

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**NOVEMBER 17, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 17, 2008, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, SKALA, WADE, HOPPE, HINDMAN and STURTZ were present. Council Member NAUSER was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of November 3, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Hoppe.

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

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

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Marlon Jordan – Voting Rights.**

Marlon Jordan, 11 E. Ash Street, stated his comments were for Columbia taxpayers, who were often times in need of transparency and accountability from government because relying on the local media in getting certain information out was difficult. He wanted the taxpayers of Columbia and the State of Missouri to know that on Election Day, while he was campaigning in front of his polling precinct, he was faced with intimidation, coercion and threats on his voting rights and his attempt to vote. He explained he was accosted by two Columbia police officers and one Columbia Housing Authority security staff member. He commented that he had already submitted some particulars of the incident and was looking for solutions. On behalf of his family, he was asking the Mayor and Council to find the wherewithal to bring his family's allegations of attempted murder in 2002 and obstruction of justice based on race pertaining to freedom of speech in 2008 to Washington, D.C. He wanted all of his complaints to go to the United States Department of Justice because he felt the federal government could provide better oversight and a better review and investigation into his complaints. He stated he did not trust local government, and specifically the Columbia Police Department, based upon his last two incidents. He asked the City to find a way to get their issues to Washington, D.C. He commented that he had brought his nieces and nephews to a prior Council meeting and one of the things they had observed was that the Council did not offer any suggestions or solutions. He reiterated they were asking the

Council to bus his entire family to Washington, D.C., so President-Elect Barrack Obama could understand and learn that deprivation of rights based on race no longer made him feel safe. He stated he had a constant reminder on his arm that triggered anxiety and a total unbalance. He felt the Columbia Police Department was waiting for an opportunity to commit an execution as they had already tried to do with crushing tactics and suffocation. He commented that local black paragons in the community were willing to help, but were not allowed to take the lead, and provided when he was not included on the civilian review board as an example. He felt that was Jim Crowism and unconstitutional. He believed the federal government needed to seize all computers, documents, etc. He stated he also wanted \$6 million because that would begin to build him back into a human being as the government had destroyed him.

## **PUBLIC HEARINGS**

### **B322-08 Voluntary annexation of property located on the east side of Bethel Church Road, south of Poplar Hill Drive; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this request involved the voluntary annexation of about 1.5 acres on the south side of the City. The applicant was requesting annexation in order to connect to City sewer. The requested zoning was R-1 and the Planning and Zoning Commission recommended approval of that R-1 zoning.

Mayor Hindman opened the public hearing.

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

Mr. Skala understood there were a couple of single family mobile homes on the property that would be allowed to remain and would be grandfathered as a permitted use. Mr. Teddy explained they would regard the two existing structures as legal but non-conforming residences. The applicants were seeking annexation to connect to City sewer, which was considered maintenance under the ordinance as it would improve the health, safety and welfare condition of the existing legal nonconformities. He pointed out that if they tried to replace both residences in the future with mobile homes or buildings under permits, some type of relief would be required, such as a two lot subdivision in order to make it legal and conforming.

B322-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

### **B323-08 Voluntary annexation of property located south of I-70 Drive Southeast, northwest of St. Charles Road (5304 I-70 Drive Southeast); establishing permanent C-P zoning; rezoning adjacent property from A-1 to C-P.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved the voluntary annexation and rezoning of about 3.2 acres in east Columbia to C-P and the rezoning of an adjacent and approximate 2.0 acres to C-P as well. The Planning and Zoning Commission recommended approval of the rezoning by a vote of 5-1. He noted this would shrink an island of unincorporated property in this part of the community.

Mr. Teddy commented that they added topography to their slide presentation per Council request so they could view the character of the land on and around the site. It generally sloped from the east and south to the north and west. There was a pond on the property that was also on the National Wetlands Inventory. It was a wooded tract that was mostly climax forest per the estimation of the City Arborist, so future development would be subject to the tree preservation ordinance. There were also a few draws through the property. The majority of the Planning and Zoning Commission members agreed the character of the area was primarily commercial and the zoning was appropriate for the area.

Mr. Wade understood this was essentially a small extension of the existing commercial zoning at the intersection. Mr. Teddy explained there was County designation of C-G, which was general commercial, on the tracts directly to the east. The existing land uses included a service station, convenience store and other smaller buildings that were oriented at St. Charles Road. Mr. Wade understood they would move that commercial a short way down the road. Mr. Teddy stated that was correct. He noted they anticipated Bull Run to be extended through to I-70 Drive Southeast at some point in the unknown future, which would further define the district. The Major Roadway Plan called for I-70 Drive Southeast to be closed at the access of St. Charles and to have Bull Run connect to it instead.

Mr. Skala stated there was discussion of 20 percent green space and asked if there had been any mention as to whether the reserved climax forest would be in the rear or front and sides of the property. Mr. Teddy replied no.

Mayor Hindman opened the public hearing.

Erick Creach, an attorney with offices at 1103 E. Broadway, provided the Council with a copy of his presentation and stated he was representing the applicant, PDIL, LLC. He explained the application was for the rezoning of 5.16 acres to zoning district C-P of which a 3.2 acre portion was outside of the City and subject to annexation. The other 1.96 acres was already within the City of Columbia and was zoned A-1. They were requesting it be rezoned to C-P as well. He noted an informational meeting had been held and no interested parties attended the meeting other than Mr. Smith, who had attended on behalf of PDIL, LLC. He explained the property contained a vacant single-family home and garage and had only been used for residential purposes in the past. The property owner had obtained the property as part of a loan from the previous owner and the current zoning, which was A-1 and/or R-S, depressed the amount of recovery they could obtain. He pointed out the C-P zoning was consistent with the character of the neighborhood and was close to I-70, other commercial properties and the St. Charles/I-70 Southeast interchange. County general commercial zoning was along the east and southwest corner of the subject property. In addition, commercial zoning was all along St. Charles. He showed a portion of the City's zoning map and noted all of the frontage space along I-70 Drive Southeast was C-3. In addition, the Metro 2020 Plan had this area as general commercial. He stated the rezoning request was consistent with future plans for roadway improvements to include I-70, if it were to become six lanes, and Bull Run. They were limiting the size of buildings to 50,000 square feet and the height to 35 feet, and were proposing some climax forest preservation.

Tim Crockett, an engineer with Crockett Engineering Consultants, 2608 North Stadium, presented a depiction on the overhead and pointed out it was not the development

plan. He stated it was a rough idea or sketch of a proposed development showing they could protect a large percentage of the trees on the site. He noted a comment was made at the Planning and Zoning Commission meeting of trying to preserve the trees along and adjacent to I-70 and explained that with the extension of Bull Run Drive and it tying into I-70 Drive, the grading and construction of that roadway would take down the trees out front. As a result, they felt it best to protect the trees where they would do other useful things, such as screening the existing residences. He stated utilities were either adjacent or nearby so they would be able get utilities to the property. He understood there was mention of wetlands and pointed out any concern over the wetlands would be mitigated through the Army Corps of Engineers individual permitting process.

Steve Smith, 300 Diego Drive, stated they were asking for C-P zoning versus open zoning in order to work with everyone involved. He thought they had cooperated well with the City with past projects and their intent was to do so again. He noted they could not predict or project what someone else might do with the property. They were not the developer and it was not their intent to develop the property. They were only trying to maximize their return and felt this was consistent with the surrounding properties.

Mr. Skala asked for clarification regarding the extent to which notification had been given with regard to the informational meeting. He wondered if it had gone all of the way to Eastland Hills. Mr. Teddy replied they notified people within a 200 foot radius of the subject property. He noted there were some fairly large parcels so the mailing list was not large. He explained they also notified recognized neighborhood associations within 1,000 feet of the subject property. Mr. Skala thought the Eastland Hills Neighborhood Association was within 1,000 feet. Mr. Teddy stated he would have to look at his list because he thought they might be beyond 1,000 feet. He pointed out they also announced it on the listserv for those that followed it.

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

Ms. Hoppe asked for an explanation of the need for eliminating the I-70 Outer Drive connection and refiguring it through the tree area on Bull Run. Mr. Teddy replied he understood it was to simplify the complicated interchange area. He thought it was also anticipating the possibility of improvements to I-70, in which case the diamond interchange would need to be enlarged. In addition, if Stadium Boulevard was extended, there would be a need to manage access in the interchange area. He explained MoDOT had a plan, but not a funded project, and offered a comment indicating consideration should be given to their plan. They did not, however, object to the C-P zoning. Mr. Watkins noted it would also move the access substantially further away from the interchange providing access management on both sides.

Ms. Hoppe explained the reason she was asking was because Mr. Barrow, the Planning and Zoning Commission Chair, commented that one of the beautiful features Winston-Salem, North Carolina had was a tree area along their major highways. In addition, within the last two years Boone County Commissioner Karen Miller had held a meeting where the entrance into Columbia on I-70 was discussed with regard to whether they should have a plan and how it should look. As they moved toward developing these areas, she felt it might

be good to put some careful thought into this. She stated she would ask staff to provide more information with regard to Winston-Salem's plan at the end of the meeting.

Mr. Wade commented that he believed commercial was an appropriate land use for this section. Due to the lack of determination with regard to the road structure, he felt it was appropriate for it be C-P versus open zoning. He noted he had driven in Mississippi, Alabama, Georgia and Florida recently, and they each had narrow strips of trees that were boring and cut people off from the country they were traveling.

Ms. Hoppe pointed out she was not necessarily saying that was what they needed to do. She only thought they should address how they wanted it to look.

Mr. Skala stated he agreed commercial zoning was appropriate for this area. He was surprised more people did not show up and felt that if more people had known, they might have shown up because that was what they wanted in the area. He also liked the fact they were starting to close some of the County islands in the City because it was good for future planning.

Ms. Hoppe stated she was pleased to see this would be planned commercial as it was appropriate for this location.

B323-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**B324-08      Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would be the first of several updates to the Major Roadway Plan because CATSO, the area-wide planning organization, had made a number of changes, which staff would bring to Council to incorporate into the City's 2025 Major Roadway Plan. There were three essential items. One was the addition of some existing Boone County collector streets and City streets and three related future street sections. Another was the addition of some new local non-residential street connections, particularly in the Route 763 area. He noted it had not been too long ago that these were brought up and discussed at length. The third was the removal of the Cunningham Road extension from its existing road terminus north of Bray Avenue to Rollins Road per Council request.

Mr. Teddy noted this was the first of a number of roadways that were on the CATSO long range map, known as the Major Roadway Plan, and being proposed to Council to consider adding to the City's map, which was used as an element of the Comprehensive Plan. A majority of these were roads that already existed and were in the County's jurisdiction for the most part. The Council was being asked to consider adding them to the City's Major Roadway Plan to recognize their function. He explained all County roads were collector roads. At present, a number of these roads around the perimeter of the metro area were not recognized as major roadways on the Major Roadway Plan. They were local streets as far as the City's Plan was concerned, so adding them to the City's Major Roadway Plan would recognize the fact they had a collector function. In addition, if there was development in the area, the County or other road jurisdiction would have the authority to request the

appropriate right-of-way. He noted a handful of roads were locals and arterials, but the majority of them were collectors. He pointed out there were three exceptions in the southwest area. He explained the second group involved roads along Highway 763/Range Line Street in north Columbia, which would be future roadway links. They were shown as lines on the map for further consideration as roadway extensions or new roadways. He noted the final item was the consideration of the removal of Cunningham from the City's Major Roadway Plan.

Mr. Teddy showed a diagram of the City's Major Roadway Plan on the overhead, which was last updated in June of 2005. He explained in 2006 and 2007, CATSO had been busy adding additional roadway links, filling in the outer perimeter with major roadway designations, making some changes to the interior in the City's jurisdiction and developing the road network east of U. S. Highway 63, and showed the diagram of what CATSO had adopted in May of 2008 on the overhead. He noted all of the existing Boone County collector streets and the few related City streets were listed and each was assigned an index number indicating the geographical sector of the metro area for filing purposes. They included the name of the street, its functional class, its status and coordinates indicating where the road started and ended. He noted there were three roads involving future roadway construction. One was the Brushwood Lake Road re-alignment, which would create a four-way intersection at Vawter School and Scott Boulevard. Currently, there was an offset between Brushwood Lake and Vawter School Road. Another was Thornbrook Parkway, which was mostly an existing road except for the section that appeared on Preliminary Plat No. 2 of Thornbrook. This designation would carry it out to the edge of the Thornbrook property and would suggest future connection to Brushwood Lake Road. This action would also designate the existing Thornbrook Parkway as a neighborhood collector because that was how that road functioned. The third involved joining together Timberview Drive and Nursery Road and designating them as neighborhood collectors as well. It partly existed, but would need a future link from Route K to Old Plank Road in order to connect them. He showed a list of the existing roads and pointed out 26 were classified as major collectors, 19 were classified as minor or neighborhood collectors, one was classified as a major arterial, three were classified as minor arterials, two were classified as local non-residential streets and one was classified as a local residential street. He showed many of these on the overhead.

Mr. Teddy explained the next group involved the 763 corridor and new local non-residential streets. They were all unnamed streets and approved by CATSO in December of 2007. The source of these alignments was the City Public Works Department. They prepared a report and map with suggested additional roadways on both sides of 763 due to the fact it would soon have a higher capacity and speed with more access control along it. As a result, some of the larger tracts and existing neighborhoods would need alternate ways to get around. Having a rearage road system would compliment the improvements being made to Range Line and the expected development activity. He showed a diagram on the overhead and provided a brief description of each local non-residential street. He provided a list and explained it was similar to the list for County collectors, but did not include names.

Mr. Teddy noted the last item under consideration was the removal of the unbuilt section of Cunningham Road, which had been on the City's Major Roadway Plan for many

years. In 2003, the Planning and Zoning Commission and the Parks and Recreation Commission recommended the removal of Cunningham from the Plan. He explained it was put on the Plan because Scott Boulevard and Fairview were a mile apart. If land use and existing development was not a factor, it was generally advisable to have a medium duty road in between the one mile interval for good circulation and to relieve the arterial roads. It was now recognized that a majority of this road was within a City-owned tract of land designated for park use. The Planning and Zoning Commission, the Parks and Recreation Commission and the Bicycle and Pedestrian Commission felt the roadway should be removed. He noted it was not a project at this time, but was in the CATSO Plan with a cost estimate of \$1.1 million. Removing it would allow them to say that \$1.1 million would not be spent. He pointed out the Bicycle and Pedestrian Commission recommended removal with a condition that there to be some kind of pedestrian connection between Rollins and Bray to offset the loss of the planned roadway, so bicycle and pedestrian traffic could be accommodated without relying on travel through the arterial roads. He noted Scotts Branch Creek would provide another opportunity for pedestrian access between the neighborhood to the south and Rollins Road. It was a programmed improvement so there would be a trail facility in that one mile interval that would run between Rollins Road and Chapel Hill. He showed Master Plan Option A on the overhead and noted it was one of several options recommended by the Parks and Recreation Commission and the Planning and Zoning Commission.

Mr. Teddy stated the Planning and Zoning Commission recommended approval of all of the existing County collector streets and several City streets, along with the three related new neighborhood collector streets segments, approval of the addition of nine new Route 763 corridor local non-residential street segments and removal of the Cunningham Road extension from Bray to Rollins with regard to the City's Major Roadway Plan. The Bicycle and Pedestrian Commission basically made the same recommendation with the added condition of a bicycle and pedestrian facility to be retained with respect to the Cunningham Road extension. The Parks and Recreation Commission also recommended removing the Cunningham Road extension.

Mayor Hindman opened the public hearing.

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

Mr. Janku understood LNR-5 started at Northland, which was currently a residential area with single-family homes and mobile home parks, and proceeded up to Kennesaw Ridge, which was a condominium area, so it was largely residential. He noted he also understood commercial was developing along the 763 portion, but wondered why that was designated non-residential in part. He asked why the north-south portion was not designated as local residential. Mr. Teddy replied they might not have been as sensitive to the consistency of the surrounding land use. They had gotten on a roll with the commercial frontage that existed on 763, so it might have been simply overlooked. He agreed it looked as though it was mostly residential with some C-3 zoning. Mr. Janku noted there was C-3 zoning along the west side of the street, but the existing use to the east was residential. He stated he had the same comment on the west side of 763 with LNR-6. The north-south portion, which was adjacent to the church and a R-1 use, bended toward the back of Vanderveen at Amazon. There was also a street that stubbed into the church property. He

stated he understood the need for the commercial designation along the area that was adjacent to 763, but wondered why the other stretch would be non-residential. He noted he was not sure what that implied or meant. He commented that 763 would have limited access and Blue Ridge would have a stoplight, which would not allow right turns on red, so he was concerned people would want to avoid the stoplight and use the back road network causing a cut-through traffic situation, which was the worst kind of traffic situation. He reiterated that he was concerned with the non-residential designation in areas that were residential and the creation of loop allowing vehicles to get around 763 causing cut-through traffic to affect those areas. Mr. Teddy commented that anytime there was a busy corner that experienced congestion and the availability of a loop street, there would be possibilities for cut-through traffic. With regard to the land use, he noted a pocket of area that was zoned M-1. In addition, the residential community was zoned C-3 and multi-family housing developed within the C-P zoned area. They did not want to suggest the vacant additional C-3 zoned areas would develop as residential as well. He noted specific design criteria could be re-evaluated during the project phase.

Mr. Sturtz understood a lot of these changes were dictated by the CATSO Plan, which fed into the Roadway Plan and asked if they were saying some of these projects should be placed in the CIP by adopting them. He noted he was concerned about some of the sensitive areas near Route K and at the end of Scott Boulevard. Mr. Teddy stated with regard to the Route K area, they were really looking at existing roads. He noted Highland Parkway was added by CATSO to recognize it was how the road functioned. It did not need reconstruction or capacity improvement. Mr. Sturtz asked if they were just acknowledging roads, such as Mount Celestial, existed, but were not saying they needed to be widened. Mr. Teddy replied that was correct. He noted the decision with regard to widening those roads would remain with the County as long as they remained within the County jurisdiction. This action alone did not create additions to the City or County project lists. It was just a resource for the elected bodies and staff to use as an evaluation tool. He noted there would be additional amendments for the Planning and Zoning Commission and Council to consider with regard to road extensions in this area. Those could become CIP projects if there was a lot of momentum.

Ms. Hoppe commented that the City was still in the process of completing the Natural Resources Inventory and asked if that would be used in the future in terms of being one factor in assessing where roads would go. She wondered if it could be used. Mr. Teddy replied yes. He explained consolidated planning grant monies were used to help acquire the imagery and it was CATSO's intention to use the imagery as a backdrop when future new roads, alignments, roadway extensions, intersection realignments, etc. were considered because it would provide the best possible resolution and information. He noted CATSO staff typically wrote a report to the Coordinating Committee assessing how many creek crossings were involved if it was a new roadway alignment. With the Natural Resources Inventory they would be able to do more analysis and talk in terms of quality of vegetation or natural resources within a given corridor.

Mr. Skala asked if it was fair to make the assessment that the 763 issues were engaged around traffic relief in already developed areas while the others in the northeast

were in anticipation of growth that would occur partly in response to the new high school. Mr. Teddy explained the Range Line corridor was looking at a higher capacity and more access restricted road with a lot of parcel divisions and a need to circulate traffic so individuals could move in the direction they truly wanted rather than going to an out of the way intersection and double backing. A backage road system allowed traffic to move in the true intended direction of travel. It would also open up the back ends of some of these deep parcels allowing better and more efficient use of the property.

Mr. Wade commented that the Planning and Zoning Commission had a fairly focused discussion on this topic when he was a member and the simplified answer he arrived at was when the structure and access system of a road was changed, they needed to also change the back road system supporting it. He thought this was responding to the change in the functional structure of 763.

Mr. Teddy explained with regard to Mr. Skala's question regarding the northeast area, some of those were due to the County's request. He noted some went beyond the metro area and believed the County was anticipating growth in that sector. He pointed out they were not necessarily going to be public projects, and explained this would allow the authority to request right-of-way in keeping with the actual function of the road if there was development pressure. He noted the County used a 66 foot right-of-way on collector roads, so they would be looking for 33 foot half-widths. Mr. Skala understood this would accommodate the County's rules. Mr. Teddy stated that was correct. He commented that the Planning and Zoning Commission had withheld discussion on the northeast area around the new public high school pending completion of the joint City/County plan. They would have some ideas about the Roadway Plan at that time and might want to alter the CATSO Plan or at least consider alterations. Mr. Skala thought the sub-area plan might inform this discussion as well.

Mr. Skala asked if there had been any analysis of walking or bicycle trails in the Cunningham area. Mr. Teddy replied not in any great detail. As a general rule, they wanted accessible pedestrian-ways connecting Rollins and Bray in any way possible at whatever interval was considered appropriate. He noted Cunningham would have provided a little relief for Fairview Road with an alternate approach to get around the school congestion. While the road was an issue for most of the people that testified, he thought they had indicated they would not mind a pedestrian or bicycle facility through there.

Mayor Hindman stated he thought it was important to understand this was not an exact alignment by any means. It was a planning document for the future. He thought it was a step in the right direction to have this kind of area-wide planning done because it was useful when development took place to make development extractions and to alert people as to where roads would potentially be. Another effect was that once it was put this Plan, it could also be put on the Transportation Infrastructure Improvement Plan (TIIP) and when added to the TIIP, federal money could be used in connection with the project. He noted he agreed they should eliminate Cunningham Road. He explained that while he was a great subscriber of more roads for carrying less traffic, there was a great opportunity for a park on the Russell tract. He understood they would never have that connectivity by road in some places, and felt they should at least have connectivity for bicyclists and pedestrians in those cases. He suggested

they show interconnectivity per the Bicycle and Pedestrian Commission recommendation between Rollins and Bray on the map. He noted that connection was not shown on the map and asked if it could be shown. Mr. Teddy explained they had a separate element of their Transportation Plan was called the Bicycle and Pedestrian Network Plan and it would remain there.

Mayor Hindman asked if that made it eligible for TIIP. Mr. Teddy replied he believed it did as long as it was referred to in the Long Range Transportation Plan and was programmed in the TIIP when they had a project. Mayor Hindman asked if they could program it into the TIIP the same way they could if it were on the CATSO Plan. Mr. Teddy replied yes. He explained they did enhancement projects that drew from another federal source and often involved trails that were not on the Major Roadway Plan. Mayor Hindman asked what would happen if they received an earmark. Mr. Teddy replied he thought it would be okay as long as they had a facility on a plan that was a component of the Long Range Transportation. He did not believe they had to have it as part of the roadway segment if it was not a roadway.

Mr. Skala understood there was a tentative plan for a trail along the creek, but that there might be a need for this other one as well. He noted it was also voiced that this was a rather pristine nature area and some benefit should be given to the animals living there. Since he did not have an analysis, he thought they should leave the placeholders there, so the trail could be done if they felt it was necessary. He just wanted to be sensitive to the other side of the issue as well. Mayor Hindman noted it could not be built without a public hearing and discussion.

Mr. Teddy stated he was mistaken and the Bicycle and Pedestrian Network Plan did not show it. It showed the Scott's Branch Trail as a future facility, which could be included in the TIIP. Mayor Hindman asked where that was located. Mr. Teddy replied to the west. Mayor Hindman stated he would then ask for the trail to be put on the Plan.

Mr. Wade felt that was a separate set of decisions and considerations. He thought it should take the design of the park into account as well. Mayor Hindman stated he was not asking for an exact alignment. Mr. Wade thought the nature of the trail involved a different set of considerations and decisions. Mayor Hindman agreed and stated he would bring the matter up at the end of the meeting.

Mr. Janku noted the local non-residentials except for LNR-5 and LNR-6, received a different number when they changed direction and wondered if they needed another north-south one where it bended. He also wondered what the implication was for it being a local non-residential versus local residential in terms of how a street would be planned. Mr. Teddy replied more right-of-way was required for local non-residential streets. A local residential would be a 28 foot street and a local non-residential would be a 30-36 foot street. The required right-of-way for a local residential street was 50 feet and the required right-of-way for a local non-residential was 60-66 feet.

Mr. Janku stated he would like staff to re-evaluate LNR-5 and LNR-6. LNR-5 would clearly impact current residential property and the extra width would encourage and facilitate truck traffic. He also questioned the southern extension of LNR-6. He was not sure they wanted to build roads to make it easier to avoid the intersection, especially with regard to truck traffic in residential areas.

Mr. Janku made a motion to amend B324-08 by removing LNR-5 and LNR-6 from Item XIII in Section 1. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B324-08, as amended, was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**B335-08 Authorizing development of the Eastport Neighborhood Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the development of the Eastport Neighborhood Park in east Columbia. The Parks and Recreation Department had conducted a number of neighborhood planning meetings and believed the plan shown on the overhead screen represented a consensus of the neighborhood. He noted there were some people who had concerns with tying into a future trail system. The total project cost was expected to be \$135,000. If the Council elected to proceed, construction would begin this spring and the work would be done by contract labor and the Parks and Recreation Department employees.

Mr. Hood pointed out this would be a typical neighborhood park. Amenities included the trail, an open play field, a playground and three small one table picnic shelters. He noted they were preserving a large amount of open space along the north fork of the Grindstone Creek.

Mr. Skala understood there was disagreement regarding the trail and asked for clarification. Mr. Hood replied a number of the residents that backed up to the park indicated a preference for not having a trail. There was some concern this would be part of the eventual trail that was shown on the Trail Master Plan as coming from the downtown part of Columbia, going along the north fork of the Grindstone and leading out toward the area where the new high school would be located. He noted it might tie into that at some point in the future, but it would be a while.

Mayor Hindman opened the public hearing.

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

B335-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**B336-08 Authorizing construction of tennis and basketball courts at Rock Quarry Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this project was included in the City's FY09 CIP, which was recently approved by Council as part of the budget. The total project cost was expected to be about \$190,000 and would be funded with parks sales tax and labor from the Parks and Recreation Department staff. If Council approved moving ahead with this project, they anticipated an early summer construction schedule with a completion date in July, 2009.

Mr. Hood noted these facilities were part of the original plan for the park, but were not built in the phase one of the project because funds were not available. It was included in the 2005 ballot issue.

Mayor Hindman opened the public hearing.

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

Mr. Janku pointed out a young person had come to the Council a while back due to the lack of basketball courts after the University had removed some courts for new dorms, and noted this responded to his request.

Mr. Skala stated he was glad to see they had a mix of developed parks where some were less developed and others were more developed. It was a nice blend. He appreciated the Parks and Recreation Department trying to invite some sort of spectrum to the issue of how the City developed parks.

Ms. Hoppe thought it would be well used with the amount of student housing out that way.

B336-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

## **OLD BUSINESS**

### **B333-08 Amending Chapter 2 of the City Code relating to the attendance policy of the Boone County Community Services Advisory Commission.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a request by the Boone County Community Services Advisory Commission to change the ordinance that set the rules for the Commission. These changes had to do with attendance. The Commission was concerned that attendance was not at the level it wanted and believed this would help improve attendance.

Mr. Skala understood several commissions had different ways of approaching this issue. This method took away any discretion by the Chair for excused absences and changed it from 25 percent to 50 percent with regard to absences. He thought that could be a problem in some cases because the Chair could recognize the difference between a legitimate excuse for jury duty, etc. and something else. He felt it might be an unfortunate way of getting rid of someone who was valuable. In exchange, they were talking about 50 percent absences, which equaled six absences per year, and felt that person might essentially be dysfunctional. He stated he would rather see some discretion given to the leader of the Commission with the 25 percent absence rate, but understood each commission had a different dynamic and this might be the best solution for this particular Commission.

Mr. Janku believed they obviously felt there was a problem since they brought this to the Council. He noted someone could play the system regardless of the rules and wondered if they should just give the Commission the discretion to recommend to the Council that someone be removed. He stated he did not mind voting for this, but felt if a commission was having a problem, they should notify the Council.

Mr. Skala stated he agreed and felt three in a row was a good because it showed a stiff trend.

Mr. Wade stated he felt the three in a row moderated the 50 percent a bit. He did not know if this was the best way to do this, and agreed there were many different ways, which entailed giving different amounts of discretion to the Chair. On some of these voluntary commissions, he felt it became difficult for the Chair to be assertive, and having clear and specific rules with no discretion would help make the job of the Chair easier. He thought they should try it. If it did not work, they could come back to the Council with another way.

Mayor Hindman did not think anyone would ever come up with a perfect solution and thought they should allow them to try this.

B333-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**B334-08 Amending Chapter 4 of the City Code to allow expungement of records pertaining to alcohol-related offenses by minors.**

The bill was given second reading by the Clerk.

Mr. Boeckmann explained, several years ago, the State legislature put in a provision in the statute that allowed for the expungement of records for a first offense of a minor in possession, and Ms. Hoppe had requested the City mirror it, which this did. He noted there was some doubt as to whether or not the Council had authority to do this. If he knew for certain they did not have that power, he would have submitted a memo stating so without preparing this ordinance. He explained the issue was whether this would be in conflict with the records retention laws and believed it could be argued both ways. He noted the Council had a lot of power as a charter city, but had to be consistent with State statutes. The argument could be made that there were a number of statutes that authorized the expungement of arrest records and court records, but the legislature had become involved and had chosen not to authorize it with minor in possessions at the municipal level. The counter-argument was that the legislature probably did not consider this when the law was passed for the State minor in possessions because it was hard to think of a reason why the legislature would authorize expungement of State records but not allow the same for municipal court records. He stated he was not saying the Council did not have the authority to do this. He just wanted the Council to know there were some doubts and arguments to the contrary.

Mayor Hindman asked if that would put the Municipal Court Clerk in a bad situation. Mr. Boeckmann replied there was a presumption that any law, including an ordinance, was valid, and as long as the Court Clerk was acting under the ordinance, he thought it would provide adequate protection due to the presumption of validity even if it was litigated years down the road.

Mr. Wade understood there was another alternative which involved the City repealing its minor in possession ordinance and asked why they needed both State and City minor in possession laws. Mr. Boeckmann replied they had about 350 cases per year involving minor in possessions. About half involved the City and the other half involved University Police. If they dumped all of those on the County, they would likely object. In addition, there would be a fiscal impact. Mayor Hindman noted there was also a technical difference between the

violation of a City ordinance and the violation of a State law. Violation of a State law was actually a crime, while violation of a City ordinance was civil in nature and less serious, even if it were not expunged.

Mr. Janku wondered if they could attempt to have the Secretary of State's administrative rules and the Missouri Supreme Court operating rules amended or obtain some clarification to take away this issue of uncertainty. Another option would be to go to the General Assembly and ask them to allow for municipal expungement. Mr. Boeckmann commented that the only way to do away with the uncertainty would be with legislation, but he did not think it was a major risk.

