

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 2, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 2, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, STURTZ, JANKU, SKALA and WADE were present. Council Member HINDMAN was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe referred to the paragraph on page 28 starting with “Ms. Hoppe wanted GetAbout Columbia...” and asked that the second sentence state “...used it to get to the Grindstone Trail from College/Stadium...” for clarification purposes.

The minutes of the regular meeting of May 19, 2008, to include the change requested by Ms. Hoppe, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Wade.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Wade made a motion to move B153-08 to Old Business from the Consent Agenda. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, as amended and including the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

Mr. Wade explained he intended to move B154-08 from the Consent Agenda to Old Business instead of B153-08. Mr. Wade made a motion to move B153-08 back to the Consent Agenda and to move B154-08 from the Consent Agenda to Old Business. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, as amended and including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Pro tem Janku and a second by Mr. Wade.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B125-08 Approving the C-P Development Plan of Academy Village located on the southeast corner of East Green Meadows Road and South Providence Road (State Route 163); authorizing a development agreement.

The bill was given third reading by the Clerk.

Mr. Watkins explained the proposed C-P development plan included the existing Academy Daycare and would allow for approximately 31,500 square feet of retail space,

5,800 square feet of restaurant space and 9,600 square feet of office space. He noted the plan met all of the zoning regulation requirements. The Planning and Zoning Commission recommended approval of the proposed plan subject to one condition, which involved a traffic study and supplemental information was provided in the packet with regard to it. The traffic engineer concluded the right turn lane was not necessary.

Mr. Teddy stated the only caveat on the Commission's recommendation was to explore a future right turn lane if the building configuration and use changed on the east side of the plan to something that generated a higher peak hour rate of right turns. He noted they reserved the right to require a right turn.

Ms. Hoppe commented that the grading plan referred to a regional dry pond detention facility for drainage and asked where that was located. Mr. Glascock replied that when they completed the Kelly tract across the street, they put in two regional detention facilities that drained about 333 acres and most of this drained into those to the north.

Ms. Hoppe stated page 3 of the development agreement referred to extending a road or easement to the old Wal-Mart/Hy-Vee on Nifong and asked for clarification. Mr. Teddy replied there were two parts to the excess right-of-way. One was south of Green Meadows and about a quarter of an acre. He noted it was not outlined on the map. It was a four sided piece of property along Carter Lane/the Outer Road. There was also a portion of the former Carter Lane right-of-way to the north of Green Meadows. The reference to Hy-Vee involved the reuse of the Wal-Mart. Evidently, they were required to do some improvements to Carter Lane. Ms. Hoppe asked if there would be a side road going to the old Wal-Mart, south of Green Meadows and east of Providence. Mr. Glascock replied they had requested a right-in/right-out and showed its location on the overhead, so the request was to bring road back toward the Wal-Mart. Ms. Hoppe understood it would go past the Mizzou Credit Union. Mr. Glascock stated that was correct. Ms. Hoppe understood there would not be a road to the north. Mr. Glascock stated that was correct. It would be a right in/right out. He noted they had trouble with people making U-turns and pointed out the round-a-bout would correct that issue.

Mr. Wade understood the report indicated that if the configuration or use changed, the City could require the right-out and wondered how that could be done. For it to be a legal requirement, he thought it needed to be a part of the statement of intent. He did not think they had the basis to go back and make the right-out a requirement even if the conditions and traffic patterns changed unless they passed something that included it. He asked if something needed to be in the proposed ordinance making it a condition of the project. Mr. Teddy replied staff felt it could just be noted that they would proceed in this way. If there was an amendment to the C-P plan after its approval tonight involving, for example, the replacement of the easternmost building with a fast food restaurant establishment, which would be a higher traffic generator, it was likely staff, in its review, would indicate there would need to be an improvement or a traffic study showing an improvement was not necessary, whether circulated through staff or sent it back through the process as a major amendment to the plan. Mr. Wade stated he was uncomfortable with it not being a legal requirement. He noted these things were missed after a few years because they were part of the informal history. Mr. Teddy stated staff felt this plan did not require the turn lane, but some

amendment might. They were not sure as to how to express that in an ordinance, but wanted to report it to Council. He commented that many of the C-P plans that were approved could come back with amendments, and although there might not be anything in the ordinance indicating the applicant had to perform a traffic analysis, they would rely on professional judgment at the time. Mr. Wade asked if the recommendation was to let it go forward based on the informal method. Mr. Teddy replied they did not recommend changing the ordinance to add another condition, but if Council was not comfortable, they could amend the ordinance.

Mr. Skala asked if it would be appropriate to put that kind of contingency note on the plan if they approved the plan. Mr. Teddy wondered what the note would say. The traffic engineer specified that if something generating 35 trips or greater at the peak hour was established there, it would probably be needed based on the speed of the road and the background traffic projected for the next 20 years. Mr. Skala stated he was thinking more along the lines of a contingency for a use change for that particular area in the plan. Mr. Teddy asked if he was suggesting a use change would require an additional traffic impact analysis. Mr. Skala replied he was suggesting something along those lines, so it would be a reminder in terms of some future amendment that might come forward. Mr. Wade commented that if it came up 10 years from now and no one was around to remember it was part of the plan, not one would know to take it into consideration.

Mayor Pro tem Janku opened the public hearing.

Dan Brush, 506 Nichols Street, stated he was the engineer on the project and the only issue they saw involved the right-in/right-out. One concern of the Planning and Zoning Commission was adequate right-of-way. He explained there was 88 feet of right-of-way available from the round-a-bout to the first entrance to the east of the round-a-bout. From that entrance, it tapered down to a 66 foot right-of-way. The traffic engineer's report indicated the uses being proposed would not cause a problem and the limit was set at 35. Mr. Brush thought a minor revision would trigger the traffic report requirement. If they came forward with a larger building and more parking, he believed it would be considered a major revision and would come back to Council. If it was a minor revision, he felt the traffic engineer or his subsequent successor would require a traffic report because they would be increasing traffic at that intersection. They would need to provide some sort of a traffic study to show the increase did not require off-site improvements.

Mayor Pro tem Janku asked if it would be a problem if they put something in the ordinance reflecting what he stated. Mr. Brush replied he did not believe it would, but stated he would allow Mr. Wendling to indicate if it presented a concern or not.

Ms. Hoppe asked Mr. Brush to describe the internal pedestrian system. Mr. Brush replied they provided access from the parking areas to the perimeter sidewalks. From that area, pedestrians could walk to two different areas of the development. The eastern area was quite easy to navigate. Due to grade differentials, they did not put in a sidewalk between the two areas. They felt it was better for people to walk along the street sidewalks rather than connecting the east and west areas with an internal sidewalk. Ms. Hoppe asked what would happen if someone came from the sidewalk on Green Meadows. Mr. Brush pointed out the access point on the diagram and noted the handicapped aisle near the handicapped spots could be used to cross.

Steve Wendling stated he and his wife owned the Academy of Fine Arts and Early Childhood Development Center located on the south-central part of this plat and noted he also had an office there. He commented that with the addition of the round-a-bout versus a traffic signal, traffic would be delayed, so there would be breaks in traffic and people coming down would not be driving 35-45 mph. He thought the breaks in traffic would provide adequate time. With regard to the question asked by Mayor Pro tem Janku, he commented that it would depend upon what the language stated. If they did a major revision that would trigger more dense traffic, he would not be opposed to verbiage along those lines. Mayor Pro tem Janku stated they would discuss the verbiage and asked him to come forward if he had an objection.

There being no further comment, Mayor Pro tem Janku closed the public hearing.

Ms. Hoppe stated the location of the proposed round-a-bout was a problem spot and noted the round-a-bout would improve it a lot.

Mr. Skala commented that he thought a major revision would trigger it, but felt a notation would be helpful. He understood there might be objection if it involved a minor revision in terms of a change in the use of the facility rather than its size and asked if that was a fair assessment. Mr. Wendling replied he understood if it was something that would require more traffic than what they were asking for approval for now, it would have to go back to staff and they could make the determination at that time. Mr. Skala explained he was trying to make the distinction between a major change in the size of the facility and a change in the use that would lead to increased traffic. Mr. Wendling stated he thought the issue would be the traffic count no matter what it was. Mr. Skala understood the verbiage was important with regard to the traffic count regardless of any necessary changes. Mr. Wendling agreed and thought that was what should trigger it.

