

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
DECEMBER 7, 2009**

INTRODUCTORY

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

APPROVAL OF THE MINUTES

The minutes of the regular meeting of November 16, 2009 were approved unanimously by voice vote on a motion by Mr. Wade 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

Mayor Hindman welcomed Chinese officials from Inner-Mongolia to the meeting. They were mostly government officials learning about American culture, business institutions, local government, etc. They were accompanied by the University of Missouri Asian Affairs Center staff.

SCHEDULED PUBLIC COMMENT

Heather Windham and Jan Stock: Youth Homelessness in Columbia.

Mayor Hindman explained this scheduled public comment request had been postponed.

PUBLIC HEARINGS

(A) Considering approval of a design concept proposed by artist Glenn Williams for the Fire Station No. 9 Percent for Art Project.

Item A was read by the Clerk.

Mr. Watkins explained Fire Station No. 9 would open in a few weeks at the corner of Blue Ridge and Providence, and Council had previously determined it was eligible for the percent for art program, where one percent of the construction costs were set aside for an art project. The Standing Committee on Public Art and the Cultural Affairs Commission had both voted to accept the design concept proposed by the artist, Glenn Williams.

Kip Goodman, 9100 W. Terrapin Hills Road, commented that he was Chair of the Standing Committee on Public Art and a member of the Cultural Affairs Commission and described the process of selecting a project design concept. He displayed images of the proposed art and noted they were confident Mr. Williams would see the project through to

successful completion as he was an accomplished sculptor and had shared his knowledge and experience as the Assistant Professor of Sculpture at Northwest Missouri State University. The Committee and Commission felt Mr. Williams' thoughtfully rendered design would be a unique, appealing and inviting addition to north Columbia.

Mr. Thornhill asked how tall the sculpture would be. Mr. Goodman replied it would be twelve feet high.

Mr. Wade asked if the concept description provided by Mr. Williams would be provided at the site so someone viewing the artwork would know the meaning of it. Ms. Hunter replied there would be signage on-site that provided some context, but it would not be as detailed as Mr. Williams' statement. She pointed out the artist would be employing text on the sculpture so people closer to viewing it would get more meaning and the theme of community from it. Mr. Wade stated he was moved by the description and hoped it would not be shortened significantly. Ms. Hunter explained they also had a brochure for a guided, walking tour of public art, which had more of a label, to include the artist's intent. It was also on-line and in an audio tour format.

Mr. Skala asked if the on-line information for public art was accessible from the City's web page. Ms. Hunter replied it was and could be found on the Cultural Affairs website. Mr. Skala asked if there was a link from the home page. Ms. Hunter replied the Cultural Affairs Office's main page had a link to the virtual tour.

Mayor Hindman opened the public hearing.

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

Mayor Hindman commented that he had been through several public art recommendation processes and many had not gone this smoothly. He thought the modifications of procedures over time were working and commended everyone involved.

Ms. Hoppe stated her appreciation for the Standing Committee on Public Art as they aimed to find art that was both artistic and could be appreciated by the public in general.

Ms. Hoppe made a motion to approve the recommendation of the Cultural Affairs Commission and accept the artist's design concept for the Fire Station No. 9 Percent for Art project. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B338-09 Adopting the Northeast Columbia Area Plan, a supplement to the Metro 2020 Plan.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Planning and Zoning Commission had been assigned the responsibility of engaging in a joint planning effort with the County Planning and Zoning Commission involving an area plan for the property generally surrounding the site of the new high school. This was the final recommendation of the Planning and Zoning Commission.

Mr. Teddy explained this Plan, when adopted, would help both the City and the County planning organizations in review of projects. It was developed jointly by the two Planning and Zoning Commissions through work sessions and hearings. The Plan would offer guidance and was not regulatory. The area involved was east of Lake of the Woods Road, and bounded by I-70 Drive on the south and Mexico Gravel Road on the north and a line parallel

to Route Z to the east of Route Z. He noted there was a generalized land use scheme and roadway plan to guide future development, and the City did not have a lot of territory in the area, so the City's interest at this time was minimal.

Mr. Sturtz asked for clarification regarding the relationship between an area plan and a comprehensive plan. Mr. Teddy replied this Plan was supplement to the Metro 2020, so specific area plans would supplement the City's comprehensive plan, whether it was the Metro 2020 Plan or another titled plan in the future. It was an advisory document, but since it was smaller in geographic area, it included more land use classifications than a comprehensive plan. He understood the comprehensive plan would adopt, by reference, special area plans. Mr. Sturtz understood this would simplify the work that needed to be done on the comprehensive plan with regard to that area of town. Mr. Teddy agreed.

Mr. Skala understood part of the value of this was the relationship that had developed between the County and City and the fact this was a template for other sub-area plans. Mr. Teddy agreed.

Mayor Hindman opened the public hearing.

Jeff Barrow, 1007 Coats Street, Chair of the Columbia Planning and Zoning Commission, stated some Commissioners felt this should be seen as a stand-alone plan because the Metro 2020 was more of a guideline than a plan. He thought there might be confusion because they would soon develop a new comprehensive plan, and ideally, a comprehensive plan should be completed prior to sub-area plans. He believed the Northeast Columbia Area Plan was a good plan as it was very inclusive of citizens and stakeholders, and felt the joint planning process was a good one as it provided a new perspective on land use. Engaging in the process was valuable in that they learned a lot and would be more efficient and thorough in developing the next sub-area plan. He commented that he wished they had plans like this for every area to help make judgments involving annexation and rezoning requests.

Ms. Hoppe asked if there was any information they did not have that would have been helpful in developing the plan. Mr. Barrow replied updated census data would have been helpful as the data they had was ten years old. He understood new census data would not be available for another year. In addition, new technologies in geographic information system mapping could have helped in looking at stormwater and land use decisions, but that was a matter of timing as well.

Mr. Sturtz asked if they were able to use the natural resources inventory for this plan. Mr. Barrow replied not much. He understood it was still a work in progress, but thought they could utilize that more thoroughly with the East Columbia Area Plan (ECAP).

Mr. Thornhill understood the recommendation was for multi-family housing to be condos or townhouses and owner-occupied when integrated with single-family neighborhoods, and asked for clarification as to why the recommendation was for no rental units. Mr. Barrow replied condos were group-type housing, but owned by individuals, and there was a sense there needed to be a proper proportion between rental and owner-occupied homes for neighborhood stability. He believed this was in response to Columbia's history of having a high percentage of duplex and rental housing causing areas of town to look run-down.

Mr. Barrow praised David Brodsky, the Vice Chair of the Planning and Zoning Commission, for his efforts in working with the County Planning and Zoning Commission and the extra hours he had put toward this planning process.

Mr. Sturtz understood the ECAP might include more fiscal impact statements involving different scenarios of infrastructure needs, etc., and asked if it had been discussed in the development of the NECAP. Mr. Barrow replied there was a strong interest in that on the Planning and Zoning Commission for annexation and rezoning requests. He, personally, believed the benefits of the development also needed to be included.

Mr. Skala offered his assistance on any subsequent activities of the Planning and Zoning Commission. Mr. Barrow stated his commitment to communicating with the Council to obtain more timely input and direction.

Sid Sullivan, 2980 Maple Bluff Drive, suggested this be a preliminary plan due to all of the problems in the area. It was a predominantly undeveloped area with inadequate roads and no utilities. Due to the needs of the area, he thought the professional staff might want to develop a more detailed plan. He lived about a mile upstream from where the Hinkson Creek left the City and all of the drainage from development would go through his backyard. He thought problems they would face included County/City jurisdiction, zoning changes and stormwater. He noted FEMA had not updated its charts since 1983 and there were places that flooded that were outside of the floodplain. He suggested a more detailed and illustrative plan of what the area would look like when built out with regard to transportation, bridges, facilities, etc.

Skip Elkin, 801 E. Walnut, stated he was with the Boone County Commission and commended the County and City staffs and commissions for their hard work on this project. He noted the comments in the Plan were citizen driven and that the County intended to adopt the Plan. He also pointed out it was a living, breathing document that would change and a guide for both entities to utilize in making more informed decisions as the area grew. He stated the County Commission supported the Plan.

Pam Jordan, 8591 E. St. Charles Road, stated her appreciation toward the City and County for their collaborative effort on this project. She indicated she had over 20 years of real estate experience and was a stakeholder who had lived in the area for nearly 13 years. She understood the document was not set in stone, but pointed out there was a fear among landowners in the area that a change would not be accommodated at a later date. Instead of a 20 year plan, they hoped it would be a 30-50 year plan. The Plan recommended the St. Charles intersection with Route Z end in a cul-de-sac due to the curve, and the landowners were asking for it to be a round-a-bout instead because the cul-de-sac would adversely affect the land with regard to its highest and best use.

Mr. Skala stated there seemed to be two groups of land owners, which included those who felt development was coming and would increase the value of their property and those who wanted to continue living in a rural or semi-rural area, and asked if she felt this process helped bring those people together. Ms. Jordan replied she believed it did.

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

Mr. Skala felt this process allowed the City and County to get away from being reactive to land use decisions for specific tracts and thought this was a successful way to bring groups

together in focusing on larger regional areas. He agreed this was a living, breathing document and was looking forward to using this as a template for the other sub-area plans.

Mr. Wade believed this was a good first step, and intended to support the adoption of the Plan. He noted there was a series of recommendations that raised questions on policy and suggested they look at those separately over the next month or so.

Ms. Hoppe stated she felt the Plan provided valuable insight and perspective, but noted she was surprised the goal of expanding the bus system to the high school was not included in the transportation portion of the Plan.

Mayor Hindman commented that the community had been provided a rare opportunity in that they had recently gone through the Visioning process, which got many people on board with planning, and the new high school was planned for an undeveloped area of about 3,500 acres. He noted there would be challenges as the tracts were individually owned versus the entire area being under single ownership, and as a result, they had to have people willing to take the risk in developing the land. He thought it was a good exercise and that the Plan had the potential to improve development in the area.

B338-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B339-09 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Columbia Area Transportation Study Organization (CATSO) had been working on updating its major roadway plan and the City had been taking suggestions from CATSO to the Planning and Zoning Commission for their review in making additions to the City's Major Roadway Plan. The Planning and Zoning Commission was recommending they include these seven road corridors in the Major Roadway Plan.

Mr. Teddy reiterated this was to amend the City's Major Roadway Plan so it would align with the CATSO Transportation Plan. It included additions in the southwest area, to include roadway corridors outside of the metro area boundaries. He described the recommended roadway corridors and their connections.

Ms. Hoppe understood the County Commission was concerned with K-1 and K-2 and asked if the amendments addressed those concerns. Mr. Teddy replied there was formerly a K-1 that showed a connection into the subdivision formed by Stedman Road. He understood the County's major objection was to a roadway that would interconnect with a private section of Stedman Road. They contacted the County with regard to K-2 and understood there was no movement to change it from how it appeared on the CATSO Plan.

Mayor Hindman opened the public hearing.

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

B339-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B346-09 Authorizing construction of a water main along Waco Road, from Brown Station Road to Arbor Pointe Parkway, serving The Villages at Arbor Pointe, Plat 3; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained City policy was to require developers to provide a water line sized for the proposed development, while it provided the differential cost for a larger water main if they felt it was necessary for the future. The City's modeling showed the development only required an 8-inch line, but due to the school and future development further away, they believed it was prudent to build a 12-inch line. The City was proposing to pay the differential cost of 2,240 feet of water line at a cost of just under \$22,000.

Mr. Skala understood the cost reflected the actual cost of the line as there was not much differential in terms of labor costs. Mr. Watkins stated that was correct.

Mayor Hindman opened the public hearing.

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

B346-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(B) Construction of the Westwood Addition PCCE #9 Sewer Improvement Project along Rollins Road and South West Boulevard.

Item B was read by the Clerk.

Mr. Watkins explained this involved the construction of a sewer district to replace a private common collector in the area of Rollins and S. West Boulevard and would consist of about 12 parcels of land. The resolution estimate for the sewer district was \$125,000, and those costs would be paid for by the sewer utility.

Mr. Wade asked if there would be an attempt to work with homeowners on inflow and infiltration on the private side during the replacement of this private collector. Mr. Glascock replied those areas would be identified. Mr. Watkins thought they would try to resolve those issues while they were in the area.

Mayor Hindman opened the public hearing.

Trygve Veum, 916 W. Lathrop Road, stated he was supportive of this sewer improvement project and noted the current clay pipe sewer line was over 60 years old and had progressively deteriorated over time. Sewer backups had become more frequent and there was no way for them to determine where and why the blockage was occurring. He understood five of his neighbors also supported the project and hoped the Council would vote to move forward.

Don Ranly, 902 S. Glenwood Ave, stated he owned a home at 710 W. Boulevard South and had attended a meeting at which the citizens were united in fixing this problem. He understood some residents had endured years of raw sewage backing up in their homes and was supportive of moving forward with the project.

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

Mr. Wade stated the deterioration of private collectors was causing a health problem for the entire community and felt it was appropriate for the City to replace those with modern sewers.

Mr. Wade made a motion directing staff to proceed with final plans, specifications and construction of the Westwood Addition PCCE #9 sewer improvement project. The motion was seconded by Mr. Thornhill.

Mr. Sturtz asked how this particular project was already at the construction phase as there were other areas with common collectors needing to be replaced as well and wondered if it involved the severity of the problem. Mr. Glascock replied those with documented back up issues of raw sewage were generally moved to the top. Mr. Wade noted the Health Department had records involving this area.

Mr. Skala thought they were moving toward taking care of aging systems in terms of infrastructure, but would have to address those items with public health issues first.

Mr. Sturtz understood the timeliness of this project, but felt staff needed to develop additional criteria to determine the priority. Mr. Wade thought there was criteria with regard to priority when there was not a public health issue, and thought it involved the order of petitioning and getting the sewer district on the list.

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

OLD BUSINESS

B313-09 Increasing the allowed density on PUD zoned property located at the southeast corner of Bethel Church Road and Old Plank Road from PUD-6.7 to PUD-7; approving a revision to the PUD development plan of Bethel Falls PUD; allowing a reduction in the required perimeter setback.

The bill was read by the Clerk.

Mr. Teddy explained the developer had provided a development plan, which conformed to the conceptual sketch shown at the last meeting. The development footprint was reduced by creating a six unit building instead of an eight unit building and decreasing the parking lot size. Staff had verified there was sufficient green space per City ordinance and the tree preservation requirement had been met. There was still the question of the 400 foot site distance, but the proposed driveway location met City standards. In addition, there was encroachment into the 25 foot setback, which allowed the developer to meet the tree preservation objective.

Jay Gebhardt, an engineer with A Civil Group, stated the revised plan had been prepared. The tree preservation ordinance had been met by reducing the number of units to six two-bedroom units and the number parking spaces from 20 to 16.

Mr. Skala made a motion to amend B313-09 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

The vote on B313-09, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B350-09 Amending the FY 2010 Annual Budget and the Classification Plan and Pay Plan to establish the position of Trust Specialist in the Office of Neighborhood Services; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained a priority of Council was to try to put more emphasis on receiving donations, for the utility assistance programs, volunteer programs, etc. There was also an interest in creating a community foundation. This budget amendment would put this new position in place.

Ms. Britt commented that the New Century Fund Board had found a dedicated staff person was important for a successful community foundation.

Mr. Sturtz asked for clarification regarding how the City would be working with the Greater Kansas City Community Foundation. Ms. Britt replied the intent was to have a relationship with the Greater Kansas City Community Foundation in which they would do much of the administrative office work and would administer the donations. This staff person would be the point of contact in Columbia and would represent the Community Foundation in requesting those gifts and developing relationships in Columbia.

Mr. Sturtz understood this position would be funded through the contributions funds and asked for clarification regarding the fund. Mr. Watkins replied the City had a fund for donations for particular projects, such as the waterfall at Stephens Lake Park, and in many cases, those dollars were deposited into the account 1-2 years prior to spending them. Over the years, several thousand dollars of interest had been accumulated. Mr. Sturtz asked if this would deplete the fund. Mr. Watkins replied it would take a good percentage of the fund, but would not deplete it.

Mr. Thornhill asked how the position would be funded in the future years. Mr. Watkins replied the thought was that the Trust would generate enough income over the years to fund the position allowing them to slowly reduce the amount from the general fund. He believed this position would be funded by the general fund for at least another year though.

Mayor Hindman stated he believed this was a significant step for Columbia. He explained the New Century Fund was the original step toward trying to receive contributions to do things not within the budget and was a function of the City. The community foundation would allow people to provide donations to a more independent group. It would also allow them to set up personal foundations while the community foundation did the administrative work for them. The money did not have to go to the City and could be directed for any purpose. He believed this position was an investment with the expectation of a big return to the community.

Mr. Skala understood the trust manager position was essential as the point person for this program. Mayor Hindman stated this person would educate people while getting them to make contributions as well. Although the Kansas City foundation would be doing the administrative work, they would charge a fee to provide services. Mr. Skala understood the manager would be someone who could identify particular opportunities. Mayor Hindman thought the overall goal was for it to eventually be an independent organization without the assistance of the City.

Mr. Wade understood these foundations had been around for many years and could even be found in some rural communities. He was surprised Columbia did not have one and thought it would be a valuable community asset.

Mr. Sturtz commended Chris Janku, the former Ward 2 Council Member, for pushing for this program. The reports they had received showed the benefits of the foundation.

B350-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B351-09 Amending Chapter 24 of the City Code by adding a new Article VIII pertaining to downtown safety cameras.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the culmination of an initiative petition filed with the City Clerk in November. The City Clerk had since certified the petition had the requisite number of signatures. This ordinance would authorize the Police Chief to deploy safety cameras in the central business district to enhance public safety. The ordinance contained procedural requirements and limitations on the deployment of cameras and use of recordings. Per City Charter, the Council had to either pass the proposed initiative ordinance or submit the ordinance to the voters at the next election, which would be in April, 2010.

Ms. Nauser asked Chief Burton if he felt there was a violent crime problem in the downtown area. Chief Burton replied he thought there was a problem with violence, primarily involving fights amongst people leaving bars late at night, but did not believe there was an issue with violent crime.

Ms. Nauser asked Chief Burton to describe the measures taken to address crime in the downtown. Chief Burton replied they had dedicated officers for the downtown area with instructions to take a proactive approach while maintaining high visibility. In the past, they were more reactive, and this proactive approach decreased the need to send a large number of resources to the area at once.

Ms. Nauser asked for clarification regarding Beat 00. Chief Burton replied Beat 00 included the downtown area and a significant portion of the City around downtown, which extended as far north as Worley.

Ms. Nauser researched crimereports.com and noted many of the reports involved warrants and asked for clarification on those types of incidents. Chief Burton replied those were situations where an officer in the field encountered someone who had a warrant that was outstanding.

Ms. Nauser asked if gang activity was growing. Chief Burton replied he did not believe gang activity was growing, but did believe it existed. He explained some gangs were loosely organized and if people involved were asked, they would say there were not in a gang. If they were banded together for the purpose of engaging in criminal activity, they were in a gang.

Mr. Skala understood Chief Burton had indicated there had been a 65 percent reduction in crime City-wide since the downtown unit had been put into place because they no longer needed as many resources from the other areas in the community. Chief Burton stated that was correct and noted the downtown unit enabled them to more evenly police the rest of the City. He pointed out the number of assaults had stayed about the same, but the number of arrests for those assaults had increased.

Mr. Sturtz understood there had been a \$50,000 allocation when the Council initially voted against the installation of cameras in the downtown, and asked how many cameras

could have been installed and how much of the money would have gone toward staff time to review the tapes as needed. Chief Burton did not think they would have been routinely reviewed. He thought the portability of the cameras was an advantage because they could be relocated when needed. In his opinion, deterrence was the main benefit of the cameras.

Ms. Nauser commented that she had not found any statistical evidence indicating cameras deterred crime except in car garages and asked for evidence showing cameras deterred crime. Chief Burton replied it was intuitive. He thought it would deter crime in a specific location if the camera was known to be there and was a crime of opportunity. He agreed it would not deter those with a criminal element.

Ms. Hoppe understood the installation of cameras could move crime to areas without cameras if the cameras were visible. Chief Burton replied MoDOT had recently shared data that indicated that they should not be apologetic when displacing crime because only 20 percent of crime in the area was displaced. Some crime was actually eliminated by the deterrent, whether cameras, a higher presence, etc.

Mr. Skala understood a well trained officer was also a deterrent and asked if Chief Burton preferred an extra officer instead of a camera. Chief Burton replied it was dependent on the circumstances. He explained one officer in a department with 160 officers made very little of an impact, but if that officer formed another six man unit, he would then prefer the officer.

Mr. Sturtz asked what type of sunshine law requests could be expected if they were to install these cameras. Mr. Boeckmann replied he did not believe there would be a lot of requests. He thought it would be similar to the red light cameras as those were also subject to the sunshine law, and he was unaware of any requests as a result of those cameras. He understood the ordinance provided for the videos to be retained for 60 days, but if there was a crime, it would be tagged and saved. Mr. Sturtz understood he did not believe there would be many frivolous requests. Mr. Boeckmann stated he did not believe so due to the cost of locating the portion of the video.

Karen Taylor, 3709 Frontenac Place, stated she was the organizer of Keep Columbia Safe, which was a grassroots effort comprised of citizens concerned with solving crime and promoting safety in Columbia. Last April, the Council authorized a pilot project with mobile video cameras, but voted that project down even though enough money had been appropriated and the Special Business District had offered to pay half of the \$50,000 cost. In June, her son, Adam, was attacked in the Tenth and Cherry parking garage by a gang playing a game called "Knockout King". The attack was caught on a video surveillance camera and the video aided in the arrest of five gang members and contributed to the prosecution of the one individual that had gone to trial. In July, she and her son asked the Council for a public discussion with regard to video cameras, but Council denied that request. As a result, Keep Columbia Safe was organized. They kicked off the camera initiative petition drive on September 14 with a press conference, and on November 2, submitted approximately 3,000 valid signatures for this ordinance. She believed the community at-large was in support of the cameras and asked the Council to put this on the April ballot to allow the citizens of the community to voice their opinion.

Carolyn Matthews, an attorney for the American Civil Liberties Union (ACLU), expressed her sympathy to Ms. Taylor's son and others who had suffered from crime, but noted the ACLU believed there were greater risks from this proposal than help. She disagreed with the idea of there being minimal requests for this documentary evidence and thought there would be costs involved with records requests. In addition, she felt there was a potential for abuse and problems in terms of personal liberties. She believed it was a good idea for cameras to be in garages and closed spaces. She also believed it was acceptable for a private business to have a camera surveying the area outside adjacent to its establishment, but thought public cameras were different and applauded the Council's hesitance in supporting it. She commented that an additional officer in the right area could be more useful than a camera and supported that kind of practical approach.

Don Schoengarth, 3612 Arbor Court, stated he was a reluctant supporter of the downtown cameras as he was not in favor of "big brother", but felt that line was crossed with the installation of the red light cameras. He did not understand how one could be considered an invasion of privacy, but not the other. He noted cameras were at banks and the mall, and believed downtown shoppers deserved the same support and security as the mall. He thought they could also be paid for with the money made from the red light cameras.

Mr. Skala commented that probable cause was involved when a person was cited due to a red light camera, but there was not probable cause when someone was just walking down a public street, and asked if he agreed with that distinction. Mr. Schoengarth asked if the red light cameras only photographed the driver. Mr. Skala thought it took a picture of the driver and the license plate. Mr. Schoengarth asked about the passenger in the front seat because if the red light camera took a picture of the passenger, it was a violation of privacy. Mr. Boeckmann stated the video captured more than just the one car.

Mr. Schoengarth commented that deterrence was not the only factor as convictions were also assisted by the cameras. Ms. Nauser noted she could not find any statistics showing greater clearance rates with cameras.

Larry Bossaller, 909 W. Prairie View Drive, stated he was concerned with the City's view of public safety. He commented that the City had cameras to take pictures of people violating the law, but was questioning the use of cameras to prevent someone from being hurt or killed. He believed it was a deterrence and noted that with regard to privacy, if people were not doing anything wrong, they should not care if anyone was watching. He thought it was important for people to be safe in Columbia and asked the Council make it a priority.

Greg Mermelstein, 209 Sappington Drive, stated he was opposed to cameras in downtown Columbia. He applauded the efforts to reduce crime in downtown Columbia and thought those efforts should continue, but did not want to be spied on when visiting businesses and restaurants in the downtown. He thought everyone wanted Columbia to be a safe place, but noted there needed to be a balance between safety and freedom. He felt civil liberties had diminished in the United States over the past decade and the approval of the proposed ordinance would contribute to its diminishment. He stated this issue was brought about by a small group of wrongdoers who committed a crime in a garage and he did not believe that small group should take away the rights of those who had not done anything wrong. He asked the Council to submit the issue to the voters.

Laura Gajda, 1104 E. Broadway, Apt. 203, stated she resided in an apartment in downtown Columbia and that many downtown residents did not have dedicated parking, so she and her family had passes for the Tenth and Cherry parking garage, which was where this incident had occurred. She noted they used the garage daily and had not had any incidents, but her neighbor no longer used the garage due to vandalism to her vehicle. She explained she had recently parked her car in front of Field House and showed the Council her damaged passenger side mirror. She commented that she would like to have had a security camera to see who might have damaged her vehicle. If the Council wanted a downtown where people lived and worked, she felt these types of issues needed to be addressed.

Ms. Hoppe asked if Ms. Gajda checked with Field House to see if they had a camera that might provide additional information on the incident. Ms. Gajda replied she had, but they were closed. She noted she intended to follow up with them again.

Mr. Skala asked Ms. Gajda if she thought there was a distinction between government cameras and private cameras. Ms. Gajda replied that as a resident of downtown, she wanted cameras everywhere.

Rick Buford, 1209 Cunningham, commented that after doing the research, he was surprised by the fact there were no numbers to support the benefits of cameras, and asked what percentage of a full time officer, Chief Burton would place on a camera. Chief Burton replied a single camera would equal a small percentage of an officer. Mr. Buford asked if there was a break even point. Chief Burton replied hundreds of cameras would be required to replace a six man unit because they were mobile and could address different locations. Mr. Buford thought it would be more beneficial to have more officers than cameras.

Paul Love, 100 Sondra, stated he was personally opposed to being publicly observed by cameras, primarily because the rules of the government could change over time, but understood those who believed they were being monitored were less likely to commit a crime. As a result, he suggested the Council utilize highly visible cameras and place dummy cameras in some locations. He reiterated he did not approve of people being recorded in public, but offered that suggestion so they got the most they could out of the cameras.

John Schultz, 1301 W. Colchester Road, stated he was not in favor of cameras and suggested the business owners and the Special Business District would be better served by installing private cameras if they wanted to protect their property. He asked if the Council would have a say with regard to authorizing the purchase of the cameras if this ordinance were passed by Council or by the vote of the people, or if the purchase would be at the discretion of Chief Burton and the Police Department's budget. Mr. Watkins replied the Council would need to approve the budget. Mr. Schultz felt this ordinance would be a continuation of the status quo with the exception of some open records concerns.

Carrie Gartner, 11 S. Tenth Street, stated she was the Executive Director of the Columbia Special Business District (SBD) and explained the SBD voted unanimously to support the camera system in the downtown in 2008. They also voted unanimously to appropriate \$25,000 to pay half of the cost of the project when discussing the budget, and reiterated support recently when the Taylor's spoke to them. She noted a lot of this happened prior to Chief Burton and the downtown patrol unit, and as a result the SBD was willing to rethink the specifics of a camera system so it was something that would work with

the downtown patrol unit. She commented that she understood the six person unit would soon become a four person unit, which made the issue of safety more important. The SBD believed cameras along with the downtown unit would prevent crimes from happening.

Ms. Hoppe asked how many private security cameras were already downtown. Ms. Gartner replied she was not sure of a specific number, but understood the banks, City buildings, parking garages and County buildings had cameras. In addition, some of the apartments with back alley entrances had them as well. Ms. Hoppe understood the costs of cameras had decreased and would allow the SBD to purchase a substantial number of private cameras with \$25,000. Ms. Gartner explained the SBD did not use public funds to pay for private improvements, so they could not use the \$25,000 to put a security camera on a privately owned building. Ms. Hoppe noted private businesses could also invest in cameras due to the low cost. Ms. Gartner stated she felt the advantage to a joint system was that it would be monitored by the police and the City would have more control over how the cameras would be used.

Ms. Nauser commented that only 16 percent of crime within the City occurred in the downtown per the three month period of crime statistics she had reviewed. She understood the SBD members felt increased graffiti, vandalism and broken windows and the late night bar crowds often getting out of hand necessitated the installation of security cameras, and asked why they believed publicly funded cameras should be located in the downtown when just as much or more crime was happening elsewhere in the community. Ms. Gartner stated the SBD was careful not to make statements about issues outside of the SBD borders. In addition, she thought the public-private partnership between the SBD and City could easily translate to a public-private partnership between a neighborhood association and the City.

Mr. Skala asked if the SBD had discussed the number of units they would need since they were large and whether they might be counterproductive and hurt business. Ms. Gartner replied many people felt the downtown was unsafe and people were not complaining about being filmed in parking garages. She explained the test project involved three mobile camera units, to include one with a trailer parked on Broadway, and reiterated the SBD was willing to rethink strategy.

Ms. Hoppe commented that the large unit might send a message of the area being unsafe instead of safe and asked if the SBD had considered this potential perception. Ms. Gartner replied she felt the downtown was perceived as unsafe after 11:00 p.m. at night. She noted they were not wed to the trailer camera and agreed it received a lot of attention. She believed they just needed something that was mobile.

Mr. Wade asked if the \$25,000 was a one time commitment or an annual commitment. Ms. Gartner replied it was currently a one time commitment because it was a substantial amount of the SBD budget. Part of the priorities for the Community Improvement District (CID), if it were to pass, was increasing public safety.

Mr. Thornhill commented that Ms. Gartner had indicated the videos would be monitored by the police and pointed out an officer would not be watching the videos on a regular basis. Ms. Gartner stated that was correct. She explained her intent was to state the entire system was overseen by the Police Department.

Mr. Thornhill asked if the cameras at banks were trained on public sidewalks. Ms. Gartner replied the cameras viewed sidewalks and alleys, and noted several vandals had been caught using footage from bank cameras.

Ms. Hoppe asked if the downtown hired security for late hours. Ms. Gartner replied they did not due to their budget, but it was a possibility with a CID. She felt a better scenario would be to allow the Police Department to do its job and provide items that might make the officers' jobs easier.

Mr. Skala asked if Ms. Gartner agreed Council was interested in public safety based on the decision to put cameras in all of the parking garages. Ms. Gartner stated she would and added that she hoped the Council did not think she was implying they were not in favor of safety as she felt the discussion they were having involved what would create a safe environment for their customers.

Gary Kelly stated he was a homeless minister and was concerned about the United States' version of the Russian KGB with cameras anywhere and everywhere. He believed the men who attacked Mrs. Taylor's son were aware of the cameras and ignored them due to a challenge. He felt the underlying problem of the spirituality and morality of people being trained and educated by the religious system was not being addressed because morally sound people would teach their children and take responsibility in raising their children.

Mayor Hindman stated he was in support of cameras within the downtown and noted the downtown was one of Columbia's assets. Although there was a certain amount of vibrancy and success in the downtown, he believed it was fragile. He noted they wanted people to live, shop and recreate in the downtown comfortably, so it was important for people feel safe 24 hours a day. He believed cameras on downtown public streets would make people feel safer causing the downtown economy to improve. He also felt there was sufficient publicity about downtown crime, which deterred people from living, shopping and recreating in the downtown. He agreed the addition of police in the downtown had been effective and felt the cameras would extend the eyes of the police. He thought cameras might prevent robberies, property crimes, etc., but not emotional crimes, and that cameras could be an aid in identifying those involved, providing evidence for convictions, responding to calls and exonerating those not involved. He agreed there was not conclusive evidence of cameras reducing crime, but also noted there was not conclusive evidence showing they did not reduce crime. In addition, there was plenty of evidence that they were useful to the police. He also thought they made people feel more secure. With regard to privacy, he felt people should assume they were being watched when on a public street and conduct themselves accordingly. He commented that he thought they should do more to prevent crimes and intended to support the ordinance.

Mr. Skala stated he was concerned with the language of the ordinance in terms of the authority of the Police Chief with regard to policy decisions and the lack of a fiscal analysis, and wanted this to go to the voters so they could have the discussion about perception and reality. He hoped any misconceptions could be corrected in the public discussion. He did not believe the ordinance should refer to it as downtown safety cameras or downtown public surveillance. He thought it should be referred to as public street and sidewalk surveillance because they had surveillance in high risk areas, such as parking garages, and noted he had

always been supportive of cameras in City-owned parking areas and other high risk areas. He agreed that although cameras did not deter crime, they could assist the police after the fact. He did not support government sponsored and taxpayer financed downtown surveillance cameras placed in high visibility public areas, such as streets and sidewalks, because the existing comparative data did not demonstrate significant positive effects on crime deterrence or apprehension from continuous public surveillance of high visibility and high traffic areas. A significant police presence, however, impacted both deterrence and apprehension. The data also suggested the cost of general surveillance camera programs might be a waste of limited public safety resources compared to the value and flexibility of an increased police presence. He noted the real police presence in the downtown had been significantly enhanced consistent with the Police Department's new data and resource driven policy of geographic policing. He encouraged the downtown merchants and property owners to make their own decisions with respect to the benefits and costs of private surveillance instead. He commented that there was no probable cause associated with continuous general public surveillance, and without probable cause, he believed citizens had the right to privacy from the government conferred by the Fourth Amendment of the Constitution. He stated that if he saw a lot of mobile cameras in the downtown, he would be uncomfortable and less safe than if they had well-equipped and strategically placed police officers.

Mr. Wade agreed this item should go to a public vote in April.

Ms. Nauser stated she felt there was a definitive difference between public and private surveillance. She believed any business or property owner had the right to put cameras on their property, but noted that was different than government watching people who were not doing anything wrong. She felt the notion of people not minding if they were being watched if they were doing nothing wrong was slowly giving away the freedom of moving around and associating with whomever one wanted without being monitored. She referred to crimereports.com and commented that only 16 percent of crime throughout the City occurred in Beat 00, which was the downtown plus some area surrounding it. With regard to assaults, only 9 percent were within the downtown area, and when adjusting the numbers for multiple reports for the same incident, it was only 7 percent. As a result, she did not feel the downtown was unsafe. She was also not sure why the downtown district was more important than other areas that were experiencing crime. She did not believe the mobile units would catch many crimes because they would be moved and understood the perceived deterrent effect of moving them to "hot spots", but believed that would leave the remaining portion of the downtown unprotected with regard to cameras. She explained her research indicated there was not a long term crime reduction from redeployment systems due to them being short term in nature. In addition, the public did not feel safer due to cameras. She pointed out her research showed cameras were effective in small, enclosed areas, so they were effective in parking garages. She commented that she was glad the cameras assisted in the apprehension of the perpetrators against Mrs. Taylor's son, and noted many of the youth involved had been to the Police Department and were easily identifiable. If they had been less known, they might not have been as identifiable. She pointed out she had voted against the red light cameras and would be consistent in her opposition to government filming its citizens as there was overwhelming evidence to show cameras did not deter crime and there

was not much evidence to show an increase in clearance rates except in high profile crimes. She was an advocate of private citizens adding security for their own properties and not expecting taxpayers to fund that cost.

Ms. Hoppe stated she agreed with most of the comments of Ms. Nauser and Mr. Skala, and commented that when she held a crime meeting in her ward, the residents, for the most part, felt the downtown was safe. They believed the negative publicity was in part being spurred by the camera controversy. The goal of leadership was to look at items objectively and she did not believe she would be doing her job if she were to react to perception only. She wondered how they could justify spending \$25,000 of public money for the downtown when crime might be happening more frequently in other places. In addition, other private businesses, such as Wal-Mart had their own cameras, and she wondered how they could justify paying for the ones downtown and not paying for those. With regard to privacy, she felt they were at a point where so much was monitored and wondered why they would install cameras and record people's actions when the statistics showed they were not effective. In addition, the City was subject to the sunshine law, and those requests were time consuming for staff that could be doing other things. She stated she would vote against the proposed ordinance.

Mr. Sturtz commented that as a downtown business owner, he cared about crime, but felt the cameras would not be effective in combating crime based upon the studies. He also felt this was an issue of perception, and did not believe throwing money at a problem that did not exist made sense. He believed there were better ways to combat the problem, to include the six man unit previously discussed.

B351-09 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, THORNHILL. VOTING NO: HOPPE, STURTZ, SKALA, WADE, NAUSER. Bill declared defeated.

B352-09 Calling a special election to be held on Tuesday, April 6, 2010 to consider an initiative to enact a downtown safety camera ordinance.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Charter's initiative petition process gave the Council the option to either approve the item being petitioned or to put it on the ballot. He believed the Council had the obligation to put this on the ballot since they elected not to approve the previous ordinance.

Mr. Skala stated he would like to discuss a potential amendment he had with regard to the ballot language. Mayor Hindman stated he was not sure they could do that. Mr. Boeckmann stated the Charter indicated it should be submitted by ballot title and be prepared by the City Counselor. It also indicated the ballot title should be a clear concise statement, without argument or prejudice, descriptive of the substance of such ordinance.

Mr. Skala understood this language had been drafted by Mr. Boeckmann to appear on the ballot and was concerned with the phrase of "downtown safety cameras" because the safety aspect had yet to be proven. He thought it should be "downtown public street and sidewalk surveillance cameras" instead.

Mr. Thornhill asked how it had been referred to initially. Mr. Boeckmann replied the language came from the proponents of the ordinance. Mr. Skala understood they did not have the prerogative to change the language since it came from the petition.

Mr. Wade commented that everyone wanted to deter crime, but he did not feel the proposed downtown cameras would deter crime. The cost was estimated at \$50,000 per year, but the cameras did not prevent crime or increase public safety. At best, the cameras could identify a perpetrator. As a result, they would be paying for something that did not work and would lose the equivalent of almost one active police officer. Extrapolation from one case, anecdotal data and intuition did not make for good decisions and investments. He believed money spent for cameras on Broadway was money that was not available for effective crime prevention actions and was irresponsible fiscal management. With the issue on the ballot in April, democracy would be at work, and he would respect the wishes of the citizens.

Ms. Hoppe stated she felt the ballot language was misleading. Mr. Boeckmann noted it had to state the purpose of the cameras and that the language came from the proponents of the ordinance. Ms. Hoppe explained they currently had surveillance cameras downtown in certain areas, but by reading this language one would not know that. She noted they could and did authorize cameras in the downtown now.

Mr. Thornhill asked if the Police Chief determined the location of cameras now. Ms. Hoppe replied he made suggestions for Council approval. Mr. Boeckmann stated he was unaware of Council determining the location of any cameras within this building or any of the parking garages.

Mr. Wade stated he did not feel the Council had any right to engage in this discussion since it was a democratic process with a citizen initiative.

Mr. Sturtz understood the language on the ballot should not be arguable and should be objective. Mr. Wade explained the language in the ordinance was the language that 2,700 citizens indicated they wanted on the ballot by signing the petition, and he believed the Council had the responsibility to put that language on the ballot.

Ms. Hoppe understood this language was created by Mr. Boeckmann as a summary. Mr. Boeckmann stated that was correct and noted the ordinance would authorize the Police Chief to deploy cameras.

Mr. Skala asked where the term “safety” came from. He wondered if it came from the petition language as he had not seen the petition. Mr. Boeckmann explained the bill previously rejected by the Council was the text of the petition.

Ms. Nauser understood the Council would not be precluded from making an amendment to this in the future if it were passed by the voters. Mr. Boeckmann stated that was correct, but noted it would take a unanimous vote for a period of time. After a certain period of time, it could be amended just like any other ordinance.

Mr. Wade stated the petition clearly stated “downtown safety cameras,” so he felt the Council was bound by it. Mr. Skala agreed as he did not believe the Council had the prerogative to change the language.

Ms. Hoppe asked if the actual ordinance would be on the ballot. Mr. Boeckmann replied no. Mr. Skala understood it would just be this language.

B352-09 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B340-09** Rezoning property located south of Heller Road and west of Rogers Road from A-1 to M-C.
- B341-09** Approving the Final Plat of College Park South Subdivision Plat 4, a Replat of Lot 2 of the Administrative Plat of Lot 101 College Park South Plat No. 1 and Lot 301 College Park South Plat No. 3, located north of Campusview Drive and West of Memorial Court.
- B342-09** Renaming a portion of Rock Hill Road located between East Broadway and the intersection of Fyfer Place and Sunrise Drive.
- B343-09** Authorizing construction of a sidewalk/pedway along the north side of Stadium Boulevard from Providence Road to College Avenue; calling for bids through the Purchasing Division.
- B344-09** Amending Chapter 14 of the City Code to provide for five-hour metered parking on a section of Elm Street, between Providence Road and Fifth Street.
- B345-09** Authorizing a right of use permit with The Curators of the University of Missouri to allow the placement and maintenance of an underground sprinkler system within a portion of Discovery Drive and Discovery Parkway rights-of-way.
- B347-09** Amending Chapter 16 of the City Code to provide a limited exemption from the noise regulations for junior high school marching bands.
- B348-09** Amending Chapter 16 of the City Code as it relates to the definition of a nuisance party.
- B349-09** Appropriating funds for the production of instructional videos on the H1N1 virus for the Health Department.
- R277-09** Setting a public hearing: construction of improvements at Paquin Park – Phase III.
- R278-09** Setting a public hearing: construction of improvements at American Legion Park.
- R279-09** Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Response Services.
- R280-09** Authorizing agreements with the Mid-Missouri Center Project, Inc. and the Parkade Elementary School PTA to fund human rights education programs.
- R281-09** Authorizing Adopt a Spot agreements.
- R282-09** Authorizing agreements with the Jefferson City Barracudas and the Curators of the University of Missouri – Mizzou Rec Services & Facilities for sports development funding under the Tourism Development Program.

- R283-09 Authorizing an agreement with Boone County for Attraction Development Funding under the Tourism Development Program for a covered arena at the Boone County Fairgrounds.
- R284-09 Authorizing an agreement with First Night Columbia, Inc. for support of the New Year's Eve Celebration; authorizing the City Manager to provide City support services.
- R285-09 Authorizing the City Manager to apply for a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources for construction of a third baseball field at the Thomas E. 'Country' Atkins Jr. Memorial Park Baseball Complex.
- R286-09 Authorizing Amendment No. 1 to the engineering services agreement with Harrington & Cortelyou, Inc. relating to the design and final plans for construction of the Providence Road Bridge over Bear Creek.
- R287-09 Determining not to levy special assessments for the Hardin Street reconstruction project and directing the City Clerk to record notice of this decision with the Recorder of Deeds of Boone County, Missouri.

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

NEW BUSINESS

- R288-09 Authorizing an agreement with the Central Missouri Humane Society for animal control services.

The resolution was read by the Clerk.

Mr. Watkins explained each year, the City contracted with the Central Missouri Humane Society (CMHS) to house animals picked up through animal control efforts. The contract this year was for about \$111,600 and would become effective January 1, 2010. It was the same amount that was included in the animal control budget approved by Council, so it did not require an appropriation.

Mr. Skala understood the Council had recommended supplementing the Humane Society's budget with \$20,000 and some conditions, and asked if that affected this contract. Mr. Watkins replied he did not believe it did and explained the supplemental funding was not included in this contract.

Ms. Browning noted the biggest difference in this contract from the prior year contract was that the kenneling costs were higher, and as a result the amount of funding available in the contract for the sterilization voucher program had decreased from 250 vouchers to 150. She pointed out increasing the number of vouchers was being discussed for the additional funds since it was a successful.

Jim Loveless, 2404 Topaz Drive, stated he was a member of the CMHS Board and noted the contract was similar to last year's as it essentially provided the same services. There was, however, some adjustment for cost accuracy and CMHS was assuming some expenses on its own that were in last year's contract. In addition, this was a 12 month contract as opposed to the 10 month contract, which began in March last year. He noted there had been some misunderstanding between City and CMHS staff with regard to whether

CMHS would continue providing services to the City and stated the Board's philosophy was that they were in partnership with the City and County in dealing with animal welfare issues. He pointed out the long term goal of the Board was to expand facilities so they could keep all animals until finding proper homes for them, and they would be asking for help from their partners when the time came. He stated the Board appreciated the City's partnership, support and trust that CMHS could provide care and housing for the animals the public health officers brought them. They also appreciated the additional \$20,000 the City would provide and were in discussions with City staff on what new initiatives the money could be used toward, particularly with the overpopulation problem.

The vote on R288-09 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R289-09 Adopting a list of high priority transportation improvement projects; requesting federal assistance in funding these projects.

The resolution was read by the Clerk.

Mr. Watkins explained they had worked with the County Commission in developing City and joint high priority projects. Ms. Hertwig-Hopkins noted the only project added to the list per Council request was the Scott Boulevard/I-70 Interchange project.

Mr. Sturtz asked if the projects were prioritized in any way. Ms. Hertwig-Hopkins replied they were not prioritized based on the feedback received.

Mr. Sturtz asked what would make one project stand out. Mayor Hindman replied it sometimes depended upon the opportunities, so it was best to have different types and sizes of projects.

The vote on R289-09 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B353-09 Approving the Final Plat of Country Farms – Plat 3, a Re-Subdivision of Lot 11 of Country Farms Subdivision, located on the southwest corner of Old Field Road and Old Mill Creek Road; authorizing a performance contract.**
- B354-09 Amending Chapter 2 of the City Code to establish the Public Transportation Advisory Commission.**
- B355-09 Amending Chapter 14 of the City Code to reduce the speed limit along a section of Stadium Boulevard.**
- B356-09 Amending Chapter 14 of the City Code to prohibit parking along a section of Bearfield Road.**
- B357-09 Authorizing non-motorized transportation intersection improvements at Providence Road and Green Meadows Road; calling for bids through the Purchasing Division.**

- B358-09 Authorizing construction of sanitary sewers in Sewer District No. 164 (Manor Drive); calling for bids through the Purchasing Division.
- B359-09 Authorizing acquisition of easements for construction of Sewer District No. 164 (Manor Drive).
- B360-09 Authorizing an agreement with the Missouri Highways and Transportation Commission and the Columbia Independent School District for the installation of speed limit signs and roadside flashers along sections of Route E.
- B361-09 Authorizing an agreement with Boone Electric Cooperative for the possible relocation of power poles and electric facilities relating to the Mexico Gravel Road reconstruction project.
- B362-09 Authorizing the City Manager to apply to the United States Department of Transportation Federal Aviation Administration for airport capital assistance grants.
- B363-09 Appropriating funds for the Columbia Regional Wastewater Treatment Facility improvement project.
- B364-09 Authorizing the installation of new electrical transformers and switchgear at the McBaine Water Treatment Plant; calling for bids through the Purchasing Division.
- B365-09 Authorizing construction of the Hillsdale Pump Station ground reservoir located on the southeast corner of I-70 Drive Northeast and Hillsdale Road; calling for bids through the Purchasing Division.
- B366-09 Authorizing the installation of backup power generators at two aquifer storage and recovery wells; calling for bids through the Purchasing Division.
- B367-09 Authorizing construction of an 8-inch water main along Old Mill Creek Road; calling for bids through the Purchasing Division.
- B368-09 Authorizing the construction of improvements at Paquin Park – Phase III; calling for bids through the Purchasing Division.
- B369-09 Authorizing the construction of improvements at American Legion Park; calling for bids through the Purchasing Division.
- B370-09 Adopting the City of Columbia 2010 Medical Plan; establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.
- B371-09 Amending the FY 2010 Annual Budget and the Classification and Pay Plans to reclassify a position in the Police Department.
- B372-09 Providing for the recovery of costs associated with the formation of community improvement districts.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Home Energy Loan Lien Subordination.

Mr. Watkins explained that in 2003, the Council amended the program to not allow the subordination of the loans. In the current real estate market, he believed there might be

some cases where subordination was appropriate. He also felt it was time to look at the entire program. He agreed with staff in that they should not allow subordination as a whole, but felt there were instances where they might want to consider subordination.

Mr. Skala understood Mr. Watkins' recommendation was to review the framework behind this and look at items on a case by case basis. Mr. Watkins stated that was correct and added that he was agreeable to moving ahead with an ordinance that would allow the City Manager to consider subordination when refinancing to lower an interest rate to assist someone so they could remain in their home and when the money was going back into the structure as it was an investment in the home.

Ms. Nauser asked if the City might be able to increase its return if they did a more stringent credit check. Ms. Fleming replied if the City was going to start subordinating the loans, it might need to be considered. The interest earned by the City on these loans was minimal, so they had tried to keep administrative costs down by making an assumption that if one was paying their utility bills, they would pay this loan as well. Ms. Nauser understood the City could ask a person asking for the loan to pay the fees associated with the credit search. Ms. Fleming stated that was correct.

Ms. Nauser did not believe they wanted to increase the potential loss to ratepayers. Although the City gained a benefit of people improving the efficiency of their homes, if the City was not repaid the loan, those savings were diminished.

Mr. Thornhill thought they could collect a higher interest rate and set aside a portion for defaults or justify the added risk by subordinating the loan. He believed people should be able to take advantage of the program without a penalty for wanting to benefit themselves in the future.

Mr. Wade made a motion directing staff to move forward with the four suggested actions. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(C) Establishment of Official Names for City Parks.

Mr. Hood noted Council had asked staff to provide a report showing which City parks had officially been named by an official Council action. After much research, they were able to group the parks into four categories, which were those officially named per Council action, those operating with an established name with good confirmation that no Council action had been taken, those never officially names and those they were unable to confirm as being officially acted upon without doing substantially more research. They found ordinances that referred to those parks by name, but none that established those names. Staff was recommending Council direct staff to prepare legislation affirming the names currently being used for the two categories they could not find official naming legislation since they were not controversial. Staff was also recommending the three properties never officially named be referred to the Parks and Recreation Commission for a name.

Mr. Wade made a motion directing staff to prepare legislation officially naming the parks in categories two and four of the staff report and directing the Parks and Recreation Commission to provide name recommendations to Council for the three parks listed as never

being officially named in the staff report. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(D) Compactor Relocation.

Mr. Watkins explained this was a request by a person with a compactor at the back of his property that wanted to expand in terms of an outdoor patio. The report included alternative locations.

Mr. Glascock noted Columbia Billiards was asking to terminate its 20-year lease for the compactor. The staff recommendation for relocation was an old alley to the north of Premier Bank. It was used for parking by tenants living in the area. An easement would not be required as the property was owned by the City, but it would cost about \$15,000 to move the compactor to this location.

Mayor Hindman asked if it would be visible from the street. Mr. Glascock replied yes and stated they could build a fence so the compactor was not visible.

Mr. Skala asked if there was a policy to determine the placement and users of the compactors. Mr. Glascock replied the City worked with the Special Business District and tried to locate the compactors central to a block. This was accomplished by lease. They did not permanently buy easements. Mr. Skala asked if the breaking of a lease was a common occurrence. Mr. Glascock replied it had happened three times in five years, and they had tried to relocate the compactors on City property to avoid moving them again.

Ms. Nauser asked if there would be any compensation by the people breaking the lease as it would cost \$15,000 to the taxpayer to do this. She wondered if there was a fee to break the lease. Mr. Glascock replied not to his knowledge.

Mr. Thornhill asked where the business would be putting their refuse. Mr. Glascock replied dumpsters would be put in the alley, similar to the situation with the Tiger Hotel where dumpsters were used for a year until a compactor location was found.

Ms. Nauser asked if the Council approved the Tiger breaking its lease. Mr. Glascock replied no and explained it was the same kind of lease where they could request the compactor be removed.

Mr. Glascock commented that if they ever created a new lease, they could add something in terms of breaking the lease. He pointed out people might not want to enter into the lease if that was the case though. Ms. Nauser suggested they looked into creating a new lease if each move involved a cost of \$15,000.

Mr. Glascock pointed out another compactor relocation would be coming to the Council in the near future involving Harpo's.

Mayor Hindman asked what the City paid on the lease. Mr. Glascock replied he did not believe they paid anything. It was only a convenience for the property owner. Mr. Boeckmann thought the property owner was terminating the lease pursuant to the lease provisions, but was unsure as he had not seen the lease. Mr. Glascock agreed. Ms. Nauser thought it was different if they were not being paid or gaining any benefit.

Mr. Glascock stated the location they were going to place it was aggregate, so they would pave it, fence it and add electricity. Mr. Skala asked if the cost of the improvements was included in the \$15,000 estimate. Mr. Glascock replied it was.

(E) Parking in Bike lanes.

Mr. Watkins explained this was looked into at the request of Council and staff was not recommending any changes. Mr. Glascock stated there was very little parking on the streets, so it was not really interfering with anything.

Mr. Wade stated incidents of cars being parked in the bike lane had been reported with a police officer requesting they be removed with the implication that the person could be ticketed. This report indicated that was not true. Mr. Glascock replied he did not believe they could be ticketed and noted they had spoken with the Police Department and they had not issued any summons. Mr. Boeckmann explained they would not be able to tell if tickets had been issued in those circumstances because the ticket could be written with varying language, so it was possible for someone to have been ticketed. Mr. Wade understood no tickets had been issued but there was the implication that it was illegal for cars to be there. Mr. Watkins stated the Police Department would be notified that it was okay for cars to be parked in those areas.

(F) Advisory Group for the Design of Route 740 Extension.

Mr. Watkins noted staff expected the 740 extension to receive a record of decision in late January and MoDOT to do the design in-house. There were a lot of decisions to be made in determining how the street would look and be laid out. They had a similar situation with Grindstone Parkway and the Mayor had appointed a citizens advisory group to help with design recommendations. If this was something Council wanted to do, he suggested they move quickly so they could begin the design in early 2010.

Mr. Skala understood this group would be independent and there would be a parallel track involving the Planning and Zoning Commission with regard to a corridor plan. Mr. Watkins pointed out the corridor would be set by the record of decision. Mr. Skala asked if there was any specification for representation of the group. Mr. Watkins replied he was suggesting a group of about seven citizens appointed by the Council and a couple staff members so they could work closely with MoDOT with regard to design. Mr. Skala asked if staff members would have the same voting privileges as everyone else. Mr. Watkins replied he was not sure, but thought staff needed to be involved in the process.

Mayor Hindman stated he thought the process worked well with Grindstone Parkway.

Ms. Hoppe asked who would make the appointments as the memo indicated the Mayor would make them. Mr. Watkins replied that was a Council decision.

Mr. Wade suggested each Council Member provide the Mayor with names from which a list could be created, and then the Council could select a 7-8 member group from that list.

Mr. Wade made a motion directing staff to make a request to MoDOT to establish an advisory group for the purpose of working with MoDOT to identify features needed for the Route 740 roadway design. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(G) Project Status – Clark Lane from Ballenger Eastward to St. Charles Road.

Mr. Watkins explained the original design for the intersection of Clark Lane and St. Charles Road included a round-a-bout. A traffic study completed as a result of the high school determined a round-a-bout might not be the best solution in the long term.

Mayor Hindman asked if Council had been provided a copy of the study. Mr. Glascock replied he did not believe so as it had been done by the Columbia Public Schools. Mayor Hindman stated he would like to see it because he was not convinced of the fact a round-a-bout was not the proper solution. Mr. Glascock explained the study indicated a signal would work better.

Mr. Glascock stated a dual lane round-a-bout would be involved because about 80-90 percent of the traffic to the school would go through this intersection and another auxiliary lane might need to be added along St. Charles, and they had not considered that when they started the project.

Ms. Nauser asked what the auxiliary lane would do. Mr. Glascock replied that the dual round-a-bout was like a dual left where two lanes to turn into were needed. At this time, there was only one lane and they would need another to take to the interchange. Since it had not been anticipated, the cost would be higher.

Mayor Hindman stated he would like to see the study prior to making any decision.

Mr. Skala agreed and noted the suggestion to proceed with the westward part of the plan was a good idea since those costs were going up as well.

Mr. Glascock asked how Council wanted to proceed after seeing the study. Mayor Hindman replied they could determine that after viewing the study. Mr. Watkins stated it would be included as a pre-Council meeting topic at the next meeting.

Mr. Watkins noted the ultimate question was whether the project should be divided so construction could be started on one piece or if the design and right-of-way decisions should be done prior to any construction, if changes were needed. Mayor Hindman asked if there was a design in place for the round-a-bout. Mr. Glascock replied yes. He pointed out the right-of-way would be costly due to eminent domain if they proceeded with the round-a-bout, so he did not want to proceed until a decision was made because he would not need as much right-of-way with dual lefts.

(H) Public Utility Regulatory Policies Act & Energy Independence and Security Act.

Mr. Watkins explained the Public Utility Regulatory Policies Act and Energy Independence and Security Act required some hearings, which the Water and Light Advisory Board held. They also prepared a report. The law required the governing body to review the standards and approve the report provided by the Water and Light Advisory Board.

Mr. Skala made a motion to adopt the report associated with this item. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(I) Corporate Lake Rezoning - Parks and Rec Commission Report.

Mayor Hindman understood this was an informational item.

(J) FY09 Report on Volunteer Hours.

Ms. Britt noted the volunteer hours were up 9.4 percent over last year and this was the greatest number of volunteer hours logged since the program's inception in 1997. They appreciated the citizens who volunteered their time as well as staff that worked with these volunteers.

(K) Flashing Signs and Neon Signs in Windows.

Mr. Watkins noted this was a Council request and suggested the Council direct the staff to work with the Planning and Zoning Commission with regard to proposed revisions to the current ordinance.

Mr. Teddy explained his interpretation was that there was a concern with electronic signs that were animated and had special effects versus window signs in general.

Mayor Hindman understood that the problem had to do with signs that were against a window on the inside of a building, but visible to the outside. They were not concerned about neon or flashing signs within a building unless they were in effect outside signs when against a window. Mr. Teddy understood the concern was for bright LED-type signs that would be prohibited if mounted outside, and per City ordinance, those were not considered signs when inside and were exempt from permits or enforcement action.

Ms. Nauser asked for an example of a LED sign. Mr. Teddy replied it was a very bright sign, which might display a scoreboard or be an electronic message board sign. Oftentimes, it was used to change a message and sometimes constantly, which some found objectionable or distracting.

Mr. Sturtz stated he had seen a couple of these put up recently and felt they were much more obnoxious than most of the other signs around town.

Mr. Skala explained LED's by definition were directional, which was why they appeared to be brighter, and understood there were some ramifications with regard to public safety and visibility.

Ms. Nauser asked if LED's were more economical and sustainable than regular lights. She wondered if technology was moving toward them. Ms. Hoppe explained they were not prohibiting LED lights in general. Ms. Nauser asked if they were opposed to the animated signs only. Mr. Sturtz replied he thought the flashing lights were distracting.

Mayor Hindman commented that if animated signs were prohibited on the outside of buildings, he did not believe they should be allowed to be placed in the windows so the animated signs were visible to the outside.

Mayor Hindman made a motion directing staff to draft an ordinance that would prohibit the practice of animated signs in windows. The motion was seconded by Mr. Sturtz and approved by voice vote with Mr. Thornhill and Ms. Nauser voting no.

(L) Internet Citizens Advisory Group (ICAG): Annual Report.

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

(M) Memo from EEC to Council.

Mr. Skala asked if there had been any result of this communication. Mr. Watkins replied the issue was the amount of interactivity that would be allowed. He noted the information had been provided to the Planning and Development Department, but there were some technical issues with regard to interactivity by the general public since the files were large.

Ms. Hoppe asked if the Planning and Zoning Commission had access to them. Mr. St. Romaine replied they did not, but the staff did. Information was being provided to the Commission through the Planning and Development Department. It was easy for staff to access the data because it was on the internal server. The problem was making it available to the general public due to broadband capability.

Ms. Nauser thought this had been previously discussed, and due to the cost of broadband, it had been decided to have a formal process for people to request the information from the City. Mr. St. Romaine stated the Information Technology Department was testing the capability by using volunteers to log in and access these large files to see the impact on bandwidth. They would be able to determine if additional bandwidth was needed and its cost or if the data could be parsed out in smaller segments after completing the study.

Mr. Skala understood the Planning and Zoning Commission could obtain this information through staff and asked if the same avenue was available to the Environment and Energy Commission. Mr. St. Romaine replied that any board or commission that needed this information could request it of staff.

Ms. Hoppe asked if staff could show a board or commission what data was available so they would know what they needed. Mr. Watkins replied they could work with them.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COMPREHENSIVE PLAN TASK FORCE

- Black, Bob, 507 W. Lathrop Road, Ward 4
- Campbell, Rex, 905 Edgewood, Ward 4
- Clark, Jack, 208 E. Briarwood Lane, Ward 4
- Cristal, Scott, 10650 W. King, County
- Glenn, John, 300 Macaw Drive, Ward 2
- Goldstein, Daniel, 604 Redbud Lane, Ward 4
- Henson, Lee, 3104 Greenbriar Drive, Ward 5
- Kruse, Karl, 2405 Lynnwood Drive, Ward 5
- Maiers, Bonnie, 3114 Wind River Court, Ward 4
- Overfelt, David, 102 W. Worley, Ward 1
- Perkins, Richard, 612 Maplewood Drive, Ward 4
- Ricciotti, Edward, 1917 E. Walnut, Apt. 1, Ward 3
- Sapp, Jo, 1025 Hickory Hill Drive, Ward 4
- Sessions, Jonathan, 209 Melbourne Street, Apt. A, Ward 3
- Simon, Shelley, 2620 W. Mill Creek Court, County

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Skala understood there might be potential roadblocks to developing condominiums in the downtown area and asked for a report with regard to what might be involved and what

the issues were. Mr. Watkins asked if there was a specific project in question. Mr. Skala replied Mr. Ott had mentioned some issues with regard to permitting that created disincentives for condominiums versus rental properties.

Ms. Hoppe stated there had been an issue with tree removal on Rock Quarry Road because those involved did not know it was a scenic road.

Ms. Hoppe made a motion directing staff to install signs indicating Rock Quarry Road was a scenic road. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Thornhill noted Elton Fay had made some comments regarding potential damage to his building in an article in the Tribune and asked if staff had contacted him regarding the issue. Mr. Watkins replied staff had attempted to work with Mr. Fay early in the process to document damages. Mr. Thornhill thought they should respond since Mr. Fay had made these comments.

The meeting adjourned at 11:47 p.m.

Respectfully submitted,

Sheela Amin
City Clerk