Ms. Hoppe understood the retention schedule was for the orderly retention of records by various government agencies. She did not think there was anything in there to exclude expungement by an authorized ordinance for something in particular. Mr. Boeckmann stated he did not believe the operating rules and the record retention schedules dealt with expungement. The legislature, however, could provide for expungement, and it would be presumed that if it was expunged, it would not be a record that would need to be retained.

Ms. Hoppe asked if there were any other cities in Missouri that allowed the expungement of minor in possessions. She knew there were a lot of municipalities that expunged the first driving while revoked records. Mr. Boeckmann noted there was a State statute that authorized the expungement of DWI's at the municipal and State levels. He was not sure of other cities allowing the expungement of minor in possessions, but stated he had not researched it either.

Dan Viets, an attorney with offices at 15 N. Tenth Street, stated he recently represented people in charged with the same offense within the same week with one in the City court and the other in State court. He was able to tell the person charged under State law and committing a criminal offense that it could be wiped out within one year or sooner if they turned 21 in less than a year whether they were on probation or not. The person charged in City court, which was normally the more friendly court, would have a conviction that was eternal. He pointed out convictions had become a much more serious matter in the recent few years since Case.net had become a part of life. Although the City of Columbia Court was not currently on Case.net, the City of Fulton and other nearby city courts were, and Columbia would be in the foreseeable future. He commented that when a conviction was on Case.net, it was eternal because there was no provision for it to ever disappear. It was a serious impediment for a person seeking employment, housing or dealing with busy bodies in the community because it was there forever and easy to access. He thought the State legislature did the right thing in allowing these offenses to be expunged. He believed there were many that had committed this offense when under the age of 21 and it was not something that should haunt someone forever. He noted the same Legislature that provided for the expungement of DWI convictions under State law or city ordinance simply failed to consider municipal ordinance convictions in the expungement statute for minor in possessions. He thought the City could address it and believed it was appropriate for the City to address. He agreed with Mr. Boeckmann in that there were some questions which they did not have an answer, but pointed out they might never know the answer because he did not think anyone would be motivated to litigate the issue. He commented that he had

spoken with some attorneys at the Department of Revenue and understood there were other cities within the State that provided for the expungement of certain offenses and the State had honored and recognized them. He stated he had been advised the Department of Revenue would recognize these expungements as well.

Ms. Hoppe pointed out the Substance Abuse Advisory Commission had taken this issue up at their last meeting and supported the ordinance. She also emphasized this would allow for the expungement of one offense. It did not provide for repeat offenses. It was giving someone a chance to learn from a mistake and having a clean record in terms of applying for jobs. She noted the last sentence of the ordinance stated “nothing contained in this section shall prevent the municipal court or other city officials from maintaining such records...” and thought it should say the city prosecutor versus other city officials. Mr. Boeckmann stated he thought the same language was in the State statute. Ms. Hoppe asked if there would be a problem changing the language. Mr. Boeckmann replied he did not think so.

Ms. Hoppe made a motion to amend B334-08 by replacing “other city officials” with “city prosecutor” in the last sentence of item (c).

Mr. Wade noted other city officials included the city prosecutor and asked why they would not keep the language the same. Ms. Hoppe wondered what other city officials would maintain such records. Mr. Boeckmann stated the only other people with an interest would be the Police Department and he did not think they would be keeping track of it. The most logical place would be the court or the prosecutor’s office. Ms. Hoppe stated she was agreeable to keeping the language in the ordinance as it was.

Mr. Skala understood one would not qualify for this expungement if they were in violation of some other issue, like probation. Mr. Boeckmann read the language in the ordinance, which stated “...who since such conviction has not been convicted of any other alcohol-related offense and who is not on probation for the violation of this section....” Ms. Hoppe noted this was more stringent than the State statute. Mr. Boeckmann explained the “on probation” made it more stringent. He pointed out the typical probation was 18 months, so they would have to wait until after that time for an expungement.

B334-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

## CONSENT AGENDA

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

**B325-08**     **Approving the Final Plat of Regional Catholic High School Plat 1 located on the north side of Gans Road, east of Bearfield Road; authorizing a performance contract.**

**B326-08**     **Establishing Columbia, Missouri Sanitary Sewer District No. 163 along Ballenger Lane and Aztec Boulevard.**

**B327-08**     **Establishing Columbia, Missouri Sanitary Sewer District No. 165 along Maple Bluff Drive.**

- B328-08 Establishing Columbia, Missouri Sanitary Sewer District No. 167 along Timberhill Road and Timberhill Street.
- B329-08 Authorizing a right of use permit with American Plaza, LLC to allow construction, improvement, operation and maintenance of a sign within a sidewalk drainage and general utility easement located on Lot 7A in North Woods Plat 1.
- B330-08 Accepting conveyances for drainage and temporary construction purposes.
- B331-08 Authorizing Change Order No. 1 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for an Integrated Resource Plan as it relates to power supply needs and alternatives.
- B332-08 Accepting conveyances for utility purposes.
- B337-08 Authorizing an agreement with Boone County for Joint Communications clerical services.
- B338-08 Accepting a Youth Community Coalition Grant from the Missouri Division of Alcohol and Drug Abuse; appropriating funds.
- R246-08 Setting a public hearing: construction of a water main serving Lots 4301, 4305 and 4307 within McMickle Ridge Subdivision.
- R247-08 Setting a public hearing: development of Cascades Park.
- R248-08 Setting a public hearing: development of Smiley Lane Park.
- R249-08 Setting a public hearing: considering approval of a design concept proposed by artist Jane Mudd for the Fire Station No. 7 Percent for Art Project.
- R250-08 Setting a public hearing: considering an amendment to the FY 2008 HOME Action Plan.
- R251-08 Authorizing Adopt A Spot agreements with South Paw Acres, LLC and George Owens, Go Mowing.
- R252-08 Authorizing a memorandum of agreement with the Cooper County Public Health Department relating to emergency planning and preparedness services.
- R253-08 Authorizing agreements with local organizations to fund human rights education programs.
- R254-08 Declaring official intent to reimburse certain project costs with proceeds of bonds.
- R255-08 Authorizing an agreement with Federal Express Corporation to allow placement and maintenance of a drop box at Columbia Regional Airport.
- R256-08 Authorizing a sidewalk renovation agreement with 1013 Walnut LLC for removal and replacement of a sidewalk along a portion of Walnut Street (1013 Walnut Street); transferring funds.
- R257-08 Authorizing an extension for the lease of parking facilities with First Christian Church of Columbia, Missouri.
- R258-08 Authorizing an amendment to the engineering services agreement with Harrington & Cortelyou, Inc. relating to the design and replacement of a

**bridge over Hinkson Creek on Old Route K Outer Road, south of Reactor Park.**

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

**NEW BUSINESS**

**R259-08 Authorizing an agreement with Peckham & Wright Architects, Inc. for architectural support services for the exterior restoration of the John W. “Blind” Boone Home.**

The resolution was read by the Clerk.

Mr. Watkins explained \$225,000 from the Tourism and Development Fund was included in the budget to begin the external restoration of the Boone house. Previously, they had put in some State Historical Preservation and CDBG money to stabilize the house. This would begin the process of making it look like it did at the turn of the previous century from the exterior. The local architectural firm of Peckham & Wright had worked with them for the last 6-7 years and this would authorize an agreement with them to design and prepare construction documents for the external restorations.

Mr. Sturtz stated this was a very exciting development and noted he was hopeful the renovation on the outside would kick-off private fundraising as he believed everyone wanted to see this succeed. It had been languishing for many years and he did not think there was any reason why it could not be a jewel in the cultural district.

The vote on R259-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

**R260-08 Authorizing the Finance Director to write off certain uncollectible receivables.**

The resolution was read by the Clerk.

Mr. Watkins noted this was an administrative function provided for in the City Code. While the numbers appeared to be big, the City had an allowance for uncollectables that was debited every month, so in terms of real impact, this was fairly negligible. It would not impact any of the operating statements.

Ms. Fleming explained one of the handouts provided in the packet included the write-off percentages. They City wrote those off each month by reducing receivables and allowing for an allowance. This would take the legally uncollectible accounts off of the books. The City's percentages were under one percent. Solid waste and sewer tended to be a little more than one-half percent because they did not shut off services for those. Utility customer service included the late fees and collection fees they had. The biggest problem was with final bills and not being able to find people. They kept them on their books for five years, so they could try to collect if they ever came back for service. The complete listing of accounts was posted on the website. She noted they were always looking at ways to improve collection procedures and they now had the ability to work with water districts on sewer bills.

She thought they needed to understand the ramifications of entering into those agreements because they had to pay the water districts for revenues lost during that time. In addition, they needed the ability to work with people with large accounts to make sure they had a way out before implementing new programs.

Mr. Janku asked for an explanation of some of the efforts made in collecting on accounts. Ms. Fleming replied they had a good collection rate on any metered service because if money was owed, they could shut off service. Depending on where one lived, they might not have a metered service with the City, and those accounts were turned over to collection agencies. They were kept on the books for over five years and if someone wanted service during that time, they were required to pay those old bills before being provided service again.

Mr. Janku recalled K-mart going bankrupt a few years back and the City had to write off a significant amount. With Circuit City filing for bankruptcy and the potential of General Growth filing for bankruptcy, he wondered what could be done to prevent a big account from not paying for a couple of months. Ms. Fleming stated they were talking to people who were five days past their due date. They did not let them get multiple months behind. She pointed out there were restrictions in the winter time when they could not shut off certain services. The biggest thing they could do was to ensure they had adequate deposits on hand. With a payment delinquency record, the City had the ability to charge a deposit of twice the highest bill, so they would have two months worth of charges as a deposit. Businesses were not required to provide a deposit. They could pledge a CD instead so they had an investment the City could access. Mr. Janku asked if that could be accessed if they filed for bankruptcy. Ms. Fleming replied it had the City's name on it, but she was not certain. Mr. Boeckmann replied he was not certain. Mr. Janku thought they needed to think about that because there could be some significant delinquent accounts.

Ms. Hoppe understood this \$2,151,000 was for years 1998 through 2008. Ms. Fleming stated it included bankruptcies through 2008, but only collection accounts through 2003 because they could still legally collect on the more current accounts. They would keep those on the books and continue to try to collect on those.

Mr. Wade asked how often this was done. Ms. Fleming replied it had not been done for four years and that she should try to do it more often. Mr. Wade understood that was the reason he had not seen it before. Ms. Fleming replied that was correct. She explained it was a clean up type of resolution. It did not affect the financial statements except it reduced the receivables and allowances. It allowed them to clean up the accounts in the computer system. Mr. Wade explained that when he first saw this he thought it was a new policy, but understood there was already a policy in place and this was just an act to implement the policy. Ms. Fleming stated she would like to do this annually. Mr. Wade stated that would be good.

The vote on R260-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER.  
Resolution declared adopted, reading as follows:

**R261-08 Authorizing a joint funding agreement with the U.S. Geological Survey, United States Department of the Interior for groundwater monitoring in the vicinity of the wetland treatment units and the Eagle Bluffs Conservation Area.**

The resolution was read by the Clerk.

Mr. Watkins explained this was a continuation of a long standing cooperative agreement with the U.S. Geological Survey (USGS). It would allow a five year extension of them monitoring 15 wells in the vicinity of the wetland treatment units in the Eagle Bluffs Conservation Area. The cost to the City would be about \$50,000 a year and the USGS would pick up part of the cost. The agreement provided for continuation of the semi-annual monitoring of the well sites and would include things like wastewater indicator compounds, pharmaceuticals and hormone compounds. There was a two page list in the contract of everything they were looking for.

Mr. Glascock pointed out this was the first time they had added pharmaceuticals to the list.

Mr. Skala asked if this was related to the trihalomethanes. Mr. Glascock replied no. He explained this was to ensure they were not defiling their wells.

Ms. Hoppe understood there would be a report at the end of five years and annual briefings of progress to City personnel and asked if the Council would receive a yearly report. Mr. Glascock replied yes.

Ms. Hoppe understood this was a five year study, but it did not mean there would not be adjustments or responses to the data received. Mr. Watkins explained if they found something they perceived was potentially harmful, they would bring it to the Council's attention for action. He commented that due to today's technology, they were measuring things that they did not even know existed five years ago because it could not be measured in those small amounts.

The vote on R261-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

**R262-08 Authorizing an agreement with CH2M Hill, Inc. for professional engineering services to prepare conceptual and preliminary design plans for the Historic West Broadway from Garth Avenue to West Boulevard improvement project.**

The resolution was read by the Clerk.

Mr. Watkins noted about 2 ½ years ago, the Council heard a proposal from neighbors along this part of West Broadway in terms of how the street might be widened to obtain some additional traffic flow while constructing sidewalks and pedways. At that time, Council directed staff to perform a traffic study, which was done with a report to Council in November of 2007. At that point, Council asked staff to contract for the design of the proposals submitted as part of the traffic study. They had gone through the selection process and negotiated a contract in the amount of about \$105,000 for phase one, which was the preliminary design of this part of the project. Phase one would include the project management and coordination, surveying and roadway design. He noted it would then be brought back to Council for a public hearing where they could elect to proceed into phase two, which would include going to bid documents, or could go in another direction. He

pointed out this did not take them to the point of constructing a particular design. It would only get them to the point of having preliminary plans from which they could hold a public hearing. Mr. Watkins noted, at this time, there was no money in the CIP for phase two, which they expected to cost about \$350,000. Depending upon the outcome of this phase, they would include money in the CIP in future years to move to the construction phase.

Mr. Wade understood phase one did not begin with a design. It would look at several different designs with an analysis and bring them to the Council and public as data in order to inform the decision for the final decision on design. Mr. Glascock explained they would use the traffic study as the basis and would have numerous public information meetings before beginning the design. Mr. Wade noted any perceptions that a decision on the design had been made was false. Mr. Glascock stated that was correct. Mr. Wade understood the public would have lots of opportunities to provide input on what they thought the design should be. Mr. Glascock stated that was correct. Mr. Wade understood the final design decision would be made at the end of phase one and phase two was when it would go into construction design. Mr. Glascock noted they would have a preliminary design at the end of phase one, which would move them into a final design on the product. Mr. Watkins pointed out they would ask Council to approve the preliminary design after a public hearing. If it were to be approved, they would then move to phase two based upon that preliminary design. Mr. Wade explained he was pushing this because he felt many were jumping to conclusions and assumptions about what had already been done. He thought it was important for the public to understand decisions had not been made and that there would be many opportunities for different kinds of public input before the Council was to the point of a decision on the design. Mr. Glascock pointed out “no build” was always an option.

Mayor Hindman commented that the traffic study had been done, which had recommendation, and the preliminary design would be developed around the recommendations of the traffic study. While there would be plenty of opportunity for public input, this was a step in a direction determined by the traffic study. He thought that needed to be made clear.

Mr. Janku noted the last paragraph of the second page indicated the second phase would also include a design to relocate utilities and asked if utility relocation would be shown in the preliminary design as well. Mr. Glascock replied they would not spend the money to do that until they had a roadway design because they would not know where to put the utilities. As a result, it would be done as part of the final design of the roadway. Mr. Janku thought that would be important to people. Mr. Glascock stated they would all be going underground. Mr. Janku understood that was assumed. Mr. Glascock stated that was the way they planned to proceed. If that was not what Council wanted, they needed to know.

Mayor Hindman stated he thought this was a very important step. It was an area that needed a design done. He felt the traffic study had been revealing with regard to what could be done effectively. He also felt the sidewalk situation was deplorable and needed forward progress.

Mr. Wade noted this was the next step in the decision process, which would be a transparent, public process.

The vote on R262-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

**R263-08     Authorizing a settlement agreement with MCC Missouri, LLC (Mediacom).**

The resolution was read by the Clerk.

Mr. Watkins explained the City entered into litigation with Mediacom several years ago for many items to include their non-performance of the franchise agreement with regard to public access and their failure to pay franchise taxes, which would go into the City's general fund. After litigation began, the laws changed making pieces of the lawsuit more difficult to quantify. After quite a bit of work, staff came up with a proposed settlement of \$200,000, which they believed was fair and reasonable. Staff was suggesting the money be used to pay outside legal council and for public access. Since it was a one time source of funds, they did not want to put it into programming or something that required funding year after year. If Council approved the settlement, staff was proposing to contract with Stephens College for \$125,000 to assist in rebuilding the studio that had been used for CAT-3 in terms of public access after the money was received. The balance would be put into the City's general fund for a one time use, and at this time, the suggestion was for the money to go toward the audio-visual equipment needed for the Council Chamber in the new facility. He pointed out they expected a much smaller settlement from Charter in the future based upon this template.

Mr. Sturtz asked if they could say how much Mediacom underpaid in franchise fees over that time period. Mr. Boeckmann replied no. He explained they had made some educated guesses. It would take a lot of time and money to determine a precise answer, so they felt a ballpark figure was better. Mr. Sturtz asked if there were any safeguards in place to prevent them from underpaying in the future. Mr. Boeckmann replied the only thing that could be done was to periodically audit them. Mr. Sturtz asked if that was fairly expensive. Mr. Boeckmann replied he thought it was worth doing. Mr. Watkins pointed out the law had changed. The State now collected the fees and reimbursed the City. Mr. Boeckmann noted the City could still audit them. Mr. Watkins agreed, but explained the City did not receive the check directly from Mediacom. The check came from the Department of Revenue. Mr. Boeckmann stated he was not sure that was accurate. He recalled it being in one of the proposed bills, but was not certain if that was in the final legislation.

Mr. Sturtz understood the fee was currently five percent of gross receipts. Mr. Watkins replied that was correct. Mr. Boeckmann explained gross receipts was very broad in the City's old ordinance. The statute was more specific. The gross being paid on now was less than it was under the old ordinance, so it was not a total increase.

Mr. Wade asked if there was a legal difference. He understood there was no franchise, so there were no franchise fees. Mr. Boeckmann stated it was not called a franchise fee anymore. It was called a video service provider fee. Mr. Wade understood it was more straight forward. Mr. Boeckmann stated it was more specifically defined.

Mr. Skala asked if the contract with Stephens College for capital improvements anticipated CAT-3 using some those improvements. Mr. Watkins replied in discussions with both CAT-3 and Stephens College, he understood there would be some cooperative

agreement for the use of the studio between the two of them. Because Stephens College owned the building, the City would contract with them.

The vote on R263-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

Mr. Boeckmann noted a motion was needed directing staff to negotiate a contract with Stephens College for the studio improvements if Council agreed.

Mr. Janku made a motion directing staff to negotiate a contract with Stephens College for the studio improvements. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

## **INTRODUCTION AND FIRST READING**

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

- B339-08**     Rezoning three tracts located northeast and southeast of the Providence Road/Green Meadows Road intersection from A-1 and O-P to C-P; changing the uses allowed on C-P zoned property located adjacent to the rezoned property on the north side of East Green Meadows Road, west of Carter Lane; setting forth a condition for approval.
  
- B340-08**     Amending Chapter 6 of the City Code as it relates to the building code and demolition of structures; amending Chapter 29 of the City Code as it relates to the powers and duties of the Historic Preservation Commission.
  
- B341-08**     Vacating a utility easement located north of Willow Way, west of the Conley Road Wal-Mart.
  
- B342-08**     Vacating a sewer easement located at the south terminus of Norma Court within U-Tell Subdivision; accepting a conveyance for utility purposes.
  
- B343-08**     Amending Chapter 14 of the City Code to prohibit the operation of commercial motor vehicles on Birch Road.
  
- B344-08**     Amending Chapter 14 of the City Code to prohibit parking along sections of Burnam Road.
  
- B345-08**     Authorizing a development agreement with Alfy Corp. relating to the extension of Providence Road, from Vandiver Drive north to Blue Ridge Road.
  
- B346-08**     Appropriating funds relating to the Brown School Road reconstruction project, from Route 763 to Providence Road.
  
- B347-08**     Authorizing acquisition of easements for construction of the Clear Creek Pump Station Force Main improvement project.
  
- B348-08**     Authorizing construction of a water main serving Lots 4301, 4305 and 4307 within McMickle Ridge Subdivision; providing for payment of differential costs.
  
- B349-08**     Appropriating funds for FY 2009 Water Capital Improvement Projects.
  
- B350-08**     Approving a loan from the Electric Utility to the Railroad Utility for the replacement of the Columbia Terminal Railroad (COLT) highway-rail crossing surface at U.S. Highway 63; appropriating funds.

- B351-08**     Accepting conveyances for utility purposes.
- B352-08**     Authorizing development of Cascades Park; calling for bids through the Purchasing Division.
- B353-08**     Authorizing development of Smiley Lane Park; calling for bids through the Purchasing Division.
- B354-08**     Adopting the City of Columbia 2009 Medical Plan and 2009 Dental Plan; establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.

