safety standards for multi-unit housing and provide a report regarding its feasibility and how they would propose moving ahead if it appeared to be feasible.

Mr. Wade made a motion directing the Building Construction Codes Commission to consider the possibility of fire safety standards for multi-unit housing, not necessarily affiliated with the University and to provide a report indicating its feasibility and how they would propose moving forward. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe made a motion directing staff to provide a report regarding the use of permanent bins for waste recycling due to recent discussion regarding the plastic blue bags. She wanted the report to include information regarding other communities and the possibilities for Columbia. She thought people could opt in and pay a special fee to receive a reusable bin. She wanted to know how that would work with the collection system.

Mr. Janku thought the report should include other communities with a significant college population due to turnover. A challenge with the baskets was that they could be used to carry items home with them. He noted bins did not hold as much as bags and were less secure, so items could blow out of it. He thought it might slow the process some because it would have to be picked up, carried to the truck and back to the curb. In addition, he noted his trash was picked up on Fridays and if they were going out of town for the weekend, he did not want to have to worry about a bin sitting there for the entire weekend until he returned. He agreed the issue of the plastic bags not being recyclable was a problem, but thought there might be other problems with the bins causing a major impact.

Ms. Hoppe agreed there were a lot of factors, but noted many communities provided that service and it seemed to work well. She thought it might be time to look at the pros and cons of it.

Ms. Crayton stated University City, Moline Acres, and Spanish Lake had them. She noted they were heavy. Mr. Janku thought she was talking about the larger ones and explained he understood Ms. Hoppe as talking about the smaller box-like bins.

Mr. Skala pointed out they would not receive any answers if they did not ask the questions. Mr. Janku agreed and stated he just wanted to point out the issues and wanted to be made aware of the initial cost. Ms. Hoppe explained she wanted a report with suggestions and the pros and cons and a review of what other communities were doing.

Ms. Hoppe stated she wanted to make Earth Hour an annual event. She thought it provided good public relations and energy savings. She understood some people worked to reduce energy costs over the entire weekend. She thought there was more of an energy savings than was measured for that one hour. She believed it was a good public education event.

Ms. Hoppe made a motion directing staff to draft a resolution proclaiming Earth Hour an annual City event.

Ms. Hoppe commented that she wanted a report with the suicide rates for Columbia to include the attempts they had on record and the successes for the 13-30 year old age group. She thought this information would indicate whether they were addressing mental health and drug issues.

Ms. Hoppe made the motion for a staff report on the suicide rates in Columbia.

Ms. Hoppe noted a privately owned lake, Moon Valley Lake, on Hominy Creek recently failed. Mr. Skala asked if the levy failed. Ms. Hoppe replied yes and explained it emptied into the Hinkson, so the silt was getting into the Hinkson causing a problem. She commented that Scott Hamilton, an urban conservationist with the Hinkson Creek Watershed Restoration Project, had e-mailed the Council today regarding the issue and was working with the Greenbelt Land Trust in exploring possibilities of remedying that situation. He had about \$10,000 in cost share money from the Hinkson project that needed to be used. She understood there was a possibility of funding from the Stream Stewardship Trust Fund for mitigation from the Gans Road and wanted the City to work with him to see what could be done in the near future to address that situation.

Mr. Janku asked if she had received a letter from Mr. Van Matre and whether it was related to this. Ms. Hoppe replied there were two different possibilities. She thought Mr. Van Matre's solution was backtracking with regard to losing tree preservation areas in the Grindstone/Walnut area. This was a solution where they did not lose any green space or trees. Mr. Janku understood it was an alternative. Mayor Hindman stated he did not believe it was related, but he did not receive the e-mail. Mr. Skala commented that he had not seen it either. Mr. Wade thought this was a more complicated issue with a lot of dimensions. Mayor Hindman understood Ms. Hoppe only wanted the City to look into it.

Ms. Hoppe made a motion directing staff to provide a report with regard to the issue of the levy breaking at Moon Valley Lake dumping silt into the Hinkson Creek and the possibility of working with Mr. Hamilton on a solution to the problem.



Mayor Hindman stated he had heard rumors of them wanting to donate it to the City. Mr. Watkins noted the liability would be significant. Mayor Hindman agreed, but thought they needed to look into it. Ms. Hoppe stated she had heard GetAbout Columbia and the Parks and Recreation Department were looking at trails in the area.

The motions made by Ms. Hoppe were seconded by Mr. Skala and approved unanimously by voice vote.

The meeting adjourned at 11:29 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk