

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 3, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 3, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, STURTZ, THORNHILL, SKALA and WADE were present. Council Member HINDMAN was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of July 20, 2009 were approved unanimously by voice vote on a motion by Mayor Pro tem Nauser and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Hoppe.

SPECIAL ITEMS

Meritorious Ribbon Presentation to Matt Hibler and Chad Craig.

Chief Burton explained that on May 20, 2009, Chad Craig and Matt Hibler responded to an emergency call and began CPR on Mr. Delbert Porter until medical personnel arrived. They ultimately revived him and transported him to the hospital.

Mayor Pro tem Nauser noted a Meritorious Service Ribbon was an award issued to an officer for performing an act that resulted in the saving of a human life.

Chief Burton presented Officer Hibler and Officer Craig with Meritorious Service Ribbons.

SCHEDULED PUBLIC COMMENT

Evan Jones – City Ordinance 14-5 Use of coasters, roller skates and similar devices.

Evan Jones, 408 N. William Street, provided a handout of his comments and a petition, and explained he was a roller skating enthusiast. On July 13, he was given a warning and subsequent citation under City ordinance 14-5 for roller skating on the street in downtown Columbia. He noted all non-auto and non-bicycle modes of wheeled transportation were effectively illegal as a means of City transit because it was not possible to navigate the City without using arterial and/or collector streets. He understood there were valid safety and commercial concerns surrounding this issue, particularly in the downtown area and agreed those needed to be taken into consideration when re-evaluating the ordinance. He asked the Council to consider alternatives, such as bicycle lane provisions for skaters, a sub-categorization of pedestrian-heavy areas in the Central Business District,

skater exemption from the seizure clause, and a common sense clause, which would allow an officer to evaluate a situation and assess its danger to traffic and pedestrians. Since only a couple hundred people employed this type of transportation, he did not think there would be a measurable impact on pedestrian or motor safety by restructuring the ordinance. He asked the Council to reconsider the current ordinance in favor of one that protected the use of healthy and environmentally friendly transportation within the City. He noted the petition he submitted had over two hundred signatures of people in support of re-examining Section 14-5.

Carla Brookins – Concerns regarding African Americans.

Carla Brookins, 1106 N. Eighth Street, stated she believed there was racial profiling in Columbia and provided examples. She noted her 17 year old son was a passenger in a vehicle with three Caucasian females that was pulled over because the vehicle lights were not on, and her son was asked to get out of the car and provide his name multiple times along with other information. In addition, three other police vehicles came to the scene. She did not feel that was necessary or fair. She commented that she received a call today regarding her 23 year old disabled son being stopped by a police officer because they were looking for a white male with the same color shirt he had on. She stated she had also been a victim of profiling when walking to the store. The officer indicated he thought she was 11 even though she was 48 years old. She believed this was wrong and felt the community needed to know this was going on. She noted she was also concerned about young African-Americans who were participating in programs meant to help them move forward, but were still in the same spot. She commented that she was not happy with the actions of some of the youth, but pointed out there were others out there that were innocent. She felt racial profiling needed to stop.

Mr. Skala asked if a citation or arrest was involved in the first example she provided. Ms. Brookins replied the driver only received a warning.

PUBLIC HEARINGS

B203-09 Accepting the work for construction of Southampton Drive from its former terminus east of State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway; approving the report of the Director of Public Works; authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc. for the project; levying and assessing special assessments.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Council approved this public improvement project in February, 2005, and at that time, they left open the option of special assessments for the improvement. Staff was recommending the Council not taxbill for this project as it would only apply to the City of Columbia, Crown Farms and State Farm. Crown Farms had donated a significant amount of right-of-way and State Farm had donated right-of-way and had agreed to adopt the round-a-bout. Staff felt those contributions exceeded the amount that would be taxbilled. He noted it would also cost the City money to issue the taxbills.

Mr. Skala wondered about the responsibilities of an adopt-a-spot. He understood they provided the plantings and asked if they had a maintenance responsibility as well. Mr.

Watkins replied yes. Ms. Hoppe understood they did not require the responsibility for a certain time period. Mr. Watkins stated that was correct.

Mr. Sturtz asked for clarification regarding the cost to the City of taxbilling. Mr. Watkins replied there were a number of filings and certified mailings that needed to be done. He thought the cost would be about \$2,000.

Ms. Hoppe asked if this was consistent with what they had done in the past and what they would do in the future. She wondered if there was a policy indicating if someone donated an easement or did an adopt-a-spot, they would not be responsible for the taxbill. Mr. Watkins replied he did not believe they had proposed using special assessments for any project approved since 2005 with the ballot issue. Mr. Glascock stated that was correct. He noted they were talking about \$15,000 because the remaining amount would be charged to the City of Columbia.

Mayor Pro tem Nausser opened the public hearing.

Chad Sayre, 7401 Fall Creek Drive, stated he was representing Crown Center Farms and was available to answer questions.