## REPORTS AND PETITIONS

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

Mayor Hindman noted this report was informational.

**(B)**     Substance Abuse Advisory Commission Memo Regarding Compliance Checks.

Mr. Watkins explained the Substance Abuse Advisory Commission had written this report regarding alcohol compliance checks and directing certain funds towards that effort. The report had been provided to Council without staff comment. If Council had an interest in this, he suggested they request a report from staff in terms of legal and practical implications.

Mr. Skala thought it would be appropriate to get further information through a report.

Mr. Wade stated he appreciated the Commission's innovation and initiative, but thought he needed more information to evaluate the potential action. He felt the recommendation for a report was the wise step.

Mr. Janku agreed and noted they received a lot of requests to segment funds, which was not a good policy for government. If they thought this was worth supporting, he suggested it be done through the budget process.

Mayor Hindman understood there were a lot of court fees for various programs like this. Instead of collecting and earmarking fine money, he thought it might be better to attach it to a court fee for people convicted of it. It could then be used for this purpose without violating the principle Mr. Janku was concerned with. He asked if that could be done on the municipal level. Mr. Boeckmann replied he would need to look into it. He noted they had a number of fees, but they were all authorized by statute. Mr. Wade suggested that be included in the report.

Ms. Hoppe commented that the memo was also asking the Council to allow the Commission to participate in collecting, summarizing and providing more information to them with regard to the ordinance and asked if they needed both a staff report and a request to the Substance Abuse Advisory Commission to provide more information. She was not sure if they should do that now or wait until after the report was received. Mr. Skala stated he thought they could use the report as a resource as well as add to it.

Mr. Wade made a motion requesting the Substance Abuse Advisory Commission to develop more information and directing staff to provide a report in regard to the implications of this recommendation, including the possibility of court fees. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(C) League of Women Voters Letter.**

Mr. Watkins explained this was an informational item in response to a letter received by the Council from the League of Women Voters.

Mayor Hindman asked if a motion was needed. He noted the memo stated no action was required, but also indicated it would be helpful to establish written policy. Mr. Boeckmann replied staff planned on proceeding with the policy and Council could make the motion if they wanted.

Mayor Hindman made a motion directing staff to establish a written policy that would address the right of the public to engage in first amendment activities in areas of City parks being used for events open to the public. The motion was seconded by Mr. Sturtz

Mr. Wade commented that City parks did not include the airport and this issue involved City facilities beyond the parks. He wondered if they needed to think about that. Mr. Sturtz thought they could say all City-owned facilities. Mayor Hindman stated he thought the court case took care of the airport specifically.

Ms. Hoppe asked if the contract included a statement indicating they had to follow the orders of the court. Mr. Boeckmann replied it was part of the contract.

Mayor Hindman noted staff indicated it might be helpful for this policy for the parks. They did not think it was necessary for other locations.

Mr. Watkins pointed out some areas were problems and noted they would not want that kind of activity in the power plant or water plant due to security. Parks were obviously open to everyone.

Ms. Hoppe recalled the Parks and Recreation Department indicating they would ensure written information clarifying the policy was given to people using the parks for events when this was previously discussed, so she was surprised by this as she thought it had already been done. Mr. Boeckmann replied it had partially been done, but he did not think everything had been addressed. It was not as simple as one might think. Parks were traditional public forums, so there were a lot of first amendment protections there. He explained there was a difference between having an event that was open to the public as opposed to a wedding reception in a rented facility. He did not think they wanted people to have the right to go in and petition or handout leaflets at a wedding reception. There were also company picnics at shelters that were reserved. There were a lot of issues the Law Department and Parks and Recreation Department needed to work out. He noted they could do an overall policy that applied to everyplace, but felt it was better to focus on where there would more likely be a problem. Ms. Hoppe recalled it involved events open to the public. Mr. Hood explained when this issue had come up, they amended the parks special use agreement to include a statement indicating the parks were public places and first amendment rights were allowed. He felt additional clarification in the form of a policy would be useful.

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

**(D) Chronic Nuisance Property Ordinance; 802 Wilkes Boulevard.**

Mr. Watkins stated this was in response to a Council request with regard to property at 802 Wilkes Boulevard. Staff felt the chronic nuisance property ordinance should not be amended to expand the definition of a nuisance activity to include being arrested on a warrant.

Mr. Boeckmann explained this addressed two separate requests. The first issue was whether there was a technicality, loophole or deficiency in the ordinance with regard to it being counted as a chronic nuisance for someone to be arrested at a house. The ordinance was not aimed at that. It was aimed at nuisance activities, which was defined and included a number of different offenses occurring on the property or in near proximity of the property. He thought this would be a radical departure from that concept and would cause problems because if one was accused of criminal activity and an arrest warrant was served at the house, it would count against the person residing at that location.

Mayor Hindman stated he did not agree. He believed if there was a house in a neighborhood where warrants were issued against people giving that address and those people were arrested over and over again, the house was a nuisance whether criminal activity was taking place at that house or not. He understood that was recognized by the Columbia Housing Authority. He was not sure of the exact policy, but thought a tenant of Section 8 housing could be evicted from the house if they were arrested and gave that address. He reiterated that he felt it was a nuisance if there were a series of arrests and warrants with people giving the same address, and believed something should be done. Mr. Boeckmann noted he was saying bad people should not be allowed to live in that house. Mayor Hindman stated that was correct. Mr. Boeckmann asked where they should live. Mayor Hindman replied he did not know. He felt that was another problem. Mr. Watkins asked if they should close St. Francis House or The Salvation Army Harbor House. Mayor Hindman replied he did not know. Mr. Boeckmann pointed out they would have some major problems if they included this in the ordinance as they would be exposing the City to some substantial liability. Mayor Hindman stated he would look into it some more. He stated he heard about a city in Florida that kept a record and gave a ten day notice to the landlord indicating they would tear the house down and had done it a couple of times. Mr. Boeckmann asked if they did so because people were arrested there. Mayor Hindman replied yes. He felt it was unfair to neighbors because they were driving the value out of a neighborhood if there was a house with constant evidence of criminal activity. He recognized due process was required and the issue of a person being presumed innocent until found guilty. He understood they might have to wait until the person admitted guilt or was convicted. Although this might not be the place where the criminal activity took place, he felt it was a nuisance because it was the place the criminal activity emanated from and where the people doing it were living. It was hurting the neighborhood and the value of the property around it. It was destroying the neighbors' lives. Mr. Boeckmann asked if these people should be forced to move a few blocks away or out of the City. Mayor Hindman stated he did not know the answer. He understood they might have to chase them until there was no place left in town for them to go. He also understood the issue of eliminating crime in an area did not mean they were eliminating crime within the City because it moved to other parts, but felt

a house which was obviously a nest of people committing criminal acts should be addressed. He noted the philosophical issues of where they were going needed to be dealt with. They also needed to try to find a way to keep these people from doing these things, but felt they needed to address this issue as well.

Mr. Wade stated they answered the question with the chronic nuisance ordinance of how they dealt with criminal acts at a location and wondered if they should ask the question that Mayor Hindman was putting on the table with regard to how they addressed locations that consistently gave shelter to people who committed illegal acts elsewhere. He noted that was a different question, but one worth pursuing. He thought they should begin thinking about an answer to it. He agreed all of the ramifications stated were there, but felt they should see if they could come up with an answer to that question. Those locations, if never addressed, would become breeding grounds for illegal acts.

Mayor Hindman suggested they look into licensing rentals and putting the landlord's license in jeopardy. Mr. Boeckmann stated if these people were committing criminal acts, they should be in prison which involved the justice system. Mayor Hindman stated that was not the City's issue. The City could not deal with that as it did not have the right to do that. Mr. Wade noted they had the right to address the issue of quality of life in this community as it was affected by people who consistently committed criminal acts and used a particular location as a shelter.

Ms. Hoppe understood Mayor Hindman and Mr. Wade were addressing different issues. Mr. Wade stated they were addressing a different question. He thought it was different from the chronic nuisance ordinance. Mayor Hindman understood they might not be able to approach it through the chronic nuisance ordinance, but thought they needed to find a way to approach it.

Mr. Skala agreed it was a nuisance and thought it was worth pursuing the question. He understood the instrument might need to be separate and they might need something more severe, but believed it needed to be addressed because they were constantly talking about it. He understood there was the presumption of innocence, but felt that did not take away from the fact this was a quality of life issue. Given the recent circumstances, including some of the economic circumstances, this was beginning to be more and more of a problem. He reiterated he thought they needed to address it.

Mayor Hindman made a motion directing staff to provide a report with suggestions on how to deal with properties where people accused of criminal activity resided even though the crime did not take place at that location.

Mr. Janku asked what would happen if someone committed a crime and was sentenced to home detention. Mayor Hindman replied that was something staff could look into. Mr. Janku noted another issue was the integration of people coming out of prison. Mayor Hindman stated that was different issue as that person had already served their time. Mr. Wade pointed out they did not want them going back to the locations where the people performing criminal acts were living.

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

**(E) Blue Ridge Road Sidewalk Gaps.**

Mr. Watkins explained this was in response to a request by Council pertaining to gaps in sidewalks. This involved Plats 13 and 14 of Vandiver Crossing and sidewalks the developer was to build as part of his performance contract. The lots had not been developed, so the sidewalks had not been built.

Mr. Janku noted they had a tradition of not requiring the sidewalks to be built on a lot until the house was built. In addition, they had a policy of filling in gaps over time. In looking at the plats, there were a couple of lots along cul-de-sacs that needed to be addressed over time. What was really driving his concern was that Blue Ridge was a collector street with a high volume of traffic and speed, but had gaps along the sidewalk making it impossible for the different parts of that neighborhood to come together. Those were the stretches he wanted addressed. He noted Snow Leopard was another major street that connected different parts of that subdivision. He stated he did not think they should waive their rights with respect to the cul-de-sac streets either. The problems, however, were along the main thoroughfares. He noted there were gaps on Smiley as well. He thought gaps on major streets with high volume and traffic needed to be addressed.

Mayor Hindman understood there was a policy requiring sidewalks to be put in three years after the plat was recorded. He thought that should be built into the risk and cost of doing the development. He did not understand why they did not demand all of the platted lots to have a sidewalk put in front of them.