Mr. Wade suggested wording indicating the changes in use that would change traffic patterns would require a re-examination of the appropriateness of a right-out lane. Mr. Boeckmann stated he thought he understood the concept of what would trigger it, but asked what would happen if there was a change in use that increased traffic volume. Mr. Wade replied Public Works would need to determine whether or not it would be appropriate to have a right turn. Mr. Watkins stated there should be a traffic study. Mr. Skala noted it should trigger a traffic study. Mr. Boeckmann asked who would do whatever the traffic study stated was necessary. Mr. Wade replied the person wanting to change the uses. Mayor Pro tem Janku understood that if there was a change in use that increased traffic counts or patterns, the City might require a traffic study. Ms. Nauser pointed out the May 27, 2008 letter from the City staff stated "...if the style of the eastmost building changed to a more intense traffic generating or higher traffic turnover structure, staff would require a right turn lane or additional analysis by the applicant...." Mayor Pro tem Janku wondered if they should amend the ordinance make reference to that.

Ms. Nauser commented that she had almost been hit several times at the intersection of the proposed round-a-bout due to people making U-turns when she was trying to make a left hand turn from the side road. She stated this was a much needed improvement. Ms. Hoppe agreed it was a good solution.

Mr. Boeckmann asked if language stating “Approval of the C-P development plan is subject to the condition that if a change is made in the use of the property that would substantially increase the volume of traffic, the Council may require the property owner to have a traffic study prepared by an engineering firm and implement all required infrastructure improvements to address the problem.”

Mr. Wendling stated he was in agreement as long as they addressed the east side of the round-a-bout and not everything to the property line.

Mr. Wade suggested the latter part of the sentence read “to adequately address the changed traffic patterns.”

Ms. Nauser asked if the Council had to do it or if it could be City staff.

Mr. Boeckmann suggested language indicating “Approval of the plan as subject to the condition that if a change is made in the use of the property that would substantially increase the volume of traffic east of the round-a-bout, the property owner may be required by the City to have a traffic study prepared by an engineering firm and implement all required infrastructure improvements to adequately address the changed traffic patterns.”

Mr. Brush noted the only thing that concerned him was the statement indicating a change in the use of the property. He thought the traffic engineer’s concern was the change in the use of the easternmost building or the buildings east of the round-a-bout. He was not concerned with change in the use of the property other than that. Mr. Skala asked if that was addressed by saying a change in the use of the property east of the round-a-bout. Mr. Boeckmann replied no. Mr. Brush pointed out the engineer was technically worried about the easternmost building, but they could concede the buildings east of the round-a-bout if that was Council’s desire. He did not believe a change in the use of the west side of the property should trigger any kind of traffic study. Mr. Skala agreed. Mr. Brush suggested language indicating a change in the use of property east of the round-a-bout as that would resolve the issue.

Mr. Boeckmann proposed an addition to Section 1 of the ordinance stating “Approval of the C-P Development Plan is subject to the condition that if a change is made in the use of the property east of the round-a-bout that would substantially increase the volume of traffic, the City may require the property owner to have a traffic study prepared by an engineering firm and implement all required infrastructure improvements to adequately address the changed traffic patterns.”

Mr. Wade made a motion to amend B125-08 by adding a sentence to Section 1 stating “Approval of the C-P Development Plan is subject to the condition that if a change is made in the use of the property east of the round-a-bout that would substantially increase the volume of traffic, the City may require the property owner to have a traffic study prepared by an engineering firm and implement all required infrastructure improvements to adequately address the changed traffic patterns.” The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on B125-08, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B141-08 Rezoning property located on the north side of Berrywood Drive, approximately 400 feet east of Portland Street, from R-1 to O-P; approving the Silver Oak Senior Living O-P Development Plan; setting forth conditions for approval.

The bill was given second reading by the Clerk.

Mayor Pro tem Janku explained they had received a request to table this item to the June 16, 2008 Council meeting.

Mayor Pro tem Janku opened the public hearing.

Aurette Garnett, 3617 Evergreen Lane, stated she wanted show the Council a portrait of the little urban forest that would be destroyed if this proposal for development was approved. She presented a slide show illustrating the natural area at that location.

Mr. Wade made a motion to table B141-08 to the June 16, 2008 Council meeting. The motion was seconded by Mr. Skala.

Mr. Skala pointed out this tabling was requested by the applicant's engineer in order to successfully complete the conservation easement agreement.

The motion made by Mr. Wade and seconded by Mr. Skala to table B141-08 to the June 16, 2008 Council meeting was approved unanimously by voice vote.

There being no further comment, Mayor Pro tem Janku continued the public hearing to the June 16, 2008 Council meeting.

B142-08 Rezoning property located on the west side of Brown Station Road, across from Mojave Court, from A-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed rezoning of about a .27 acre of land in conjunction with the proposed final plat of Tuscany Ridge Plat I. All of Tuscany Ridge Plat I was zoned R-1 except for this small corner. The rezoning from A-1 to R-1 would to allow for a 12 ½ foot side yard on a corner lot. The Planning and Zoning Commission recommended approval of the proposed rezoning request.

Mr. Teddy showed Plat I of Tuscany Ridge on the overhead in order to see how this rezoning related to that plat. The intent of rezoning to R-1 was for the corner lot at Brown Station and Tuscany Ridge to be more buildable.

Mayor Pro tem Janku opened the public hearing.

There being no comment, Mayor Pro tem Janku closed the public hearing.

B142-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B144-08 Authorizing construction of access modifications along Broadway, west of Providence Road (Walgreens Driveway); calling for bids.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposal involved the use delineators and would cost about \$6,000. The purpose was to eliminate left turns in and out of Walgreens off of Broadway. He noted this was an area where there had been a number of collisions and near collisions. After studying the matter, they believed eliminating the two left turns would substantially improve the safety of the intersection and entrance.

Mayor Pro tem Janku opened the public hearing.

There being no comment, Mayor Pro tem Janku closed the public hearing.

Mr. Wade stated this was overdue.

B144-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

OLD BUSINESS

B116-08 Amending Chapter 17 of the City Code as it relates to liability insurance requirements for permits for special use or activities.

The bill was given third reading by the Clerk.

Mr. Watkins explained that at the December 21, 2007 Council meeting, staff presented, at Council's request, a report on the policy of requiring liability insurance for certain special use events. The Council asked staff to bring back an ordinance, which was tabled at the May 5, 2008 Council meeting. Since then, a work session had been held on the subject and some amendments had been prepared based on that discussion. He noted they essentially broke this risk into four areas. The first area was a very low risk where no insurance would be required. The second level involved moderate risk and required \$1 million in insurance. The third level involved high risk and required \$2 million. The fourth category was called excessive and those activities would not be allowed in City parks.

Mr. Hood noted they received an e-mail at 6:00 p.m. from the hot air balloon people expressing some concern. Since then, he had spoken with Mr. Whitby and those concerns had been resolved.

Mr. Boeckmann pointed out he neglected to insert the requirement of naming the City as co-insured in subsections (b) and (c) requiring the insurance, so if Council wanted to amend the ordinance, this addition would also need to be made.

Mr. Skala asked if someone could use a tethered balloon for advertising purposes as an attraction. Mr. Hood replied that as it was written, tethered balloon rides were prohibited. If there was a request for a tethered balloon for advertising, he thought it would come under the judgment of the Director of the Parks and Recreation Department. He thought that if they had \$2 million in insurance and were not sending anyone up for a ride, he would probably approve it.

Mayor Pro tem Janku referred to the language on page 2 for subsection (6)(b)(ii) stating "The landing and take-off of individual hot air balloons (excluding commercial rides)" and asked for clarification. He also wondered how they would differentiate between a balloon festival and multiple individual hot air balloon rides. Mr. Hood stated the "excluding commercial rides" was suggested by staff because there was a concern with someone trying to run a business out of a City park. Mayor Pro tem Janku understood commercial rides would not be allowed with \$1 million. It would not be permitted, so it was excluded. Mr. Hood replied yes and clarified that they did not want anyone advertising for people to sign up for a ride with the launch from a City park. He noted that if someone had a business, took someone up for a ride and ended up landing in a City park due to the wind, it became difficult. They suggested not allowing commercial rides to land or launch in the park, but if the Council

did not have the same concern, that phrase could be dropped. Mayor Pro tem Janku understood the balloon people wanted to be able to take someone up in the balloon and land in a City park, if needed, without receiving a ticket. He noted that would be a commercial ride. Mr. Skala did not believe that was what they were interested in. He thought they were interested in individuals taking their own balloons up and potentially having to land in a City park.