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

Mayor Pro tem Nausser stated she was supportive of waiving the taxbills in light of the fact easements were donated and the round-a-bout would be landscaped as she thought that was an ample contribution to the community. She noted she felt the issue of taxbilling was still one they needed to discuss at a work session.

Mayor Pro tem Nausser made a motion to amend B203-09 by deleting the last four whereas statements, deleting Sections 5 and 6, renumbering Section 7 to Section 5, and changing the title of the ordinance accordingly. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B203-09, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO:
NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the south side of Richland Road, east of the Richland Road and St. Charles Road intersection.

Item A was read by the Clerk.

Mr. Watkins noted the request for annexation and zoning had been tabled at the Planning and Zoning Commission level for six months.

Mr. Wade asked if there would be another public hearing in six months. Mr. Boeckmann replied this was just the public hearing on the annexation. There would be another opportunity for input after the ordinance for the zoning and annexation was introduced. He did not believe there would be any reason to hold another hearing on the annexation.

Mayor Pro tem Nausser opened the public hearing.

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

R180-09 Authorizing an amendment to the FY 2009 Annual Action Plan.

The resolution was read by the Clerk.

Mr. Watkins explained the Department of Housing and Urban Development required a public hearing any time a significant adjustment was made to the Annual Action Plan. The changes would allow them to utilize previous years' money and adjust the budgeted amounts to actual HOME and CDBG contracts. They were also proposing the funding of few new projects. Mr. Lata described those projects recommended to be funded by the Community Development Commission.

Mayor Pro tem Nauser opened the public hearing.

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

Ms. Hoppe understood there was a Homeownership Education Program and asked if they surveyed the people who participated in the Program to determine how many had acquired a new home and when. Mr. Lata replied they did not and noted it was recommended by the Community Development Commission as well, so it was something might try to work with a provider to do in the future.

The vote on R180-09 recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

(B) Considering the FY2010 Capital Improvement Project Plan for the City of Columbia, Missouri.

Item B was read by the Clerk.

Mr. Watkins explained the CIP included some major capital improvements along with a general time frame of when it was desirable to complete each project. It was meant to be a planning document and was not limited by fiscal constraints. Year one was the only year that was fiscally constrained.

Ms. Fleming described the changes since the draft CIP was provided in April and noted some of the comments made by the Planning and Zoning Commission.

Ms. Hoppe asked if the University was paying for the design of Discovery Parkway. She recalled that being presented at a public session at New Haven Elementary School. Mr. Glascock replied the City was designing it. They hoped the University would donate right-of-way for the project.

Mr. Skala thought it might be time to include Ballenger where it connected at Clark Lane to Mexico Gravel in the CIP due to the other improvements in the area. He asked that it be put on the list if it was not already there for the 6-10 year time frame. Mr. Glascock pointed out this needed to be added to the MoDOT list as well.

Mayor Pro tem Nauser asked if the New Haven – Lemone to Warren project had been added at the suggestion of the Planning and Zoning Commission to 2013. Mr. Glascock replied staff made the suggestion when they moved the alignment to Maguire.

Mayor Pro tem Nauser asked about Scott Boulevard between Vawter School Road and Route KK. Mr. Glascock replied Scott Phase 3 was in the CIP as part of the overall ballot issue. He thought it was around 2012. Ms. Fleming explained the only shifting done due to funding was for the 1-2 year projects.

Mr. Sturtz asked for clarification regarding the East Side sidewalk replacements. Mr. Watkins replied it involved the Paquin Street area. Ms. Fleming noted it was added because the CDBG funds had become available.

Ms. Hoppe understood the traffic island at Stadium and Old 63 was scheduled to begin design in 2009. Ms. Fleming stated it was a current project with funding available.

Ms. Hoppe commented that she wanted a pedestrian friendly intersection at Stadium and Ashland and asked if it was in the CIP. Mr. Glascock replied they would need MoDOT permission, so it could be added to the CIP, but there was guarantee it would be done. Ms. Hoppe stated she would like for it to be added.

Ms. Hoppe commented that since Stephens Lake Park had been worked on extensively, she did not believe it would be horrible for the next phase to be held back for a little while. She did, however, agree that Capen Park should move forward due to its high use.

Mr. Wade asked for the intersections of Chapel Hill and Fairview and Fairview and Ash to be added to the CIP. He thought those intersections might be amenable to lights or round-a-bouts. He noted the CIP clearly demonstrated a crisis with regard to stormwater funding and thought they would have to ask the public to help with that situation.

Mr. Sturtz asked for information regarding the \$2.3 million Route PP water main upgrade. Mr. Watkins replied he thought this was tied to the Hinsdale Pump Station and noted they needed to improve the transmission of water throughout the northeast part of the City's service territory. He thought the Route PP area needed increased fire flows and pressure. He believed this also corresponded with the improvements being made at the Clark Lane and Route PP intersection, which was the impetus of this time frame. He noted more information regarding this project would be provided. Mr. Skala thought this was in anticipation of all of the things going on in the northeast area, such as the high school. Mr. Watkins noted quite a bit of this area was the old Water District No. 2 area, which they had absorbed. Ms. Hoppe understood this was outside of the City. Mr. Watkins explained a significant part of the Water District No. 2 territory was outside of the City, but they had the obligation to serve the entire area.

Mr. Sturtz asked if there were opportunities for cost recovery. Mr. Watkins replied they traditionally did not recover the costs of main water lines. They recovered costs as part of a tie in fee for a particular house or development. He noted they had a few "greenline" water lines in which they tried to recover some fees, but it was the exception and not the rule.

Mayor Pro tem Nauser opened the public hearing.

Doug Lange, 5518 Brandywine Creek Road, stated he was representing Stephens College and they were asking for a bridge project to be added to the CIP. He explained an engineer's report they had received indicated they would have to make some major repairs to the pedestrian bridges over College and Broadway within the next 5-8 years. He understood the bridges were part of a planned pathway for the GetAbout network and would be part of the next installment. He was asking the City to accelerate the project by getting it into the mid-term 3-5 year time frame in order to determine the types of bridges needed. If Stephens College did this on its own, they would just repair the bridges without improvement beyond that required by code, but they believed there was an opportunity for a public-private

partnership. They were proposing the start of a planning partnership, the City including it on the CIP as a project and looking for sources of funds the City might have access to that they, a private not-for-profit, did not.

Mayor Pro tem Nauser asked for cost projections. Mr. Lange replied the engineer's estimate was about \$250,000 for repairs. If they added a superstructure or addressed the ADA requirements, the estimate was about \$500,000. Mayor Pro tem Nauser asked if they were ADA compliant now. Mr. Lange replied the spans across the roads were ADA compliant, but the approaches were not.

Mr. Skala understood the bridge could not accommodate bicycles at this time and asked if that accommodation was anticipated in the joint project being suggested. Mr. Lange replied he thought everything was on the table. They knew they had to make the repairs and did not want to move forward in a vacuum without talking to the City about what might be possible.

Ms. Hoppe noted she used the two bridges when biking from Benton-Stephens to Law School, so it could be used by a cyclist. She understood part of it when going down to the north was not bicycle accessible. She believed the bridges were a community asset and thought a partnership was appropriate.

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

Mr. Wade stated he would like to see a staff assessment for the Stephens College cooperative project.

OLD BUSINESS

B209-09 Amending Chapter 14 of the City Code to prohibit through truck traffic along a portion of West Boulevard.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would prohibit through truck traffic between Worley and Ash Streets in front of West Boulevard Elementary.

Mr. Sturtz asked what options trucks would have if they came as far as Worley Street on West Boulevard. Mr. Glascock replied they would go left or right on Worley. They would not enter the prohibited area until they crossed Worley. Mr. Sturtz asked if they would know they would have to go all of the way to Providence. Mr. Glascock replied it would require re-training oneself.

Mr. Sturtz asked if it would be equally illegal for them to go on Hardin Street. Mr. Glascock replied no and explained it was a public street. Mr. Sturtz understood that was the potential danger of doing this. Mr. Wade thought a truck driver would only do that once because it was very inconvenient.

Peter Stiepleman, 411 South Glenwood, stated he was the Principal of West Boulevard Elementary and thought they had come up with a good decision to limit truck traffic in front of the school at certain hours when most of the kids were walking to school.

B209-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B215-09 Authorizing Change Orders No. 2 and No. 3 to the agreement with Modjeski and Masters, Inc. for engineering services for the design of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.

The bill was given second reading by the Clerk.

Mr. Watkins explained this project would be paid for with stimulus funds, and along with stimulus funds came significant administrative costs. Staff was suggesting the City contract for the inspection and administration of this project since the bids came in low and they had the funds. Since Modjeski and Masters, Inc. were the project designers, he thought it made sense to work with them. Mr. Kahler described the scope of the project.

Mr. Skala understood this involved the inspection process for the structure itself, but staff would be inspecting for stormwater issues or erosion control. Mr. Watkins noted Modjeski and Masters, Inc. would be the day to day eyes and ears of the project, so he hoped they would get to any issue that arose before staff did.

Mayor Pro tem Nauser understood this extra level of inspection was solely due to stimulus funds. Mr. Watkins replied the stimulus funding required more of an inspection than normal and a significant amount of reporting.

B215-09 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

B222-09 Authorizing a break in limited access agreement with the Missouri Highways and Transportation Commission, Crossroads West Shopping Center LTD and the Stadium Corridor Transportation Development District A; authorizing a break in limited access agreement with the Missouri Highways and Transportation Commission, Stadium Plaza Shopping Center, LLC and the Stadium Corridor Transportation Development District A; authorizing a second supplemental agreement with Stadium Drive Corridor Transportation Development District A relating to the Route 740 (Stadium Boulevard) improvement project.

The bill was given second reading by the Clerk.

Mr. Watkins explained he believed this ordinance and the agreements associated with the next item on the agenda, which involved revisions to the financing, were the last items needed to move forward with the widening of Stadium between I-70 and Broadway. He thought they now had a financing arrangement where the City would have a limited potential exposure. He stated the City's exposure was probably going to be a couple hundred thousand dollars, but if the mall closed or something similar happened, the City's exposure could be more so there was a risk in moving forward with this project. The City would be leveraging a significant amount of State funds and receiving a low interest loan through the Missouri Finance Development Board. His recommendation was to move forward with the understanding there was some risk, although he thought it was limited.

Mr. Skala understood this project would be phased and that would provide some protection since it was spread out over a period of time. Mr. Watkins stated that was correct and noted they could pay for the pieces of the project as they had money in the bank and could adjust the schedule for a year or so if needed. The City, however, would be committed to doing the whole project.

Mr. Skala understood the only other avenue to relieve some of this traffic was a potential overpass across I-70 as an extension of Scott Boulevard and that was way off in the

future. Mr. Watkins stated that was correct and commented that he believed both would be needed to resolve the issues.

Mayor Pro tem Nauser asked for clarification regarding the breaks in limited access involved with this project. Mr. Watkins replied Stadium was a limited access road and MoDOT controlled this access. Part of the project would provide a right in/right out for two shopping centers on Stadium. One was Crossroads at the corner of Broadway and Stadium and the other was the center that housed Best Buy.

Mr. Boeckmann noted there was an amendment sheet that made changes to all three agreements. He also pointed out that the next item on the agenda was related to this issue. The Council had already authorized the agreements associated with that resolution, but due to a few changes, staff was bringing those to Council for approval again. He stated he thought MoDOT might still have some minor changes to the agreements, and if minor, they would not bring them back to Council. If significant, the Council might have to revisit them again.

Mayor Pro tem Nauser asked for the total estimated cost of the project. Mr. Glascock replied it was \$18-\$20 million.

Mr. Skala made a motion to amend B222-09 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B222-09, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

R179-09 Authorizing the City Manager to execute a revised version of a Cooperative and Cost Participation Agreement, Direct Loan Agreement and Promissory Note for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.

The resolution was read by the Clerk.

The vote on R179-09 recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

CONSENT AGENDA

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

B200-09 Approving the Final Plat of Providence Village South Plat 1 located northeast of the intersection of Green Meadows Road and Providence Road, east of Carter Lane; authorizing a performance contract.

B201-09 Approving the Final Plat of Stephens College Plat 2, a Replat of Lot 28 Stephens Second Addition, located on the northeast corner of Broadway and College Avenue.

B202-09 Appropriating CDBG, HOME and Neighborhood Stabilization Act Program Funds.

B204-09 Authorizing construction of the Brandon Road Phase I storm water management project; calling for bids through the Purchasing Division.

- B205-09 Authorizing construction of the Hinkson Creek (Greenbriar) Trail Connection Project; calling for bids through the Purchasing Division.
- B206-09 Authorizing the acquisition of easements for construction of the Hinkson Creek (Greenbriar) Trail Connection Project.
- B207-09 Authorizing the acquisition of easements for construction of the Garth Extension MKT Connector Project.
- B208-09 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Nifong Boulevard and Rock Quarry Road.
- B210-09 Amending Chapter 14 of the City Code to prohibit parking along sections of Bouchelle Avenue.
- B211-09 Amending Chapter 14 of the City Code to establish back-in angle parking on a portion of Ash Street.
- B212-09 Authorizing an agreement with the Missouri Highways and Transportation Commission to allow for the installation of noise enforcement signage along Interstate 70 and U.S. Highway 63.
- B213-09 Authorizing a right of use permit with Mill Creek Elementary PTA for placement and maintenance of a double-sided illuminated sign with solar panel within Sinclair Road right-of-way.
- B214-09 Accepting certain streets for public use and maintenance.
- B216-09 Accepting a conveyance for utility purposes.
- B217-09 Amending Chapter 14 of the City Code as it relates to automated traffic control systems.
- B218-09 Accepting funds from the Missouri State CIT Council for crisis intervention team training through the Police Department; appropriating funds.
- B219-09 Authorizing a subaward agreement with The Curators of the University of Missouri for the Police Department to provide surveillance and human trafficking training to law enforcement and social service providers; appropriating funds.
- B220-09 Authorizing a sub-recipient monitoring agreement with the County of Boone relating to acceptance of the U.S. Department of Justice 2009 Byrne Justice Assistance Grant to purchase equipment for the Police Department; appropriating funds.
- B221-09 Appropriating funds for Share the Light Program.
- R164-09 Setting a public hearing: voluntary annexation of property located on the east and west sides of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange.
- R165-09 Setting a public hearing: voluntary annexation of property located on the northeast corner of North Tower Drive and Prathersville Road.
- R166-09 Setting a public hearing: voluntary annexation of property located on the east side of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange.
- R167-09 Setting a public hearing: construction of a Bicycle Boulevard on Ash Street and Windsor Street between Tenth Street and Ann Street.
- R168-09 Setting a public hearing: setting property tax rates for 2009.

- R169-09 Setting a public hearing: setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2009.
- R170-09 Setting a public hearing: FY 2010 Budget for the Special Business District.
- R171-09 Setting a public hearing: FY 2010 Budget.
- R172-09 Setting a public hearing: considering sanitary sewer utility rate increases.
- R173-09 Authorizing Adopt a Spot agreements.
- R174-09 Authorizing an agreement with Central Methodist University to provide health clinic experience for nursing students.
- R175-09 Authorizing amendments to an agreement with The Curators of the University of Missouri on behalf of the Department of Family and Community Medicine for medical director services.
- R176-09 Authorizing an agreement with the Transportation Security Administration for the lease of office space in the North Terminal Building at Columbia Regional Airport.
- R177-09 Authorizing CDBG and HOME agreements with various community agencies.

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

NEW BUSINESS

- R178-09 Authorizing the sale of Build America Bonds for the construction of the new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street.

The resolution was read by the Clerk.

Mr. Watkins explained this was part one of two parts of the financing package for the new parking garage. This resolution would allow the City to take bids. The bond sale ordinance was being introduced and would later include the interest rates and terms after receiving the bids. He noted this bond issue was unique in that these were Build America Bonds that were part of the stimulus project. The City was going this route because they tended to be more saleable than special obligation bonds. In addition, the Build America Bonds would make the water and sewer bond issues bank qualified, which allowed them to be sold to a bank and had certain advantages. Those would be presented at future meetings.

Mr. Skala asked if the City had been eligible for this due to its pre-planning of these projects. Mr. Watkins replied no. He explained they were not receiving any stimulus funding or grants. The Build America Bonds were a part of the larger stimulus package. It was a financing tool that was not available prior to the stimulus package.

The vote on R178-09 recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- PR181-09 Adopting Investment Policy Guidelines for the Police and Firefighters' Retirement Plan.
- PR182-09 Establishing a policy on setting speed limits on residential streets in the City of Columbia.
- B223-09 Amending Chapter 14 of the City Code to establish speed limits on streets in the City of Columbia.
- B224-09 Authorizing the issuance of Build America Bonds for the construction of the new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street.
- B225-09 Authorizing construction of a sidewalk on the north side of West Broadway, between Stadium Boulevard and Fairview Road; calling for bids through the Purchasing Division.
- B226-09 Authorizing the acquisition of easements for construction of a sidewalk on the north side of West Broadway, between Stadium Boulevard and Fairview Road.
- B227-09 Amending Chapter 14 of the City Code to establish all-way stops at the intersection of Providence Road and Blue Ridge Road and the intersection of Providence Road and Rain Forest Parkway, removing the all-way stop at the intersection of Providence Road and Vandiver Drive.
- B228-09 Authorizing encumbrance of real property for conveyance of a scenic conservation bikeway/walkway easement for storm water mitigation relating to the Scott Boulevard Improvement Project.
- B229-09 Appropriating surface transportation planning (STP) funds for the Providence Road extension project from Vandiver Drive to Blue Ridge Road.
- B230-09 Authorizing a lighting maintenance agreement with the Missouri Highways and Transportation Commission relating to the Vandiver Drive extension project.
- B231-09 Accepting a quit claim deed for two tracts of right-of-way from the Missouri Highways and Transportation Commission relating to the Vandiver Drive extension project.
- B232-09 Accepting conveyances for temporary construction, temporary access and sewer purposes.
- B233-09 Accepting a conveyance for utility purposes.
- B234-09 Authorizing changes to the Archery Deer Hunting Program.
- B235-09 Suspending Sec. 16-145 of the City Code, harassment of a bicyclist, for a period of six months.
- B236-09 Amending Chapter 16 of the City Code as it relates to harassment of a bicyclist, pedestrian or person in a wheelchair.
- B237-09 Amending Chapter 14 of the City Code to designate a taxi stand along Tenth Street.

- B238-09** Accepting and appropriating donated funds for the purchase of equipment for the Police Department.
- B239-09** Appropriating fire equipment sale proceed funds.
- B240-09** Appropriating Share the Light funds.
- B241-09** Accepting and appropriating donated funds for a Parks and Recreation Department program.
- B242-09** Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B243-09** Setting property tax rates for 2009.
- B244-09** Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2009.
- B245-09** Adopting the FY 2010 Budget for the Special Business District.
- B246-09** Adopting the FY 2010 Budget.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Pro tem Nausser noted this report was provided for informational purposes.

(B) Public Transit Advisory Commission.

Mr. Watkins explained the proposed establishment of the Public Transit Advisory Commission was based upon the Airport Advisory Board. A unique feature was that one member would be appointed by the Chancellor of the University of Missouri because the University was one of the major customers of the bus system.

Ms. Hoppe thought the membership should be based on the larger number rather than the smaller number as there were many people who were interested in going to the next level with regard to the bus system, such as senior citizens. She suggested a membership of nine or twelve.

Mr. Skala thought a reasonable number would be seven or nine for a working group and believed they could draw some of those people as part of the at-large or advocacy groups. He wondered if some planning people should be included as well for transit oriented planning.

Ms. Hoppe thought she read a recommendation regarding representation by wards. Mr. Wade recalled one of the six communities assessed including ward representation. Since they would have diverse representation from advocacy groups, he did not think they should include the ward restrictions as well. Ms. Hoppe stated she did not want a ward restriction. She suggested it be a factor in choosing the members. Mr. Sturtz pointed out the wards were listed when they voted. Mr. Skala agreed and noted he thought they already had a soft policy regarding appointments by wards.

Ms. Hoppe made a motion directing staff to draft by-laws for the Columbia Public Transit Advisory Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(C) Red Light Violations Fines – Council Report.

Mr. Skala stated he thought the fines were determined by the Municipal Judge. Mr. Boeckmann explained the Judge set a standard fine for someone who might just want to pay it. If there was a trial, the fine was between \$1 and \$500. The standard fine for someone who pled guilty and just wanted to pay for it was \$120.

Mr. Sturtz asked if there was any negative ramification for increasing the fine to the top level. Mr. Wade noted there was only a \$10 range for those with the highest three fines and Columbia was already toward the top. He stated he would be uncomfortable with increasing it until they had a couple of years experience with the red light cameras. Mr. Thornhill commented that some feedback he had received regarding the red light cameras was that it was motivated by profit. He did not think they wanted to coincide the installation of the cameras with an increase in the fine. Since they were close to a reasonable average, he thought they should keep it the same for now.

Mr. Watkins suggested they wait to change it until they had some information to include the cost to administer the red light cameras.

Mayor Pro tem Nauser understood the City was telling people where the red light cameras were located for the two intersections that were being installed as this time and asked if they would tell people where the cameras were located in the future as well. Mr. Watkins stated signs would be placed at the two locations. He noted a community near Chicago had posted signs at all of the entrances to the community and it had a positive impact in terms of safety.

Mayor Pro tem Nauser explained she asked for this report because she felt the fines should be at an amount that was cost prohibitive to run red lights. If the goal was to keep people from running red lights, this behavior would only be deterred at intersections the cameras were located if the fines did not deter this behavior. She liked the suggestion of notification at the entrances of the community.

Mr. Sturtz asked if bicyclists would be libel for the same violation. Mr. Boeckmann replied they would, but pointed out the red light cameras would not catch them.

(D) Council Report – Juvenile Crime Statistics.

Mayor Pro tem Nauser thanked staff for providing this information and noted she might have more questions in the future.

(E) Street Closure Request.

Mr. Watkins explained this was a street closure request for the closure of Ninth Street between Walnut and Broadway on Wednesday, October 7 for a ticketed outdoor concert. The CCA had reviewed the request and recommended approval.

Mr. Skala made a motion to approve the street closure as requested. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(F) Council Request Regarding Potential Loitering Law.

Mr. Watkins commented that over the years, the courts had struck down general loitering laws, so it would be difficult withstand a court challenge of making it a crime to loiter. He thought they might have a chance if they were specific, such as limiting it to an hour after the closing of a bar.

Mr. Boeckmann stated that if Council really wanted to pursue this, staff needed direction with regard to the problems they were trying to address.

Mr. Skala noted the current problems identified in the District as part of the report were ones that could be dealt with now, so he was not sure there was any advantage in linking it to loitering. Mr. Boeckmann did not believe there would be an advantage. He explained panhandling was a legitimate and protected speech. The City had an ordinance regarding aggressive panhandling and those types of ordinances had been upheld.

Mayor Pro tem Nauser explained she had asked for this report as a result of a meeting she attended. Many of the problems identified at that meeting were identified in the report. She thought this would open up dialogue with the downtown community in addressing some of the issues, whether by focusing on the laws they currently had or by another method.

(G) Report: Comprehensive Plan Task Force recruitment and appointment.

Mr. Watkins explained the Planning and Zoning Commission was providing specific recommendations with regard to the recruitment and appointment of members to the Comprehensive Plan Task Force. If Council agreed with this approach, applications could be accepted for the September board and commission deadline.

Mr. Skala liked the idea of the rolling application period as it would accommodate the ability to interview applicant if interviews were decided to be conducted. It also provided time to obtain an ample number of applicants.

Mr. Wade stated he did not believe the Planning and Zoning Commission needed to review and provide critiques of the applicants. He thought that was the Council's responsibility. He believed the Planning and Zoning Commission's responsibility was to define the characteristics and capabilities that were important for the applicants to have.

Mayor Pro tem Nauser concurred with Mr. Wade.

Ms. Hoppe noted the Commissioners could provide the Council informal input on an individual basis.

Mr. Skala agreed and suggested the Commission provide something similar to the recommendation it recently provided to the Council with regard to what it saw as its needs.

Mr. Skala made a motion to proceed as recommended with the exception of the provision allowing the Planning and Zoning Commission to review and provide critiques of the applicants to the Council. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(H) Council Direction for City Manager Task Force on Harassment.

Mr. Watkins explained this was an update regarding the Council directive for him to put together a group to review the current ordinances on assault and bicycle harassment so they

might work better. He noted he was in the process of putting the group together. He hoped to have the first meeting of this group in August.

(I) Dedication of Police Training Facility to Robert M. LeMone and Naming Facility.

Mr. Watkins explained the Police Department was suggesting the new training facility be named after Bob LeMone, who donated the ground and whose family provided significant additional resources to the facility.

Ms. Hoppe made a motion directing staff to prepare the required legislation to name the new training facility after Bob LeMone. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(J) Citizens Police Review Board Application Process.

Mr. Watkins noted this report outlined an application process for the Citizens Police Review Board.

Mayor Pro tem Nauser suggested they interview applicants prior to making appointments to this Board, even if appointments were not made until October.

Mr. Wade concurred and noted that would allow three months for the training of the members if the Board was to begin its duties in January. He asked if that was a reasonable expectation. Mr. Watkins replied it was aggressive, but they would attempt to meet that goal.

Mr. Sturtz understood they would only interview a select number of people. He asked if they would do a matrix again. Mayor Pro tem Nauser thought they would depending upon the number of people that applied.

Mr. Wade suggested a training schedule be developed, so the people who applied understood the expectation of training and what that would mean for October, November and December. Mayor Pro tem Nauser agreed this needed to be made clear.

Mayor Pro tem Nauser asked if the background checks would be done in-house or if there would be a cost to them. Mr. Watkins replied it would be done internally. Mayor Pro tem Nauser suggested the background checks be done as the applications come in because she would like to know of any issues before completing a matrix.

Mr. Sturtz suggested they let the applicants know the number of hours required of their time between October and December. Mr. Skala thought that made sense. Ms. Hoppe commented that they could state the applicants would have to be available one evening a week for a specific time frame.

Mr. Wade felt some thought still needed to go into the training structure with regard to topics and organization. Mr. Boeckmann believed staff could get together and work up what they felt was essential. He commented that he did not anticipate the members being completely trained by January 1. He thought they could get a good head start and continue it after the first of the year.

Mayor Pro tem Nauser asked if there was anything in the ordinance whereby a member would abdicate his membership if he missed a particular amount of training since it was an integral part of a member's participation on the Board. She did not believe there was and felt it was important to have something.

Mr. Thornhill agreed with Mayor Pro tem Nauser. He also noted that he believed they needed to discuss how they approached boards and commissions in general. He explained there were issues with the three they discussed tonight and it was evident they did not know the best way to approach them. He thought they needed to tell applicants up front of the training commitment and the fact they could not miss it.

Mayor Pro tem Nauser wondered if they needed staff to prepare something for Council review. She stated she would rather this be right than getting people appointed and trained by January 1.

Mr. Wade commented that the ordinance included a requirement that the members be trained, but did not include any penalty for non-attendance. He thought they might need to include it in the future because it was not acceptable for this Board to not have a committed membership, except under extremely justifiable and unusual circumstances.

Mr. Sturtz stated he was in favor of high expectations, but did not believe it should be higher than what they expected of themselves. He thought someone could miss a meeting or two a year.

Mr. Thornhill thought the discussion was related more to training than the actual meetings.

Mayor Pro tem Nauser agreed and noted they would need a quorum to function. She was concerned with the training aspect as they would be impacting someone's livelihood and wanted the expectation and requirement in place for the first group of people being appointed. She asked staff to prepare something based upon the discussion tonight along with an outline of a training schedule.

Mr. Skala stated the goal was to get people who were reliable and would go through the training. He wondered if they could allow for someone who might miss a session to make up the session.

Ms. Hoppe thought they should move forward with the application process and simultaneously work on these issues.

Mr. Watkins understood Council wanted staff to provide a recommendation on a potential training schedule and time constraints as quickly as possible. Mayor Pro tem Nauser stated she also wanted staff to provide any changes to the ordinance that might need to be made with regard to the number of course objectives that needed to be met, etc. Mr. Thornhill asked staff to summarize the committees that had a maximum number of meetings that could be missed before one was disqualified so they had that information as well.

Mr. Wade made a motion directing staff to proceed with the application process as outlined while quickly providing Council a potential training schedule with time constraints/expectations and recommendations of potential changes to the ordinance with regard to member attendance for meetings and the required training. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Gary Kelly stated he was a minister who worked with homeless people. He stated he did not believe apartments should be placed within single-family housing developments. He did not think it was fair to the people who had purchased those homes because the people living in the apartment complexes did not have long term goals and they brought strangers into the neighborhood, which degraded the neighborhood and made it hard to sell the homes for the highest value. He asked the Council to consider zoning apartments away from single-family homes. He commented that having banks and law offices on Broadway took away from businesses that needed more people to come to the downtown. Older people and people with disabilities had to walk around banks and law offices in order to get to the next retail store. He thought the downtown should be rezoned so it included nothing but retail. He also suggested the churches in the downtown area be contacted with regard to a forum or dialogue, so they would open their gymnasiums and activity rooms to the homeless for lunches, bedding and lockers.

Mr. Skala made a motion directing the Bicycle and Pedestrian Commission and staff to research how other communities have dealt with the issue of roller skating on public streets as indicated by Mr. Jones during his comments under Scheduled Public Comment and to provide a recommendation. He noted he wanted to know of potential solutions that had and had not worked. He thought both the Bicycle and Pedestrian Commission and staff could provide reports. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Mr. Skala made a statement with regard to the bicycle harassment ordinance and provided a copy of the statement for the record. He stated he thought it was appropriate to craft an ordinance concerning harassment, whether it dealt with two groups or twelve groups, and particularly if one of those groups was physically vulnerable. In addition, he believed the ordinance needed to be amended to include pedestrians and wheelchair users and that the City's bicycle licensing program should be enhanced to allow the Council to extend misdemeanor harassment protection to motorists and assess a modest license fee for small bicycle license plates and other potential items or programs. With regard to the severity of this ordinance, it was a Class A misdemeanor like littering and was closer to littering than assault. He did not believe the ordinance would contribute to the polarization between bicyclists and motorists as he thought that already existed and was the reason for enacting the ordinance. He stated he did not favor the suspension of the bicycle harassment ordinance and felt mitigating harassment against any group was a basic public safety responsibility of the Council.

Mr. Wade made a motion directing staff to develop a proposal to prepare a strategic plan for a collaborative City/neighborhood project to "build" over the next ten years a virtual sewage treatment facility equal to the capacity of one of the City's cell systems through reduction of inflow and infiltration. The motion was seconded by Mayor Pro tem Nausser and approved unanimously by voice vote.

Mr. Wade made a motion directing staff to prepare a resolution for the August 17, 2009 Council meeting allocating \$9,500 of the Council discretionary money to fund a civic engagement project entitled “Cyclists and Motorists: Creating a Dialogue Around Transportation” and wanted it to be built on the Vision components for transportation. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Ms. Hoppe understood the Planning and Zoning Commission recommended the City re-evaluate its stormwater best management practices and consider adopting the best management practices of the University of Missouri and the Mid-America Regional Council (MARC), and asked if staff was looking into this. Mr. Watkins replied staff was looking at the stormwater ordinance and the City’s own construction standards for City projects. Mr. Watkins pointed out the City’s ordinance was built upon the MARC manuals, so he would be surprised if there were significant differences between the two. He was not sure of the University’s standards. Mr. Glascock agreed the City’s stormwater ordinance was based on the MARC manual for water quality and water quantity. As those manuals were updated, the City reviewed them to determine what might need to be changed with regard to the City.

Ms. Hoppe noted there had been an issue with regard to stormwater during construction. Mr. Glascock pointed out that was different. The City’s stormwater ordinances dealt with post-construction issues and not issues during construction, such as erosion control.

Ms. Hoppe asked if staff was looking at making the construction ordinances effective. Mr. Glascock replied they were re-writing the specifications in-house while they had time to do it.

Mr. Skala asked if the MARC manuals were available. Mr. Glascock replied they were on-line at the MARC site.

Ms. Hoppe made a motion directing the Planning and Zoning Commission to meet with staff to discuss the comment it made regarding stormwater management best management practices. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Pro tem Nausser made a motion directing staff to provide a report regarding idle construction equipment and dirt piles on and around a site for long periods of time. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Pro tem Nausser suggested they ask staff to provide a recommendation on how they could address people calling 911 for non-emergency reasons, such as asking for directions or saying they had a bad meal at a restaurant. She thought they should consider assessing fines to those that blatantly misused the 911 service.

Ms. Hoppe thought more public relations and education might be needed with regard to the proper use of the 911 system.

Mr. Skala thought one of the issues was that the non-emergency number was not easy to remember. Mr. Sturtz recalled discussion of establishing an easy to remember number at the work session, but understood it was very expensive.

Mayor Pro tem Nausser made a motion directing staff to provide a report with suggestions on how the misuse of the 911 emergency line could be addressed, to include the

possibility and problems of fines. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Pro tem Nauser made the motion for the City Council to hold closed meeting on Monday, August 24, 2009 at 6:00 p.m. in the fourth floor conference room of the Daniel Boone Building, 701 E. Broadway, Columbia, Missouri, to discuss documents related to a negotiated contract as authorized by Section 610.021 of the Revised Statutes of Missouri.

The motion was seconded by Mr. Wade with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL, SKALA, WADE. VOTING NO: NO ONE. ABSENT: HINDMAN.

The meeting adjourned at 9:43 p.m.

Respectfully submitted,

Sheela Amin
City Clerk