Mr. Janku stated he was specifically concerned with priority right-of-way. He understood some of the developers had gone bankrupt or would be going bankrupt, so he wanted to get some of the important items done rather than forcing them to advocate all of their responsibility. He agreed he would prefer they all be done, but felt it was a matter of priority.

Mayor Hindman asked about the difficulties mentioned in the report. Mr. Watkins replied he thought it was a legal issue and that staff was working on a process to get the public improvements constructed. Mr. Boeckmann noted there were really no pressing legal issues. It was basically an economic problem. The City had never required developers to put up bonds or letters of credit. They just had them sign an agreement. If it was not done, there was a breach of contract. If it involved a developer with resources, the City might be able to collect money, but there was no security to go after. Mayor Hindman asked if they should look at a policy change to require a security of some sort. Mr. Glascock explained they tried working with the builder by not having the sidewalk in the way. The request was always for the builder to put in the sidewalk after he was done with the house to address the issue of it being torn up and having to be put in twice. They were at a point now where the lots were not selling as fast, so they would have to require the sidewalks to go ahead and be put in. This was a policy change with regard to the way it was enforced. They normally did not run into the three year problem unless a homeowner purchased a second adjacent lot that did not draw a building permit. They were running into these problems due to the economy.

Mr. Janku understood they changed the ordinance on common areas. Mr. Glascock stated that was correct.

Mr. Janku reiterated he thought the priorities in this instance were Blue Ridge and Snow Leopard because those tied the community together.

Mr. Skala thought it might be appropriate to look at the policy because what they were doing in the past was not working due to the economy.

Mr. Sturtz noted Reports E and G involved the same developer and wondered if there was a legal way to put developers who did not fulfill their performance contracts on a black list with regard to coming before the City for approval on other projects. Mr. Boeckmann stated that would not necessarily solve the problem because they could work under different LLC names. The only way to really avoid the problem was to require some form of real security rather than a piece of paper.

Mr. Wade understood most communities the size of Columbia required performance bonds with performance contracts. Mr. Boeckmann stated he had not completed a survey, but knew it was a standard operation when he practiced in St. Louis County. Mr. Wade thought it might be time to put that policy issue on the table.

**(F) Providence and Vandiver Intersection.**

Mr. Janku stated he was glad to see the sidewalk connections were there on the new stretch of Providence coming in as he was not certain that was going to be the case. Although he agreed major traffic studies should probably be done after the completion of the roads in that area, he thought there might be increased volume on Providence at Vandiver and I-70 and suggested they think about the timing of the lights before it opened. Mr. Glascock noted the ones on Vandiver and south on Providence were MoDOT lights and were timed for their benefit.

Mayor Hindman asked if there would be bicycle lanes on Providence, north of Vandiver. Mr. Glascock replied he did not believe so. Mr. Janku understood it could be done after both segments were opened, but not after the first segment was completed. That was the reason it was important to have the pedway in place. Mayor Hindman asked if the lanes were too narrow. Mr. Glascock replied yes. Mayor Hindman asked if that was because the road was already in place. Mr. Glascock replied yes and noted it was unimproved street. Mr. Janku explained Providence was being built a half at a time. It was enough for two lanes of traffic and would eventually be expanded to four lanes with a median. The two lane stretch was not wide enough for two lanes of automobiles and a five foot bike lane because it was only 28 feet.

Mayor Hindman stated he was confused because the diagram showed four lanes. Mr. Glascock asked why they would put lanes from that section of Vandiver down to the bridge when they would not have any lanes to the north or south. A bicycle lane would only be possible for 300-400 feet. Mayor Hindman asked if it would go back to two lanes when going north. Mr. Glascock replied yes. Mr. Janku noted it would be like that until it was fully built out. Mayor Hindman asked if there was room for bicycle lanes to the south of Vandiver. Mr. Glascock replied he did not believe so. When bridges were widened for the I-70 improvements in the future, he believed there would be bike lanes. He did not believe they were wide enough today.

Mr. Janku stated part of the GetAbout project was to improve bike access on Vandiver south to the Business Loop or Wilkes, so they might look at it like they did with Range Line. The real problem was the I-70 bridge because it was very narrow.

**(G) Bear Creek Village Sidewalk Gap Along Proctor Drive.**

Mr. Janku stated he felt this was important. The developer put in sidewalks on the back of the houses on rest of the stretch to the east. Because this was a common area, the developer did not put in sidewalks here. He noted a City park was immediately to the east and if they put a sidewalk there, it would get them to Proctor and would give them good access to Parkade School and Parkade Park. Without that stretch, it was a narrow and dangerous road. As a result, he felt it was important to pursue it.

**(H) GetAbout Columbia Striping Plans for Garth/Texas.**

Mr. Janku explained Garth, north of Thurman, was 33-34 feet wide with a median in the middle before the bridge and asked how the bike lanes would work on that street with the median. He was concerned about the cars and bikes being forced together. Mayor Hindman replied there was a standard marking in that situation where bicycle lanes were marked with dotted lines. Mr. Glascock explained they were using sharros in the areas that were too narrow. Mayor Hindman stated they simply merged together. Mr. Janku wondered if this stretch had been examined because he did not think it was wide enough. Mr. Glascock noted it would be similar to Old 63 to north of Broadway where it had bike lanes which went away as it was widened for the left turn lane. Mayor Hindman stated that was very common. Ms. Hoppe stated there was shared use on Audubon. Mr. Janku thought that would be better than sharros. He noted it might also be a good time to take the median out because it was hit frequently. He was uncertain of the function of the median other than tightening the lanes, which made it harder for bikes and cars to coexist. Mr. Glascock pointed out it kept the speed down. Mr. Janku stated he was not certain about that.

**(I) Lake Town Drive/Trailside Drive Speed Hump and Speed Limit Review.**

Ms. Hoppe noted this was in Ms. Nauser's area. Mayor Hindman stated Ms. Nauser could bring this up at the next meeting if she desired.

Mr. Wade understood the 85 percentile was the magic road number and asked at what point they recommended speed control options. Mr. Glascock replied depending on the way the road laid, they tried to stay around 10 mph. If it was above that, they would try to do something. Mr. Wade understood that was at the 85 percentile. Mr. Glascock explained it was because the speed was 30 mph in that area.

**(J) Noise Issues in Downtown Columbia.**

Mayor Hindman stated this report was provided for informational purposes. His interpretation was that staff was working on the issue.

**(K) 4-Way Stop – Smiley/Derby Ridge.**

Mr. Janku made a motion directing staff to prepare an ordinance modifying Section 14-63 to include the intersection of Smiley Lane and Derby Ridge Drive as an all-way stop. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman stated he was interested in the comment indicating a detriment would be that 700 additional gallons of fuel would be burned per year as motorists drove through the intersection due to less efficient vehicle control and noted a round-a-bout would solve that problem. Mr. Janku stated he agreed, but did not believe they had the funds to build a round-a-bout there. Mayor Hindman stated he thought they needed to keep that in mind as they built intersections. He noted round-a-bouts were a very sustainable form of traffic control.

**(L) Design Guidelines for NMTTP Hybrid Trails.**

Mr. Wade stated he did not have an opportunity to study this report and also wanted to see if there were other stakeholders besides those that had been included that might want to provide input as well. He noted he had received a lot of comments over the past year. He suggested they put this report on hold and discuss it at a work session in the spring. Ms. Hoppe stated she also had not had the chance to thoroughly review it. Mr. Watkins pointed out this would need to be looked at well before spring because bid documents would need to go out. Mr. Skala commented that this was one of the few areas where people would ask him if it was too late to provide input, so he thought it would be useful to get more feedback from those who were interested.

Mayor Hindman pointed out this had been looked at by the Bicycle and Pedestrian Commission, GetAbout Columbia, and the Parks and Recreation Commission. It was something that had been in progress for quite some time with a substantial amount of public input. He suggested they continue it for one or two meetings, but not more than that since bid documents were going out.

Mr. Skala understood time was an issue and agreed they had talked about it within the context of some of these groups, but noted they were working for the rest of the people as well and thought this report would be useful to inform the discussion with those who had asked about it. He had not had this information to give to them in the past. He also agreed they needed to act in some haste due to the construction schedule and some benchmark requirements of the grant.

Mr. Wade stated he was less concerned in doing it hastily for the GetAbout Columbia contracts that were going out. He wanted to have a good guide for the more general kind of bike, road and trail developments in the long run. He was not just concerned with the GetAbout Columbia projects. Mayor Hindman stated he thought that was what these people had been working on. Mr. Wade understood, but stated he was not ready to deal with it yet.

Mayor Hindman asked if they should go forward with regard to GetAbout Columbia. Mr. Wade replied the GetAbout Columbia projects needed to move forward without this being completed. He noted his interest was in the bike, road and trail system as a new infrastructure system. He viewed this as a set of criteria and standards for that infrastructure in the longer run. Mayor Hindman thought that was what this had intended to be.

Mayor Hindman understood they wanted to delay this, but were not hesitant in moving forward with the GetAbout Columbia projects. Mr. Wade felt this was a separate issue. Mayor Hindman understood no action would be taken at this time.

**(M) Report of City of Columbia Volunteer Hours.**

Ms. Britt commented that in the last fiscal year, the volunteer hours had increased by about eight percent. Volunteers shared 43,323 hours of time with the City, which was valued at over \$845,000. This was their annual report notifying the Council of what volunteers had done. The Parks and Recreation Department had several programs with an increase in hours. Volunteers worked with graffiti and that was a new project. There was also an increase of hours in the public safety area with Police, Health and Fire. They also continued using volunteers in their youth program. In addition, they were always working on new projects, such as the neighborhood leadership program, and new adopt-a-spots.

Mayor Hindman complimented Ms. Britt on her performance and congratulated all of the volunteers as well. They were doing a lot of good for the City and he was hopeful they were getting a lot of it from themselves. Mr. Wade agreed.

Ms. Hoppe noted various workshops at the National League of Cities emphasized the fact they should not overlook or underutilize the human resources they had in the community. They needed to rely on the creativity and knowledge of the people in the community in these economic times. People were great assets and needed to be used.