Bruce Alspaugh, 2815 Skyview Road, stated he organized the Gay Pride Festival in Columbia and thought they had originally brought this issue to the Council's attention. He commented that the revised language was much improved. It addressed the affordability issue for smaller festivals, which were those below 1,500. He thought that by the time they were at 1,500, they would be large enough to be able to afford the \$2 million policy. He noted he had raised the issue of the hot air balloons because they wanted to grow their festival over time and had the idea of a multi-colored rainbow balloon in order to attract people while still fitting with the theme. He stated he was a little concerned with the exclusion of commercial rides, but understood wanting to prohibit a business. He thought there was a way to tweak the language to deal with that, but noted they could live with it the way it was.

Gary Whitby, 2504 Cimarron Drive, stated in talking with Mr. Hood, he understood the exclusion of commercial rides came from someone parking their balloon chase vehicle in the park and soliciting someone to go for a ride as they would be setting up a business in a City park. He noted a lot of them did sell rides and that the FAA had regulations on selling rides. He explained they could collect funds to accommodate expenses, which was not considered a paid ride. He thought that between the Parks and Recreation Department and themselves, they had a good idea of what was wanted and what was not wanted and were satisfied with the way it read.

Mayor Pro tem Janku wondered if the language excluding the operation of a business offering commercial rides might accomplish what they wanted. Mr. Whitby stated it would probably be better if it was not in there because if they were selling a ride and they happened to land in a park, they could be in violation of the ordinance. He explained that sometimes it was a commercial ride where they were getting paid, sometimes they were just getting their expense paid and sometimes they were just flying for fun. Mayor Pro tem Janku thought they might want to exclude businesses operating in the park as opposed to just taking off and landing. Mr. Whitby agreed and thanked the Council for everything they had done.

Ms. Hoppe made the motion to amend the proposed ordinance included with the amendment sheet for B116-08 by adding language to name the City as co-insured for subsections (b) and (c) on page 2. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Skala thought the minor issues they had discussed would fall under the purview of the Parks and Recreation Director. Mr. Watkins did not believe they could not write a perfect ordinance, so they would need to leave some discretion to staff.

Mr. Skala made the motion to amend B116-08 per the amended proposed ordinance included with the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Wade thanked the staff for listening and putting the pieces together on what they were trying to accomplish in order to meet the needs of the City while still being friendly to those who used the parks. He thought they had done a superb job.

Mayor Pro tem Janku commented that this was a balancing act. The citizens of Columbia had been very generous in support of the park system by voting in favor of a number of tax measures to create their beautiful park system, so they wanted to make it accessible to the public without unreasonable burdens, but at the same time there were risks and if they had losses, it could potentially take away from their opportunities and revenues to support parks, which could be damaging. He thought this was a good balance.

The vote on B116-08, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

PR118-08 Amending the City of Columbia Convention and Visitors Bureau Tourism Development Program, Festivals and Events Guidelines.

The policy resolution was read the Clerk.

Mr. Watkins stated this was a change in the guidelines that set up the funding program for festivals and events and involved the use of the hotel and motel tax. When the additional tax was passed a couple of years ago, certain amounts were set aside. The proposed change was to go to a quarterly funding process versus an annual funding process. This would allow an opportunity to be considered for funding later in the year for those who were not aware of it at the beginning of the year.

Ms. Steiner explained this would also give them the opportunity to be a little more judicious with funds when the economy was up and down because they could look at it over a period of time. They currently did it at one time, so they were committed for about \$200,000 for the next fiscal year.

Mr. Wade stated he was surprised this kind of operational guideline required approval by Council versus just the tourism committee. He was not sure they needed to tell them how often they needed to review proposals. Mr. Skala wondered if it was because it was a fiscal issue. Mr. Watkins replied it was because it was a fiscal issue and, to some extent, it also helped staff because it would be difficult to deal with if they received them once a month. Mr. Wade asked if it made it easier for staff for the Council to set the guidelines. Mr. Watkins replied yes. Mayor Pro tem Janku thought this might have been modeled after the Cultural Affairs Commission, which had an annual process as it was tied to the City's budget process versus its own revenue source. He felt they had learned through experience that they did not want to follow that process. Mr. Wade understood the Council setting the rules took the heat off of staff and thought that was a reasonable role for the Council to perform.

The vote on PR118-08 was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Policy resolution declared adopted, reading as follows:

B145-08 Calling for bids for non-motorized transportation intersection improvements at Forum Boulevard and Stadium Boulevard, Providence Road and Stadium Boulevard, Providence Road and Stewart Road and Old Highway 63 and Broadway.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize staff to bid four intersection improvements. Three would be funded by the Non-motorized Transportation Pilot Project and involved the improvements at Forum and Stadium, Providence and Stadium and Providence and Stewart. The fourth was the Old Highway 63 and Broadway intersection improvements. These were all considered high priority intersections for pedestrian and bicycle improvements by the Bicycle and Pedestrian Commission. They were also reviewed by GetAbout Columbia. The first three projects would be funded by the Non-motorized Transportation Pilot Project. The Old 63 and Broadway project was a re-bid. It was bid about a year ago, but the bids came in very high, so it was decided to bid them as part of a package to see if they received a better deal. The resolution estimate for the three GetAbout Columbia projects was \$800,000 with an engineering estimate of about \$1.1 million. The improvements to the Old 63 and Broadway intersection was expected to be about \$148,000 and would be paid for by capitol improvement program funds and annual traffic safety funds.

Mr. Glascock noted that with regard to the Broadway and Old 63 project, they had already done the asphalt in the intersection, so that part would be taken out of what was advertised before. It would basically be the right turn lanes, the signal work and the crosswalks.

Ms. Hoppe asked for clarification regarding the asphalt work on Old 63 and Broadway. Mr. Glascock replied they did the asphalt work in the intersection to take out the dip in the lanes last summer. They were trying to change the right turn lanes from sweeping rights to Australian rights and those would still be done.

Ms. Hoppe understood some residents were concerned with the amount of time they would have to get across Broadway. She asked if they would have to stop at the median. Mr. Glascock replied he believed they would have enough time to get across. It would be more of a right angle versus being skewed. Ms. Hoppe understood the median would extend more toward the west. Mr. Glascock replied it would be pulled back toward the east. The crosswalk would be straighter across to the island.

Jeanine Pagan, 701 Bluff Dale Drive, stated she was glad they were working on the Old 63 and Broadway intersection and wanted to emphasize ensuring there was enough time to cross Broadway because, currently, they had to stand on the island since it was such a long distance. Someone in a wheelchair or on a bicycle would have a difficult time getting across the entire intersection. Even if crossing Broadway by the hospital near Williams, there was no time to dally.

Mayor Pro tem Janku asked if there would be countdown timers on these lights. Mr. Glascock replied yes. Mayor Pro tem Janku understood pedestrians would have a sense of how much time they would have to cross.

Mr. Skala stated he assumed the timing was adjustable so there would be adequate time and noted he was glad to see this intersection included because it had been held out as one of the poorer intersections in Columbia by an expert who reviewed some of the intersections a few years ago. With reasonable care and some funds, it could be straightened out. He thought this was a welcomed improvement and he was happy to see it.

Ms. Hoppe stated they had been waiting for the Old 63 and Broadway improvement for a long time and she was happy to see it happen. She asked if these would all be done simultaneously. If there was an order, she wanted to point out Old 63 and Broadway had been waiting for a long time. Mr. Glascock explained they would be doing certain stages at each intersection. He thought they might be doing a lot of the island work at each intersection at the same time since the traffic signals had to be ordered and took a while to arrive. Ms. Hoppe commented that she did not want the Old 63 and Broadway intersection to be last on the list.

Mayor Pro tem Janku felt intersections made it difficult for people trying to go by foot or bicycle and he hoped that as GetAbout looked at their funding, they could address as many intersections as possible because once people noticed the improved intersections around town, they would begin to realize what they were missing by not having one in their area. As they discussed priorities with GetAbout Columbia, he suggested they include more intersections.

B145-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B146-08 Authorizing the acquisition of land located at 401 Lawrence Place for storm water control, sewer and water main purposes.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the purchase of a house and lot at 401 Lawrence Place, which was located west of Boone Hospital. The purchase cost was \$90,000 and would be paid for out of the stormwater utility. He pointed out this was an agreed upon cost. He noted they went to the extreme of purchasing and demolishing a house about every other year when the cost to fix the flooding problem exceeded the value of the house. He commented that they would be using part of the lot for some stormwater, sewer and water easements in the future.

B146-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B147-08 Amending Chapter 14 of the City Code to prohibit parking along portions of Executive Drive and Corporate Plaza Drive.

The bill was given second reading by the Clerk.

Mr. Watkins explained this amended the City parking code to prohibited parking along both sides of Corporate Plaza Drive for its entire length and along the east side of Executive Drive for its the entire length. It would free up the ability to park on the west side of Executive Drive. He noted this was south of Rock Bridge High School and pointed out they were proposing to build a crosswalk to allow students to get across South Hampton.

B147-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B149-08 Authorizing the Gibbs Road Customer Transfer Agreement with Consolidated Public Water Supply District No. 1.

The bill was given second reading by the Clerk.

Mr. Watkins noted that in 1998, the City entered into a territorial agreement with Consolidated Water District No. 1 and there were areas where they agreed, at some future date, when certain conditions occurred, they would transfer customers, primarily from the Water District to the City. The Gibbs Road customer transfer agreement would transfer about 86 customers living on the north side of I-70, west of the City limits. Those customers would become City customers because of some difficulties with Consolidated No. 1 and because they were now in a position to provide water service to them. He noted they were included in the City's territory and thought the agreement boundary was Perche Creek. He pointed out that even though these customers were outside the City limits, they should see a reduction in their water bills because the City's rates were lower than the rates of Consolidated No. 1. He noted this did not really cost anything because they were already there. They just needed to open a valve. He stated they were taking over the customers as well as the line serving them.

Mayor Pro tem Janku understood they had a surcharge for customers outside of the City limits. Mr. Watkins stated that was correct. Mayor Pro tem Janku asked if it was an additional 15 percent. Mr. Watkins replied he thought it was higher and that it might be 25 percent.

Mr. Skala commented that this was almost too good to be true because it would not cost the City any money and would cost the people who received the service less than what they were paying now. Mr. Watkins stated it was very similar to what was done with the Blue Acres Trailer Court where Consolidated No. 1 could not serve the area because of improvements to the Gans Road interchange, so the City picked it up since it was in their area.

B149-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B152-08 Appropriating funds for capital equipment replacement.

The bill was given second reading by the Clerk.

Mr. Watkins commented that when they put the FY08 budget together, they were foreseeing a very difficult budget time. In order to present a balanced budget, they eliminated a little over \$2 million in equipment that was scheduled to be replaced in the general fund. Because they received the one time settlement with the wireless companies, they had unexpected and unbudgeted additional money. He was recommending they put \$2,078,000 in this year's budget for general fund equipment. It would be approximately \$1.3 for Public Works, \$262,000 for the Parks and Recreation Department, and \$500,000 for Police patrol cars. He pointed out this could only be done because they received this one time money. He stated several of the items were essential and they would be forced to look at them in FY09 if they could not fund them in FY08. He explained a couple of the pieces for the Street

Department were dump trucks that would be used for snow plowing and they would like to have them in before the snow season. This would give them that opportunity.

Mayor Pro tem Janku asked if this would increase the capacity for snow removal or if it would simply replace existing equipment. Mr. Watkins replied these were all equipment replacements of existing equipment. They were not adding anything. They were not adding additional maintenance cost. He stated it was what should have been replaced in FY08.

Ms. Hoppe asked if they did a trade-in. Mr. Watkins replied yes and noted this was the net cost.

Mr. Skala understood they received \$2 million from the settlements and asked if that was the end of the settlements that were pending or if there was a potential for more money. Mr. Watkins replied they received almost \$4 million in one time checks. This would get them through FY08 and allow them to spend about \$2 million on equipment. He explained the wireless companies had agreed to collect the tax on an annual basis and that would provide some additional income for the next five years, which he believed was the length of the agreement period. He noted there would be some additional money, but nothing like the \$4 million.

Ms. Hoppe asked when the next time was that they would replace this equipment. Mr. Watkins replied it depended on the piece of equipment. The police cruisers were replaced about every other year and were on a schedule. Some of the administrative vehicle were on a three year rotation, but depended upon use. The dump trucks were more like ten years and the parks equipment varied. He noted mowers were replaced more frequently than some of the other items on the list. He pointed out they had an extensive system that was part of the budget where they looked the replacement year and whether something could be held over another year before it was replaced or if there was something that needed replaced sooner. He commented that there was flexibility in the system.

B152-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B156-08 Amending the FY 2008 Pay Plan by increasing the maximum salary range for City department heads.

The bill was given second reading by the Clerk.

Mr. Watkins commented that when Mr. Dasho left and they began the process of finding a replacement, he had stated, at that time, he did not believe they could replace that position with the caliber of person needed to run that very complicated operation for what they were paying. He noted one of the reasons Mr. Dasho left was a salary issue. He stated he also believed a number of other department heads would not be able to be replaced at the current pay rate. He pointed out a replacement for Chief Boehm was next on the list and he did not think they would be able to replace him with what they were paying. He noted his goal was to move all of the employees to market range. He explained they started this process three years ago by looking at the lower paid employees. They looked at the internal equity, which was how they were paid for the job duties they did in comparison with other classifications within the City. They also looked at how they were paid in comparison to the

market. He pointed out the market was different for various positions. If they were looking at a planner, they would probably not find one in Columbia. He explained they went through a search process and brought in the premier recruiter in the public sector electric industry in his opinion. This company almost exclusively dealt with city and coop electrics. They told him up front that the salary at the City was out of whack. Rather than setting the salary at that time, they decided to leave it open to see what they received. He noted the final two candidates that met the requirements had a salary in the \$150,000 range. He felt they would be a great addition to the utility and community. They would be running an operation that exceeded \$100 million as the electric, water and railroad was about half of the City's budget. To find someone with the skills, qualifications and experience needed was hard and the PE requirement had cut down the market even further. He was suggesting they raise the top end of the department head salary range to \$155,000. The bottom end would be left alone.

Ms. Hoppe understood this would apply to all department heads, but they would not necessarily go up to the maximum salary. Mr. Watkins replied no. Ms. Hoppe understood it would be dependent on market conditions. Mr. Watkins replied yes. He explained that as they went through the process of having to recruit a Chief of Police, he was not sure they could replace Chief Boehm with what they were currently paying.

Fred Eaton, Fayette, stated he was present on behalf of the represented employees of the Columbia Water and Light and thanked the Council for their time. They understood the positions under review were below what they should be and in no way did they want to take a stance against an employee receiving a fair market value compensation package for his required duties. They also understood the need for competent employees to preserve Columbia's future and to work toward satisfying community needs and wants. The Columbia Water and Light had been losing very good employees for many years through retirement, job related injuries requiring workers to go on disability, tragedy, and other employers who offered more compensation and a quicker route to top pay for their individual skill. They understood this was part of doing business and part of the many challenges any employer would face. For the past several years, they had advised City management through the meet and confer process that they had not been able to hire qualified journeyman workers because the compensation package fell below the market level. They had met the challenge by hiring young, eager workers and training them themselves, which came with a full list of challenges for everyone. From the division heads to the supervisors who were directly responsible for these young inexperienced workers, they had successfully met and continued meeting the challenge. It was their opinion that they should hire who they could afford to pay. He pointed out that during the meet and confer a year ago, they were told through the classification maintenance plan that all City employees were about 12.5 percent below average.

Mr. Watkins stated Mr. Eaton brought up a good point. The people in this community were fortunate to have the caliber of people the City had. Their studies continued to show the City was below market for a lot of positions, and in particular, the skilled positions they depended on everyday to keep the water running, lights on, etc. He agreed with the points made by Mr. Eaton as this was becoming an even more critical shortage. He noted they had talked about the trends of very experienced people retiring or leaving the City. He noted they had to go out into the marketplace and hire the best people they could. They were getting to

the point where most of their hires were not at the lowest level in the range. They needed to raise opening salaries just to recover people. The goal, that was expressed last year, was to broadband and cut back on the 30 some odd salary ranges they had to allow some flexibility to move people up as they could and they would continue to push that. That was done with department heads last year and the goal was to get down to 15-16 broadband salary ranges. This was being seen as a best practice across the Country to provide the flexibility in recruiting good qualified people to provide the needed services.

Mr. Skala commented that they were talking about the top pay level of some very important departments, but there had been community discussion in terms of the disparities between some of the staff wages and the salaries for department heads, etc. He noted this issue had been a priority of the City Manager for some time. He recalled it being discussed at the Council retreat last year. He wanted to assure and reassure the City's workers that this was not something that was lost on the Council. He agreed they needed to do something about the disparity between some of these ranges given the pay packages, skill levels, etc. In this regard, if they restricted themselves to this specific individual instance, they were dealing with things that might require the consideration of Charter changes. He reiterated the wage and salary issue across the board for City workers would not be lost on him.

Mr. Wade stated he was pleased they were doing this and agreed with Mr. Watkins who had been working to do this through the entire system. In some ways, this was part of a difficult transition by Columbia as they had become an increasingly complex and sophisticated urban full service City. He understood there had been some discussion in the community about how they could justify this kind of increase in salary range with the tight budget. His experience showed that if competency was wanted in the organization, they had to define the competency, determine who the competition was, and become competitive. In the long run, it was far cheaper to pay for top quality versus having lower salary levels and not getting that level of quality. He believed the same thing was true at the points of the system where these people were working and the Council had a responsibility to have a salary scale that gave them the kind of quality the City expected and deserved. He noted it did not start with the salary. It started with the level of competency and quality they wanted. They would then need to figure out what was required to get it, which included salary and an increase in commitment and money invested in professional development training and skill training in technical areas. He pointed out this was difficult in tight budget times, but in the long run, it was cheaper than underpaying and underfunding the training of people. He stated this was just one place in the system, but all of the places in the system needed to be approached with that attitude.

Ms. Hoppe recalled the citizen survey at the Council retreat last year as it indicated satisfaction with City services was high. She thought they had a good workforce that was doing a good job and they needed to ensure they were keeping that level high.

Mayor Pro tem Janku noted they had toured City operations and met and interacted with many City employees in various departments, and he had always been impressed by the type of service and innovation they provided in contributing to the quality of life. He agreed with Mr. Skala in making City employees and their salaries a priority during this difficult economic time when everyone was incurring additional expenses due to the cost of living.

Mr. Wade thanked those employees that took the time to attend the Council meeting to share their thoughts with them. He felt it symbolized the kind of commitment the employees had to the community and City.

B156-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B157-08 Authorizing a Cost Apportionment/Road Relinquishment Agreement and Federal Aid Program Agreement with the Missouri Highways and Transportation Commission relating to the Scott Boulevard Phase I reconstruction project, from Rollins Road to Brookview Terrace.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved financing Scott Boulevard, which was a project the Council authorized staff to proceed with. This was a cost apportionment road relinquishment agreement with MoDOT and was the same kind of agreement they had on East Broadway where the road was constructed and the City agreed to take over the maintenance and jurisdiction of the road. The total project cost for all of the Scott Boulevard - Phase I improvements was estimated at \$11,125,000. The road relinquishment agreement was in the amount of about \$6,487,000. In addition, they had received a \$3.5 million earmark from the federal government for this road. He pointed out they were looking at an agreement with Boone County to help them pay their share of the cost as well. It was probably too early to figure out what that cost should be, so they agreed to put it off until they reached the bid process stage and everything was ready to go. He noted this was an important piece in helping to pay for an important road improvement project. He pointed out they would not see too many more of these due to funding issues with MoDOT.

B157-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B154-08 Accepting funds from the County of Boone from the U.S. Department of Justice 2007 Edward Byrne Memorial Justice Assistance Grant to purchase Taser® equipment for the Police Department; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Byrne grant was federal money that was passed through the County with the City and County working together to apportion the money. The City's share this year was about \$33,000. The grant did not require a local match and the Police Department was proposing to use the money to purchase 35 Tasers as well as holsters and supporting equipment.

Chief Boehm noted they had 38 of the X26-Model Tasers and officers began using them in 2006. Two were purchased in 2005 for instructors to go through the instructor development course and put the training program together for the device. This would add another 30-35 units depending upon the bid price received and would make them about 25 units short of having every uniformed patrol officer equipped with a Taser. Since they had only been in place for a couple of years, it was difficult to provide statistical data, but they could say they had no injuries to suspects and only one minor injury to an officer during the 2

1/3 year time period. Nationwide, the studies showed injuries to suspects and officers had decreased with the deployment of the Taser. He noted they had no citizen complaints related to the use of Tasers during that time period. The vendor the City purchased the Tasers from had a listing of 468 other law enforcement agencies in the State of Missouri that also used Tasers. It was endorsed by the International Association of Chiefs of Police and the Missouri Police Chiefs Association. Basically, every law enforcement agency of any size in the Country had Tasers. He stated they showed 163 deployments of the Taser during the 2 1/3 years. In half or 81 of those deployments, the deployment was either a laser site display or a spark display, which meant the officer simply showed the Taser, and in some cases sparked the Taser, while asking for compliance. In those cases, it was enough to get compliance and no physical force was needed. He explained that number was increasing because individuals were aware officers were equipped with Tasers and when threatened with its use, they received compliance without deployment many times.

Ms. Hoppe understood there was instruction and asked for the length, etc. Chief Boehm replied Taser International had a certified training course that was required for all of their officers. They sent two officers to the instructor certification course, so they would have in-house instructors in order to do it more efficiently and cost effectively. He thought it was an eight hour course the officers had to go through. Every officer had to be certified on a regular basis to show they knew how to operate the Taser. In addition, there was regular testing with the device. Ms. Hoppe asked if there was instruction on when it was appropriate and not appropriate to be used. Chief Boehm replied yes. He explained every department made their own decisions as to where the Taser was on the use of force continuum, and for Columbia, it was above mace and with the asp, which was the straight baton. He thought that was pretty much what was seen around the Country, although some agencies had it lower, such as even with mace. He reiterated when to use it, how to use it and the medical issues related to it were all part of the training.

Mr. Skala noted this was a controversial issue. He understood the grant did not require matching funds and that this was a judgment made by the professional Police Department in terms of the equipment they wanted to acquire. He asked if there were other options for other equipment and whether the grant money had a time limit or window of opportunity. Chief Boehm replied there was a window of opportunity and they were within that window now. He thought it needed to be used within the federal budget year, which he believed was July. The federal guidelines did not tell them what could be done with the money other than stating it could not be used toward personnel. It had to be used for a piece of equipment. The decision of this being the highest priority was made by him and the command staff and there were other pieces of equipment that were considered.

Mr. Wade stated he assumed the extensive and rapid growth of the use of the Taser was primarily driven by reducing the use of firearms and asked if that was a correct assumption. Chief Boehm replied he was not sure he would be able to make that connection. There were times when the Taser was used in lieu of lethal force, particularly in the case of suicidal subjects. He thought it was a perfect tool in the case of someone who was suicidal. Generally speaking, the Taser was used more in lieu of a night stick or going hands on with physical combat with the individual. Since they could use the Taser and not use physical

force on the individual or the stick, generally speaking, there was less injury to both the officer and the suspect.

Ms. Nauser thought they owed it to the people who put their lives on the line to give them the best and most available tools to protect themselves. She stated the number one priority was to protect those who protected us. She noted she was in full support of allowing them to spend the grant money as they saw for their best advantage.

B154-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B143-08** Vacating a portion of a sanitary sewer easement located on Lot 22 within Bear Creek Village Subdivision; accepting a conveyance for sewer purposes.
- B148-08** Authorizing a Right of Use agreement with Walnut Market LLC for construction, improvement, operation and maintenance of a staircase within the Wabash Alley right-of-way, between Tenth Street and Orr Street.
- B150-08** Accepting a conveyance for underground electric utility purposes.
- B151-08** Authorizing an agreement with Ash Street Arts, LLC for the lease of space for the C.A.R.E. program.
- B153-08** Accepting a donation from the Wal-Mart Foundation for the purchase of recruitment advertisement for the Police Department; appropriating funds.
- B155-08** Accepting the FY 2005 Missouri State Homeland Security Grant Program Interoperable Communications Grant Program - Part II; authorizing a grant agreement; appropriating funds.
- R119-08** Setting a public hearing: construction of a picnic area, trails, playground and open space area at the Grasslands Park.
- R120-08** Authorizing an agreement with the Missouri Department of Health and Senior Services for the Summer Food Service Program.
- R121-08** Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.
- R122-08** Authorizing an affiliation agreement with The Curators of the University of Missouri on behalf of the College of Human Environmental Sciences to provide WIC clinic experience for dietetic students.
- R123-08** Authorizing an agreement with The Curators of the University of Missouri for the annual Fourth of July celebration.
- R124-08** Authorizing an agreement with J.W. Broadcasting, LLC (KMIZ-TV) for funding for the annual Fourth of July celebration.
- R125-08** Authorizing an agreement with The Curators of the University of Missouri regarding the Senior Games and the Show Me State Games.

- R126-08** **Authorizing a bill of sale with Broadway-Fairview Transportation Development District relating to the transfer of ownership of a bus stop on Park DeVille Drive.**
- R127-08** **Authorizing the City Manager to sign a certificate of concurrence assenting to cancellation of the 2006 Midwest Contingency Reserve Sharing Group Agreement.**

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

NEW BUSINESS

- R128-08** **Authorizing an agreement with Modjeski and Masters, Inc. for engineering services for design of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.**

The resolution was read by the Clerk.

Mr. Watkins stated, earlier this year, they had talked about the need to begin design work for the COLT Railroad overpass over U.S. 63 because it was ultimately the solution to the safety problem there. Staff had gone through the normal processes to secure design consultants and was recommending an agreement with Modjeski and Masters, Inc. for the design of this bridge. He thought it would take about a year to complete the design and noted they were trying to encourage MoDOT and the federal government to participate in the construction of the final improvements. He felt they were making progress with MoDOT and was hopeful for an earmark in the transportation bill later this year. He explained MoDOT was agreeable to allowing the design work to be used as local match if needed. He stated they were spending City money up front and was hopeful they would find additional resources during the time they had to get the design completed.

Ms. Hoppe commented that this was something that was desperately needed and was glad they were moving forward.

Mayor Pro tem Janku noted that with rising fuel prices, railroads were being seen as an attractive alternative. He hoped this could foster and support an industry in the community they relied on. The felt it was part of economic development to keep the rail line operating.

The vote on R128-08 was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, JANKU, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN.

Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B158-08** **Approving the Discovery Church O-P Development Plan located on the northwest corner of U.S. Highway 63 and Mexico Gravel Road.**
- B159-08** **Approving the Final Plat of Landmark Subdivision Plat 1 located on the east side of North Old 63, between Alfred Street and McAlester Street; authorizing a performance contract.**

- B160-08 Approving the Final Plat of Rock Quarry PUD Plat 2 located on the west side of Rock Quarry Road and north of Rolling Rock Drive; authorizing a performance contract.
- B161-08 Abrogating the Administrative Plat of Westcliff Plat 2-A located generally north of Chapel Hill Road and east of Perche Creek.
- B162-08 Calling for bids relating to construction of the Maquire Boulevard extension project.
- B163-08 Authorizing the acquisition of easements for construction of the Maquire Boulevard extension project.
- B164-08 Authorizing the acquisition of easements for construction of street improvements on Hunt Avenue from Worley Street to I-70 Drive Southwest.
- B165-08 Authorizing an agreement with the County of Boone relating to improvement of roadway corridors in shared jurisdictional areas along portions of Brown School Road, Clark Lane and Scott Boulevard.
- B166-08 Appropriating funds to resurface the City parking ramp located over the police department and installation of an oil/water grit separator in the Plaza parking garage.
- B167-08 Appropriating funds for rehabilitation of the general aviation apron and Taxiway A4 at the Columbia Regional Airport.
- B168-08 Accepting conveyances for drainage, utility, temporary construction and temporary access purposes.
- B169-08 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving The Villages at Arbor Pointe, Plat 3 (Phase 1); approving the Engineer's Final Report.
- B170-08 Appropriating funds to underground electric lines on Scott Boulevard.
- B171-08 Appropriating funds to build or replace primary electric feeders from substations.
- B172-08 Accepting conveyances for utility purposes.
- B173-08 Selecting an artist for the Fire Station No. 7 Percent for Art Project; authorizing a Percent for Art agreement with Jane Mudd; appropriating funds.
- B174-08 Appropriating funds for documenting and maintaining the City's public art program.
- B175-08 Accepting and appropriating grant funds from the Missouri Arts Council to enhance technical assistance the Office of Cultural Affairs provides to local arts organizations.
- B176-08 Authorizing construction of a picnic area, trails, playground and open space area at Grasslands Park; calling for bids through the purchasing division.
- B177-08 Appropriating funds for the Memorial Tree and Bench Program.
- B178-08 Authorizing an intergovernmental cooperation agreement with Blue Ridge Town Centre Transportation Development District and Rampart Investments, L.L.C.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Pro tem Janku noted this report was for informational purposes.

(B) Sports Development Fund Application from the Columbia Balloon Corporation.

Mr. Watkins explained the Columbia Balloon Corporation had submitted a \$10,000 request for funding through the Convention and Visitors Bureau (CVB) for its balloon festival. The Convention and Visitors Advisory Board reviewed the application and was recommending to not fund it, but they did not have the final call. If Council felt there was reason to provide funding, staff should be directed to bring back a contract. If Council concurred with the Advisory Board, nothing needed to be done.

Ms. Steiner noted this was a difficult decision for the Board because they loved the event. She explained they had about \$100,000 per year allotted for the Sports Development Fund, and with that fund, the generation of room nights and out of market visitation was very important. If they had applied to the Festival Fund, the Board might have been a little more lenient with the rules, but the deadline for it had passed. She pointed out she was not saying they would have been funded had they applied to the Festival and Event Fund, but they might have had a better chance. Historically, balloon events did not generate a lot of room nights. They tended to be day trip events. It was great for the City, but the intent of the fund was to bring people into Columbia to stay overnight and spend money in the community. It was an economic development initiative.

Mr. Skala understood the justification in recommending the \$1,000 as opposed to any other figure was because the application was too late for the Festival Fund. Ms. Steiner explained they sometimes helped events or festivals they thought were positive for the City through their operating fund, but there was only so much they could do. With the change in the Festival and Event Fund deadline for applications, she thought they might be able to come back. To go through that process for August, it would be a tight squeeze, but they could come back with an application to the Tourism Festival and Event Fund.

Mr. Wade stated he found the Advisory Board's economic analysis to be very positive in the sense that this was the reason those funds existed. He was impressed with the analysis and noted it was incumbent upon the applicant to demonstrate the data was inaccurate and that it would generate room nights. In his mind, this was not a fund to support festivals, but a fund to support increased economic activity through festivals.

Mayor Pro tem Janku noted this was another example of a volunteer board doing some hard work, which made the Council's job easier.

(C) Moon Valley Lake Dam Break.

Mr. Watkins explained an older dam on the Hominy Creek had failed in March and Council had asked staff to look at it. Staff worked with DNR and there was a concurrence that there was no liability, which was a plus because they were concerned DNR would find problems with the silting issue. They anticipated fixing it or making the area safe would be a very expensive proposition. There was a group that indicated they had \$10,000 to do the initial study. If they found it would be significantly cheaper or if they could find someone else

to do it, staff might feel more positive about moving ahead. Staff and DNR were recommending to not put the dam back, so it would not be a lake. It would be a mushy green area and a safety problem until it dried out.

Ms. Hoppe stated she had been interacting with a variety of people that were interested in trying to remedy the situation. She was glad to hear the City's assessment was that it should be restored as a stream rather than a lake. She commented that she was baffled at the \$400,000 figure and wondered how they arrived at that figure. After talking in detail to people from the Department of Conservation, DNR, etc., they thought it would be \$40,000-\$60,000. Mr. Watkins explained the \$400,000 estimate was based on having to clean out the silt because there was no way to safely dry it out by letting it sit there. Ms. Hoppe noted people she had spoken with indicated it was in the process of stabilizing, so the dirt did not need to be removed. She assumed the \$400,000 cost was a result of removing the dirt. Mr. Glascock stated they had to remove the dirt and the old concrete that had been breached, which was quite pricey. He noted they had to get permits from the Corps of Engineers to get into the stream and needed some type of plan.

Mr. Wade understood the report indicated DNR would not be aggressive, but wondered if the Corps was involved. Mr. Glascock replied they were not involved yet, but would be because it was under their jurisdiction. Mr. Wade asked when they needed to have a resolution started by before the Corps decided to look at it. Mr. Glascock replied he believed they would want to see a plan and staff had not put together a plan yet. Mr. Watkins noted that as soon as they began doing anything, the Corps would be involved, so he thought it was best to get their approval of the plan in advance.

Mayor Pro tem Janku recalled discussion about money being paid for mitigation associated with the Gans Road/Discovery Ridge interchange being used in the Gans watershed and wondered if that money could be used here as they would be mitigating a stream. Ms. Hoppe commented that someone she had spoken with had walked the stream with the person responsible for the Stream Stewardship Trust Fund and understood that was the kind of partnership they were looking at with the lower figure and estimate. She was unsure of what role the City would have in that. Mayor Pro tem Janku pointed out they had asked them to spend that money on Gans, but thought they might be able to convince them otherwise. He asked how much money was involved. Mr. Glascock replied \$200,000. Mr. Watkins noted they could also consider whether someone else could do it.

Mr. Skala understood there might be another development as well. The details were not in place, but there was interest in the area. He thought it might be a bit premature to be making a decision as to what to do immediately as some other options might surface. Mr. Watkins noted if someone was to come back with a proposal staff felt was a reasonable use of the money, they would bring it to Council.

(D) Neighborhood Involvement in the Zoning Approval Process.

Mr. Watkins stated this report described some of the methods by which the City could structure neighborhood meetings and public participation in the zoning process, which was an objective for some time. The report included some of the recommendations of the

Process and Procedures Stakeholders Work Group and a continuing public discussion of what the role and process should be to ensure these things happened.

Mr. Teddy explained they collected examples of neighborhood zoning meetings included in municipal zoning ordinances or policies indicating there should be a neighborhood meeting for certain types of actions. It was sometimes a particular type of zoning, zoning in subdivisions, developments of a particular scale or at the discretion of the Planning Director or person of authority where neighborhood meetings were required. The value was that it got neighbors of a development site or zoning application site informed of the intent to file or the actual notice of the filing of an application early in the process. He noted they were responding to the Stakeholders Work Group report recommending they provide an earlier and better quality notice in order to increase the public's capacity to participate in the decision making process. He believed that adding this kind of step to the process would create a record that was generally lacking. They were aware of the fact a lot of the applicants were organizing meetings, but they did not have a structure for it becoming part of the record. He felt making neighborhood consultation part of the record would have value because they would know people had been informed. It could also be used to get a preliminary list of things that were important to the people that lived near the sites to be zoned or developed, which would help staff with their review. It would also allow concerned citizens to become educated on the process so they could participate in the manner they were expected. He pointed out they were frequently criticized that the 15 day notice was not enough time to digest all of the information. He referred to the flow chart and described the process. He noted most of the examples collected required a neighborhood meeting before the application was filed, but some just required it a certain number of days before the public hearing. Mr. Wade asked if the neighborhood meeting was the developer meeting with the neighborhood or a meeting where they received the same sense of process regarding what would happen with the probable applicant. Mr. Teddy replied this would be an applicant organized a meeting with the neighbors and would not necessarily be a City sponsored event. Following the submittal of an application, they had already implemented a procedure to let people within a certain radius of a site know there had been an application submitted. At that meeting, staff would explain the procedure. There would not be any comment on the viability of the application. It would strictly allow people to ask questions about how the decision would be made and how they could constructively be involved in the decision. He pointed out they would still provide the public hearing notice by newspaper, letter and sign. The notice would be followed by the Planning and Zoning Commission public hearing and recommendation and would then continue into a notice of the City Council meeting and hearing on the ordinance. If they added the step of a neighborhood meeting, they would want to streamline the existing process by perhaps offering an assured schedule, so both the applicant and concerned citizens understood the applicant could set a schedule, which staff would follow, even if there were some open ended matters. They would recommend delaying the schedule in the event there were substantive issues, such as a site plan not meeting Code or policy, but not if there were only minor loose ends. He pointed out there were a lot of little decisions to make, which included who would provide notice, the documentation needed of the meetings, the timing, etc. He noted the initial thought was to not have staff attend the

individual applicant meetings with the neighborhoods, but to receive documentation. They were committed to doing the information meeting by bundling applications together and having one session to review all of the applications that had come in on a given date. They were reluctant in committing staff to the neighborhood meetings.

Mr. Wade thanked staff for the quality report, which clearly laid out the fact this was not a simple issue. He stated it was a question of process and clearly defining the expectations and requirements in rationalizing the participation and involvement of neighborhood groups and the relationship between developers and neighborhoods. He commented that the development and business community felt neighborhood groups were dictating decisions and the neighbors felt the developers were dictating decisions. He believed that indicated there was a problem with the current process. One of the difficulties in clearly knowing how to move forward involved the integration of actions in the notification requirements, which was closely connected to the kind of actions that were recommended and put into place on mediation and the proposals to eliminate duplicate hearings. It became part of the full package and needed to be carefully integrated so the entire process made sense. He suggested they move forward with the caveat of it moving with the other pieces of reorganizing the planning and development process.

Mr. Wade made a motion directing the Planning and Zoning Commission to prepare proposed changes to the zoning ordinance that would make neighborhood meetings part of the zoning review process and define the requirements and guidelines that would be expected in the process. He thought defining the process was the Planning and Zoning Commission's responsibility. He commented that he was not including staff in the motion because staff worked closely with the Planning and Zoning Commission, so it would automatically be done. The motion was seconded by Ms. Nauser.

Mr. Skala stated this was both a wonderful and complicated report. He commented that the critical component of the conversation between the neighborhood associations and zoning applicants had more to do with agreement than disagreement. The most important factors in both perspectives had to do with accountability and transparency. Part of the problem they had to deal with involved neighborhood associations recapitulating the number of votes, the dates of meetings, etc. because there was no real written record, so it was difficult to know what was going on unless they were there. From that aspect, it would behoove the neighborhood associations for Council to set the policy so some of those things were recorded and could be verified. It also meant the applicants would have to subscribe to some of the same kind of scrutiny, early transparency and accountability. If that was done, it would go a long way in reducing the adversarial relationships and providing a much better product. He felt this report served to solve some of those problems and was long in coming and dearly needed. He stated he was very happy to support the kind of movement suggested in the motion.

Ms. Nauser thanked staff for the report and stated having a policy and guideline put everyone on notice and on the same playing field because everyone would know what was expected of them in this process. She was hopeful it would eliminate people coming forward saying they were not invited, this was not discussed, they had a different interpretation, etc. She thought the process would be much better in the future and was hopeful the controversy

with regard to some of the subdivision plans would be eliminated. She stated was glad to see this moving forward as she was always advocating policy direction to solve issues.

Ms. Hoppe commented that this was a policy that would enhance communication and dialogue and would hopefully result in a better end product as well as a better process.

Mr. Wade noted that in addition to defining the requirements for the neighbors, this would also define the requirements for the development community. Too often, the development community believed the neighborhood meeting was the place to tell the neighbors what they were going to do as opposed to engaging in a real conversation and he felt that had the same negative impact as the neighborhood saying they were going to stop the development in their backyard. He urged the Planning and Zoning Commission to spend time in understanding the complexity of these issues and noted the reason the report was so powerful was because it identified the many complex interrelated issues and provided examples of how different communities had tried to address them. He stated he was not urging a rapid movement forward. He was urging a steady movement forward in order to allow the complexities to be adequately translated into policy that would hopefully work.

The motion made by Mr. Wade and seconded by Ms. Nauser directing the Planning and Zoning Commission to prepare proposed changes to the zoning ordinance that would make neighborhood meetings part of the zoning review process and define the requirements and guidelines that would be expected in the process was approved unanimously by voice vote.

(E) Fire Department Responses.

Mr. Watkins stated this was in response to a Council request for information on fires versus emergencies by station. He noted this would be discussed at the Council retreat.

Mr. Wade asked if it would be possible to provide the same information on five year intervals, such as five years back and ten years back. Mr. Watkins replied he would check, but noted he did not think it was possible. Mr. Wade commented that this was not enough to determine if they were dealing with a fundamental change.

Mr. Skala stated he was surprised to see the differential between emergency responses and fire emergencies. Mayor Pro tem Janku explained they took their trucks with them when doing inspections so they could respond.

(F) Graffiti.

Mr. Watkins explained this was covered at length at the pre-Council work session. Staff was proposing to undertake a significant response to graffiti in public places and was asking Council whether there was interest in an ordinance for the removal of graffiti in private places.

Ms. Nauser thanked staff for preparing the report as it had a lot information and suggestions for proactive measures. She recommended they moved forward on the two steps suggested, which included considering the sponsoring of a graffiti summit and establishing a graffiti hotline and web link for citizens. She also recommended they develop an ordinance, which included a response time for the graffiti to be addressed from the time the graffiti was noted, so they had it in their toolbox. She thought this should be in

conjunction with obtaining a graffiti kit at a low or no cost, so citizens understood they needed to take care of it and that the City would assist by providing the kit.

Mayor Pro tem Janku asked if she wanted staff to discuss the issue with stakeholders for input prior to drafting and providing it to Council for consideration. Ms. Nauser replied she thought it could be discussed as part of the graffiti summit. Mr. Skala understood the draft ordinance would occur after the summit. Ms. Nauser stated she wanted it done in conjunction with or parallel to the summit. She thought staff could be looking at ordinances in other cities as they were working on the graffiti summit, so they had something to present to the stakeholders. Mr. Wade understood the background data and a preliminary ordinance would be part of the discussion at the summit.

Ms. Nauser made the motion directing staff to proceed with the graffiti summit and the establishment of a graffiti hotline and web link for citizen while preparing a draft ordinance regarding the removal of graffiti and the creation of graffiti kits to potentially be provided at a low or no cost. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Skala stated he was contacted by a constituent regarding the availability of the blow up screens the Parks and Recreation Department used to show movies. He understood the Eastland Hills Neighborhood Association was interested obtaining one. Mr. Watkins stated he would check with the Parks and Recreation Department. Mr. Sturtz explained Ragtag had worked with the Parks and Recreation Department for a long time to put on events at Flat Branch and Stephens Lake. Starting this year, he thought the Parks and Recreation Department was contracting with a company out of St. Louis in conjunction with U.S. Cellular. There was a cost associated with it, but he did not know what the quote was. He thought there was probably a way to extend that deal to a neighborhood association or another group. Mr. Skala stated it would be great if staff could provide that information.

Mr. Skala noted they were asked to provide feedback on information received involving the transit system and its benches and shelters and stated it would be helpful to him to know where all of these items were. He asked if there was an overlay that would identify where some of the benches and shelters were projected to be on the transit map, so they had a better handle on it. Mr. Watkins replied staff would provide that information.

Mr. Skala made a motion directing staff to provide a report on the allowances provided to the Mayor and Council of comparable cities for professional development. The motion was seconded by Mayor Pro tem Janku and approved unanimously by voice vote.

Mr. Wade stated he had made application and had been accepted to attend a National League of Cities Leadership Institute in Rapid City, South Dakota in the latter part of June on strategic thinking in terms of council deliberations and work. As a result, he would clearly overspend his allocation.

Mr. Wade made a motion directing staff to provide a report with recommendations for traffic management at the intersection of Smith and Louisville. Currently, there were no stop signs and no traffic management. He noted he had received an e-mail from a constituent, which he would forward to the City Manager's Office, giving at least two examples of near disasters. The observation was that this was an intersection in which a major accident was waiting to happen. The motion was seconded by Mayor Pro tem Janku and approved unanimously by voice vote.

Mr. Wade stated he was intrigued by the report on the access management for Academy Village, which was the first item on the agenda. When the stakeholders group on street standards did their work several years ago, they recommended attention to access management standards. He did not believe they had not gotten to that yet. He understood Missouri did not have a set standard, but the Ohio Department of Transportation had a good record regarding access management requirements that came out of a manual. He noted there was a lot of information for the City to use from the manual of the Ohio Department of Transportation in terms of the criteria for decisions involving access management. He wondered if it was time to for the City of Columbia to have a clear set of guidelines and data.

Mr. Wade made a motion directing staff to provide a report regarding putting access management standards into guidelines with a usable manual. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Sturtz commented that they had been talking about the Shotgun House at 500 N. Garth, which Mike Martin and Brian Treece bought and kept from being demolished. They had provided a good service to the City as it was an important house and the last one remaining from the black neighborhood on Cemetery Hill near Osco Drug. He explained they had reached an agreement with the Historical Society with regard to moving the house. He thought they felt this was a good back up plan, but that they wanted to exhaust the opportunity to locate it within the black neighborhood and make it part of the historic district. The main issue was that the owners did not have any liability insurance and had given the City a deadline of June 1st to obtain an insurance policy or letter of indemnification that would protect them from injury or damage. He stated he did not know how to proceed with that time table and was looking for suggestions from the Council on how to keep the house as an option for the historic district that would be developing over time.

Mr. Skala thought the only two options that existed were to move it to the location on Nifong or to dismantle and store it in some way. He felt dismantling it might be a reasonable option, except for the fact the house, once dismantled, might be irrecoverable causing them to lose it totally. He saw the fall back position of moving it to the Historical Society as the only viable option, but noted he was open to suggestions. He understood there was an important perceptual component in trying to establish a notable historic black community center, but at this point they were beyond the time table to do that.

Ms. Hoppe commented that there was a limited amount of space at Nifong, so if it was put there now, it could be returned if they had sufficient funds in the future. She noted that in lieu of the structure being at that location, a possibility was to have a plaque or monument

indicating the structure existed and had been relocated so people knew of its significance and its new location. She understood it was not the best solution. Mr. Sturtz pointed out it had already been moved from Cemetery Hill to Garth, so he did not know which location would be more appropriate for a plaque.

Mayor Pro tem Janku stated he felt that if it existed at Boone Junction, there would be a constant desire to return it and even if it was not achievable, because it would be visible, it would cause people to talk about it. He felt this was similar to the Blind Boone piano because people were still trying to figure out how to return the piano to the Blind Boone's home. He noted the Historical Society had indicated they planned on making it a significant attraction by providing great supporting information. He thought they might be able to work with them in the future in order to move it to a better location. He commented that he did not want to dismantle and have it out of sight for a number of years.

Ms. Nauser stated she thought they would be remiss if they did not take advantage of an opportunity where people had funding available to take care of it so people could actually view it. While it was not the perfect option, it was the most viable option at this time because the City did not have the funds to restore it. She commented that she would hate to put it in storage with the potential of damaging it when dismantling it when there was an opportunity for the public to enjoy and learn from the exhibit at the Historical Society.

Mr. Wade stated he was very reluctant in proceeding because he felt that if it went out there, it would never come back. He commented that he would reluctantly agree that moving it to the Boone Historic Complex was the best option available, but noted he would continue to think it needed to be brought back. He thought the first priority in getting it back was the completion of the Blind Boone home and felt they needed to move that up on the priority list. He suggested they discuss adding another function involving cultural and historic structures to the Parks and Recreation Department at the retreat.

Mr. Sturtz made a motion endorsing the Shotgun House being moved to Nifong Park with the understanding they wanted to open a discussion with the Boone County Historical Society regarding its eventual return to a possible historical district when it was formed. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Pro tem Janku stated he received a call on KFRU regarding a problem of rebar sticking up at the intersection of Route HH and Route B. He was not sure if it was in the City or County, but thought City staff could contact the County if needed. Mr. Watkins stated it was within the County's jurisdiction.

Mayor Pro tem Janku believed there was a gap in the sidewalk along Proctor Drive near the entrance of the Bear Creek Village Subdivision. He noted there was a long stretch of sidewalk along the unimproved road that functioned very well, but there appeared to be a gap that was the developer's responsibility. He also wanted the Parks and Recreation Department to look at connecting the sidewalk through to Proctor Park on the south side because that would get people to the improved section of Proctor, which was a good school route for children.

Mayor Pro tem Janku made a motion directing staff to provide a report regarding the developer's responsibility for the gap in the sidewalk on Proctor Drive near the Bear Creek

Village Subdivision entryway and placing the sidewalk connecting to Proctor Park on the south side in the CIP plan. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Pro tem Janku understood GetAbout Columbia would have bike racks available for the public for distribution throughout the community and hoped they could do an audit of public facilities needing bike racks. When he was at the Chamber Building, he noticed there were no bike racks. He commented that the Farmer's Market also lacked bike racks and thought temporary bike racks could be installed.

Mayor Pro tem Janku made a motion directing staff to provide report on the public facilities needing bike racks. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Sheela Amin
City Clerk