Mr. Skala agreed and thought it was remarkable that as some resources were shrinking, human resources were expanding.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**CULTURAL AFFAIRS COMMISSION**

Marcks, Melody, 3020 Wildflower Court, County, Term to expire October 31, 2011

Mayor Hindman stated he would make the appointment to the Mayor's Committee on Physical Fitness during the week. He understood he did not have to make those appointments at a Council meeting.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mike Martin, 206 S. Glenwood, thanked Mayor Hindman for standing up for the rights of people who lived around crime houses, like the house at 802 Wilkes. He felt they were a serious problem in the community and urged the City to take another look at the ordinance for something that might work in the future. He stated it was always the same people, houses and landlords, with only few exceptions. Drug dealing was the number one thing that went on at a house like 802 Wilkes and those people were on parole, probation, in between court cases, in between bond hearings, etc. Frequently, they were arrested and convicted and then sent home after some period of probation or incarceration. He noted Malcolm Redmon, who shot people downtown a year ago, was arrested due an incident last month when Grant

Elementary was shut down. He hung around 710 Washington, which was another crime house. He commented that he called it gunfire daycare because there was always gunfire going on and it was an active daycare. He noted it was owned by Paul Hinshaw and had been going on for years. Since it was hard to trace and show exactly what was going on, people were sometimes not arrested. He explained they saw a gradual escalation of offenses at these crime houses to include 802 Wilkes. Last year, the same people were getting arrested for the same crimes. Then there was a drug and cocaine offense and a knife fight in the yard. Because three strikes were needed in a four month period, there was nothing anyone could do about it. He believed this was demoralizing and created fear in the neighborhoods where these houses existed. His rights, as a property owner, were impinged by the people who lived in those homes and the landlords that continued to rent to them. He explained he had rented a house on Seventh Street and the guy moved out after a couple days because people were dealing drugs and getting arrested at homes Bob Gerau owned on Alton. He noted criminals followed cheap, poorly screened rental housing when moving to a community. He suggested the Council pass a law requiring landlords to screen their tenants or have their names in the newspaper when those tenants get were busted. He felt there were a lot of ways to deal with this that would not impinge on anyone's due process rights and to ignore it was not good for the City. He stated he believed it was getting worse and that people were allowed to play games with Protective Inspection for months. He commented that they did not allow restaurant owners to permit smoking and thought they should find a way to not allow slumlords to be able to rent to criminals and run the neighborhood down. He felt it was a crisis stage situation and was killing the low-income neighborhoods.

Mr. Skala wondered how they could come to some sort of resolution or adjust the policy to make Mr. Ziv's cottage housing development possible. He thought the City might have to compromise if they wanted to see it happen. If they wanted to increase the size of the sewer line from 6 inches to 8 inches, he thought they might want to provide some of the funds for that increase in cases that were considered a subdivision involving infill development. He was not sure of the answers and had lots of questions. He thought it would be awful to throw this idea away before trying to establish it because it had too much potential value. He wondered if they needed a report from staff suggesting some potential policy changes to enable infill cottage developments as he thought it was essential for affordable housing.

Mr. Janku noted the night they approved the project, they discussed trying to use CDBG funds for low income housing and developing policies associated with it. He felt that was consistent with the use of CDBG funds. He understood this project was within the CDBG eligible area and suggested they ask for a staff report regarding what the City could do with that type of funding.

Mr. Skala thought that was a potential for a solution, but felt there were other issues as well. He noted they had simplified rules for certain planned zonings if they were not enlarging the size of the structure and suggested they think about some simplified rules for this type of application.

Mayor Hindman understood they had already asked for a staff report on what could be done about the zoning and subdivision to accommodate these types of developments. Mr. Watkins asked if that included eliminating the stormwater ordinance. Mayor Hindman replied no. He thought that might be a place where they would have to subsidize the situation.

Mr. Skala stated he was asking for a report in response to whether or not they could further the apparent consensus the Council had in that this kind of development should be encouraged.

Mr. Janku commented that the cost of infrastructure was one particular issue. He understood there were other issues as well.

Mr. Teddy explained they had two tracker items relating to cottage housing and would follow up with a report. Mr. Janku asked if they could also be provided a report on CDBG funding. Mr. Teddy thought that was included as incentives to pay for the excess cost.

Mr. Skala stated he recently received a call from a constituent who was selling his home because he was facing foreclosure. They were no longer living there and had contacted the City with regard to refuse service. They wanted to know why they had to continue to pay for refuse services when no one was in the residence. Mr. Glascock explained that if they shut off their electric and water, they would not be charged, but if they were continuing to have utilities where someone could live there, they would be charged.

Mr. Wade commented that he had recently dealt with a vacant house and with it being winter, the heat needed to be on so the pipe would not freeze. He was not sure all of the services needed to be required together. Mayor Hindman noted that might create an administrative nightmare. Mr. Wade understood.

Mr. Janku commented that a person who rented units contacted him asking him questions as well. He understood if they shut-off water and electric service, they could also terminate sewer and refuse. He asked if a deposit was required to be maintained for unoccupied rental property. Mr. Glascock stated he did not know. They would have to ask Ms. Fleming.

Mr. Skala commented that one of the themes of the National League of Cities Conference was sustainability and another was youth crime and intervention. In addition, the issue of youth crime and intervention was discussed when the Council met with the County Commission and School Board. At the National League of Cities Conference, he learned those involved with successful program focused on truancy and curfews. He stated he wanted more in-depth information on what some of these communities were doing.

Mr. Janku noted one of the cities was Minneapolis and they used a public health model as opposed to a criminal punishment model. The idea was that if people were truant or out after certain hours, it was an indicator of an intervention need. They looked at it as an opportunity to address the person's needs rather than punishing them. Mr. Skala stated it was like preventive medicine. Mr. Janku suggested looking at that type of model in the report. The last time this issue was addressed, the focus was on the type of penalty that should be imposed on the child or parent. This had a very different emphasis. It was not about penalties as much. Mr. Skala stated he thought that should be a part of it, but did not think they should exclude any information before receiving it.

Mr. Skala made a motion directing staff to provide more in-depth information on communities with successful truancy and curfew policies. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade stated he would share preliminary information he received from the National League of Cities Conference with the Council. One area involved youth councils and a couple of communities that were making it work. If they were going to do it right, it required some investment and careful work. Another item involved neighborhood associations and he would provide that information to the City Manager as staff was currently doing some research. The third item was budget related. The last item involved high performance government and staff/council relationships. He thought these would help them in the future.

Ms. Hoppe stated she participated in the Youth Education and Families Luncheon at the National League of Cities Conference and sat by the Mayor of Omaha, Nebraska, who was later a chief panelist for another program. They had a premier after school program for kids involving early pre-school intervention and following those kids through partnering with the schools. She noted she asked him about curfews and they did not have a curfew but still had a successful program. She commented that all who attended the conference had acquired a lot of information, materials, handouts, etc. and noted they did not have to re-invent the wheel. They could fine tune successful programs for this community. Mayor Hindman pointed out the Omaha system had a nice benefactor that Columbia did not have. Ms. Hoppe thought they could work on that.

Mr. Janku stated he had been contacted by constituents interested in the status of the round-a-bout project at Worley and Fairview and asked for an update.

Mr. Glascock stated they were trying to schedule it with the TDD to make sure everything was scheduled with the new Stadium project so it all worked together. He noted he would provide a report.

Mr. Janku commented that he attended a program regarding graffiti abatement at the National League of Cities Conference and suggested they use young artists that participated in the C.A.R.E. program during the summer. He thought they could work with the utility to pay for materials. He noted they had plenty of artists to mentor these young artists.

Mr. Janku stated that if they wanted to lower utility costs, they might want to develop an RFP with regard to LED lighting so they could evaluate what companies were offering. He noted one company at the conference indicated an interest in doing a pilot program. He thought Columbia could be a candidate and thought they should be prepared for the possibility.

Mr. Janku commented that when they discussed legislative issues, he thought they should try to get the minor in possession issue addressed.

Mayor Hindman stated he had been contacted about street lighting on Old Highway 63. People were claiming it was dark from Stadium up the hill to the apartments.

Mayor Hindman made a motion directing staff to provide a report with regard to lighting on Old Highway 63 from Stadium to the apartments up the hill. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted they approved a commercial development earlier in the evening which clearly involved a mature forest area. Although it hurt to allow it, it was an ideal and logical place for commercial development. It also brought up the question of mitigation, which had been raised before. He asked if they had already received a report on the issue. Mr. Janku thought staff had proposed something. Mr. Glascock explained they had proposed something, but had never come up with details. Mayor Hindman suggested they look at that. Mr. Skala asked if it was tied with land disturbance. Mr. Watkins replied it was a February topic. Mr. Glascock noted the arborist was also looking at the tree canopy issue that was brought up during Retreat. Mr. Wade thought they had talked about doing it as part of the revision to the tree ordinance during the Retreat, but had not moved forward on it. Mr. Watkins agreed and noted land disturbance, trees, steep slopes, etc. would be discussed in February.

Mayor Hindman understood a park was supposed to be built on the corner of Rock Quarry Road and AC and asked for the status. Mr. Glascock stated the sidewalks were in. Mayor Hindman asked if the park was under construction. Mr. Glascock replied yes.

Mayor Hindman stated he received a complaint because the countdown timers were removed at the intersection of College and Rollins some time ago. He understood it was a MoDOT intersection and asked staff to look into it. Mr. Glascock stated he would talk to MoDOT.

Mayor Hindman suggested adding a connector between Rollins and Cunningham or Bray to the Trail Plan. Mr. Janku asked who needed to pursue that. Mayor Hindman replied he thought it would be the Bicycle and Pedestrian Commission, which had already recommended it, and the Parks and Recreation Commission.

Mr. Wade stated he thought several factors needed to come together there, such as the park design and park purpose. Mayor Hindman pointed out he was not asking for a specific design. Mr. Wade understood, but noted there was a considerable amount of vacant space in the area that might also change in the future. As a result, he thought the location needed to be looked at very carefully. There were some very good reasons for a connection, but he did not think they wanted to move too rapidly with all of the pieces that were connected. Mayor Hindman stated he was asking that they show the idea of a connector. Mr. Wade stated there was already one on the GetAbout Columbia Plan. Mayor Hindman understood it was not on the Trails Plan where it needed to be.

Mayor Hindman made a motion directing staff to send the issue of adding a connector between Rollins and Cunningham/Bray to the Trails Plan to the appropriate places for reviews and recommendations. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted the developers who participated in the infamous land clearing on the east of end of Stadium Boulevard had put in a center median with nice landscaping, so he wanted to congratulate and thank them for their work.

Mr. Wade made a motion directing staff to provide a report on the subject of requiring performance bonds with performance contracts. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The meeting adjourned at 11:03 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk