

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 2, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 2, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER (Ms. Nauser left at about 10:10 p.m.) and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of January 20, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

ISO Letter Presentation.

Mayor Hindman explained ISO, which stood for Insurance Services Office, Inc., dealt with rating the fire classification for the City of Columbia.

Chief Markgraf presented the letter from ISO to Mayor Hindman, which took the City's insurance classification rating down to a Class 2. He noted Class 1 was the best rating and the St. Louis Fire Department was the only Class 1 fire department in the State. The Columbia Fire Department was one of seven with a Class 2 rating. He explained this was the culmination of about twenty years, at which time they were in danger of going from a Class 4 to a Class 5. Due to the current Mayor, City Council and City Manager and their predecessors, the City was able to work the classification down to Class 2 starting on March 1, 2009 for insurance rating, which was significant for the Columbia Fire Department and its customers.

Mayor Hindman stated he was happy to receive the letter on behalf of the citizens of Columbia. He noted this was far more than just a lowering of insurance rates as it really referred to safety and the protection of property and lives. He commented that it was also a combination of having an excellent Fire Department with a good administration and firefighters. In addition to the personnel, it involved regulations, training, equipment and water pressure, and a cooperative effort made this happen. He noted he and the Council were proud and thought the citizens of Columbia should be proud as well. He congratulated the Chief and all of the other members of the Fire Department.

Chief Markgraf noted they also needed to thank the Water and Light Department and the Joint Communications Information Center as they contributed in bringing the class rating down as well. He stated everyone working together made it happen.

Chief Markgraf invited the Council and public to the dedication of the new Fire Station No. 7 on Sunday afternoon at 2:00 p.m. at Green Meadows and Green Meadows Way.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B19-09 Rezoning property located on the northeast corner of Holly Avenue and Andy Drive from R-1 to C-P; approving less stringent yard, screening and parking requirements; setting forth a condition for approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to rezone an existing church facility from R-1 to C-P and to allow all uses permitted in R-1 and a mortuary. He noted a crematorium would be excluded. He stated the applicant was also requesting simplified C-P zoning because they would not be changing the existing building and use. The Planning and Zoning Commission recommended approval of the proposed rezoning request with the associated exceptions. The Commission added a condition requiring the applicant's statement of intent to be modified to require a minimum 25 percent of the overall site to be maintained in open space. He understood the applicant had agreed to that condition.

Mr. Teddy noted the applicant would be making a few site improvements in the form of landscaping. The City's ordinances allowed an adaptive reuse of church buildings in this manner, but a funeral home or mortuary required a change in zoning because it was not otherwise permitted in R-1. He stated there were a number of exceptions in the ordinance to include the setback from the side lot line due to an existing canopy, side yard screening, and the parking lot setback on one side of the property. These conditions reflected the existing state of the property. He commented that staff and the Planning and Zoning Commission were supportive of these exceptions and the applicant was mitigating some of this by adding landscape where it could be done. He noted there was also a condition regarding a sidewalk on Holly as it would provide a little additional pedestrian access. It would connect to an existing sidewalk that would eventually run all of the way to Oakland Gravel Road. As mentioned by Mr. Watkins, the applicant agreed to a minimum 25 percent open space. This meant additional impervious items could not be added to the site. The stipulation was added to the applicant's documents immediately after the Planning and Zoning Commission meeting. He pointed out the applicant provided evidence at the Commission meeting that few visitations and services would be conducted on-site. He understood 25 percent of total visitations would be on-site and less than five percent of funerals would be conducted on-site. Although a mortuary normally included body preparation, testimony indicated that would not occur on this site.

Ms. Hoppe commented that a concern of someone that spoke at the Commission meeting was that it would be planned commercial. She understood the City did not allow the mortuary use for planned office presently, although it had been discussed, and asked if a

condition could be added indicating that if and when O-P was available for this use, the applicant would down-zone. Mr. Teddy replied that was part of the dialogue for the church at Garth and Texas which was also being converted to a funeral home. He thought it could be part of the dialogue this evening as well. He understood the majority of the Commission believed C-P, as structured by limiting the only commercial use to a mortuary, was sufficient, but a few members commented that it might be good to have a base zoning district that reflected this restrictive nature. This zoning only allowed a funeral home. It did not allow any other business. Besides a mortuary or funeral home, R-1 uses were the only other uses allowed.

Mr. Sturtz understood the neighbors were concerned C-P zoning could open it up to more commercial land uses down the road and asked if they would have to come back for a rezoning request if it was sold. Mr. Teddy replied the zoning ran with the land, so it applied to any owner of this property, and any amendment to the uses allowed would have to go back through the process of making application to the Planning and Development Department, having a hearing at the Planning and Zoning Commission and having an ordinance considered by the City Council.

Mr. Janku understood there would be a sidewalk to the east to Oakland Gravel and asked when the connection was anticipated. Mr. Teddy replied there was sidewalk on the north side of Holly as part of Barnett Ridge now and he believed it would be part of the build out of that subdivision. Most of the lots to the east of Norbury Drive were vacant. He understood one house was under construction and nearly completed, which he anticipated would have a sidewalk. Barnett Ridge was required to have sidewalks and did have sidewalks on all of the developed lots. He noted there would be a sidewalk between Norbury and Andy if a sidewalk was built as part of this mortuary occupancy.

Mr. Janku asked how many existing parking spaces were on the lot. Mr. Teddy replied he believed there were 47 parking spaces. He explained a mortuary required spaces as a ratio of its seating capacity, so there would need to be one space for every five seats per ordinance. If the funeral home was divided into chapels, the largest chapel determined the seating capacity. As many as 200 seats with spaces for employees could be accommodated with those 47 parking spots. Mr. Janku understood it met City standards. Mr. Teddy stated a need for a parking supply variance was not anticipated. If they had more than 200 seats when trying to receive their occupancy certification, they would be in a position where something would have to be done about the parking. Mayor Hindman asked what that would require. Mr. Teddy replied reduction by a variance was a possibility. Mayor Hindman understood that meant it would go to the Board of Adjustment. Mr. Teddy stated yes. He explained that if staff knew something was deficient up front, they would make it a part of the C-P request. He noted they were not aware of any need for a parking variance. Mr. Janku understood the seating would be capped by the number of spaces unless there was a variance. Mr. Teddy stated that was correct.

Mr. Skala understood most of the members of the Commission decided this would probably be a reduction in the amount of parking that was necessary because there had been a problem with parking with its existing use. In some ways, this was a less intense use than what was already there. Mr. Teddy replied that was staff's observation and he believed some

of the Commissioner's agreed. Mr. Skala understood some were uncomfortable with having a C-P island in the midst of residential property, but felt there were enough restrictions to suggest this was not an unreasonable option for this property.

Mayor Hindman opened the public hearing.

Lorenzo Lawson, 2301 Shamrock Drive, stated he was the Senior Pastor of the Chosen Generation Ministry and noted he had been working closely with the funeral home that was trying to get this rezoning passed. He commented that this was a need for the community, especially since the only African-American funeral home had been temporarily and possibly permanently shut down. He felt this funeral home would be a blessing. He explained he had been with families that had to travel to Booneville, which was the main office for this funeral home. It was burdensome for family that was grieving to drive to Booneville to complete the business at hand. He did not believe this would be a burden to the City or the residents. He thought it would be good to add such a fine establishment and business to Columbia. He asked the Council to approve the rezoning request.

Jack Miller, 2201 Country Lane, stated he represented the congregation of Jehovah's Witnesses that was selling the property to the May family. The Jehovah's Witnesses had occupied and used this building as a church for decades, but the congregation had outgrown the space they currently had and parking had become an issue. Parking often overflowed on to the street, so they decided it was better for their long term strategy to sell this building and build a larger facility elsewhere in Columbia. He noted they had built another building on Smiley Lane a couple of years ago and were still looking for a facility in the south part of town. Currently, on Sundays, they had two very large services. They also had a large service on Wednesday and Thursday nights. In addition, various bible study groups met throughout the week. As mentioned, they believed this would reduce traffic and parking issues that had arisen over the last several years because the funeral home would not have as many funerals as they had services throughout the course of the week. He believed this was a much better use of the property with regard to the neighbors and noted it would be difficult for the facility and parking lot to ever be someone's home. A funeral home minus any crematorium or body preparation was close to the current use of the building.

Mary Ratliff, 211 Park DeVille Drive, stated she was the President of the Columbia branch of the NAACP in Missouri and commented that she was in support of this rezoning ordinance. She believed this involved a reputable funeral home and business man. In addition, this service was needed for the citizens of Columbia. She understood the concerns and felt this business would involve less traffic. She urged the Council to vote in favor of this ordinance and believed it would be an enhancement for the community to have another African-American business.

Thomas May, 1009 Fourth Street, Booneville, Missouri, stated he was the owner of the May Funeral Home in Booneville, Missouri, and was anticipating coming to Columbia. Currently, 95 percent of their services were held at local churches in town. The trend was to have funeral services and visitations at local churches on the same day, so he anticipated a decrease in traffic at this location if the request was granted. He believed it would be a less intensive use and stated he would appreciate the Council's support.

Mr. Janku asked if he would be willing to allow the City to rezone the property to something less intensive, such as office or residential, if the Council created a new classification and if it did not impact his ability to do business. Mr. May replied yes as long as it would not hinder his business.

Mr. Janku understood landscaped screening was planned for the north and west sides of the property and asked for a description. Mr. May replied he thought the need for additional landscaping was on the east side of the property. Mr. Janku thought there was some planned for the north and west. Mr. May stated they would be willing to accommodate it if it were a request of the Council.

John Payne, 10951 I-70 Drive Northeast, stated he owned the property at 2307 Andy for the last 10-15 years and pointed out he did not have anything against the church that was there today or the May family and their funeral business. He agreed the Warren's had filled a need in the Columbia area and was glad to see the May's coming, but noted he was against rezoning the property from R-1 to C-P. He felt it was spot zoning and noted he had already lost his renter who had been there for about three years due to this zoning. The church had outgrown the property because they had outgrown the parking. He noted there were no improved streets in this neighborhood. He commented that the only reason there was a sidewalk was because the property to the east was a recent development. There were no sidewalks to the west and the streets were unimproved. He believed that once this was zoned C-P, the next use for C-P would be easier to get. Since this was in the middle of an R-1 area, he did not think this was the right place for commercial zoning. He stated there was a big demand for churches and believed another church would want to purchase this property. The financing and terms would just need to be set up. He commented that five seats to one parking space was not very viable, and stated he was usually one person in a car when going to visitations and funeral homes. He asked the Council to reject this ordinance. He pointed out that with regard to the funeral home at Texas and Garth, the property backed up to I-70 and involved big, improved collector streets. It was something he would have supported. This one was surrounded by narrow, deteriorating streets and he hoped the Council would turn it down.

Ms. Hoppe noted the owner of the mortuary indicated that if the Council allowed this use in R-1 or O-P in the future, he would be agreeable to downzoning the property from C-P to O-P or R-1. She asked if that made him feel more comfortable in terms of it being less likely to be able to get a different commercial use in the future. Mr. Payne replied it did not. He believed the Council had to make its decision on the laws of Columbia today. He did not see how they could ask someone to redo something if the rules changed down the road. He reiterated that he believed they needed make a decision based on the record today because they did not know if it would ever change. His real concern was that it would be easier for someone else to get approval for C-P after the first one was approved.

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

Mr. Janku stated he was at the site on Sunday and the lines in the parking lot were not painted very well causing it to be hard to figure out where the spaces were. He commented that he planned to propose clearly demarcating the lines within a certain period of time as a

condition and asked if Mr. May was agreeable. Mr. May replied he anticipated doing that anyway, so he did not have a problem with that being included as a stipulation.

Mr. Janku understood there was neighborhood concern because the only opportunity to provide this service involved commercial zoning and noted the Council had asked the Planning and Zoning Commission to provide recommendations with regard to how they might come up with less intensive zoning categories for this type of service, so they did not have spot commercial zoning. He believed that would be a win-win for the neighbors and for anyone else trying to find a location for this type of service. He hoped the Council would make the necessary amendments and proceed with a Council initiated rezoning, which would be at no cost to the property owner. The zoning classification would change, but the use of the property would continue through a lesser zoning.

Mr. Janku stated he planned to propose an amendment requiring the parking lot lines to be painted within 60 days, so they would be demarcated. He thought it would make it easier for people using the facility to take advantage of all of the spaces. If there were continuing problems, he noted the Council could impose parking restrictions on streets.

Mr. Janku made a motion to amend B19-09 by adding a new Section 7, which would read “The rezoning of the property described in Section 1 shall be subject to the condition that the parking lot lines shall be repainted within 60 days of the effective date of this ordinance and that the number of parking spaces shall not be decreased.” The motion was seconded by Mayor Hindman.

Mr. Wade stated he did not believe it was the Council’s responsibility to specify parking lines in a parking lot for this type of proposal.

The motion made by Mr. Janku and seconded by Mayor Hindman was approved with Mr. Wade and Ms. Nauser voting no.

Mayor Hindman asked how this or any other condition would be enforced. Mr. Boeckmann replied there were two possibilities. One was through Municipal Court and the other was for the Council to rezone the property back to R-1. Mr. Janku understood it would be up to someone in Protective Inspection to check for compliance with the conditions. Mayor Hindman asked for clarification. Mr. Boeckmann replied he anticipated it being prosecuted through the Municipal Court. He commented that the painting of the lines would be done eventually. The zoning would not revert if it was not done in 60 days. It was not automatic. For the zoning to change, it would have to come back to the Council, and that was an extreme remedy. Mayor Hindman wanted everyone to be aware of the difficulty in enforcing those kinds of conditions.

Ms. Hoppe understood the applicant would be agreeable to downzoning if the Council allowed this use in O-P or R-1 and asked if that could be included as a condition in the ordinance. Mr. Boeckmann replied it was not exactly a condition because it was something the Council could initiate. He stated they could add something indicating the Council might downzone this property in the future if the zoning code was amended. Ms. Hoppe understood it would need to be included in the ordinance. Mr. Boeckmann replied they did not need to include it, but could if they wanted. Ms. Hoppe understood they would have the authority to do it if it was not included. Mr. Boeckmann stated yes. He explained they could not change the use once it was approved if the conditions were met. He commented that it

was hardly a downzoning if they were to go from C-P to O-P. It was more psychological than anything else.

Mr. Skala stated he was prepared to favor this rezoning even before the amendment. He did not believe this was a matter of granting a C-P rezoning request that could expand to something other than the single use specific to this request. If there was another owner, he would have to either comply with the use or come back to the Council to request another use. He understood there was already a parking problem and this less intensive use would probably mitigate the parking problem. He agreed this decision could not be based on downzoning or lateral zoning in the future, but noted the applicant was amenable to that if they got to that point. He stated he was prepared to support the rezoning request.

B19-09, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B20-09 Amending Chapter 29 of the City Code as it relates to zoning procedures.

The bill was given second reading by the Clerk.

Mr. Watkins explained this amendment to Chapter 29 of the City Code would eliminate the second of two public hearings currently required for zoning amendments and development plan approvals and would replace it with consideration on the Council consent agenda or old business. A favorable recommendation from the Planning and Zoning Commission with not more than 25 percent of members present voting against a motion to approve would ordinarily allow a zoning case to proceed to the Council consent agenda. The proposed ordinance contained the criteria for removal of an item from the consent agenda and its placement on old business as well as criteria that would require an item to be placed on old business regardless of the Commission vote.

Mr. Teddy commented that this ordinance had received a few changes since the last Council discussion under reports. They had a deadline of the Thursday before the Council meeting at which time an item would be considered for it to be taken off of the consent agenda and placed under the old business section of the agenda. That deadline was now noon on Wednesday in order to synchronize the whole agenda production process, so an obsolete agenda would not be out there on Thursday. He noted Mr. Boeckmann had also added things since the Planning and Zoning Commission meeting public hearing involving miscellaneous references to public hearings throughout the ordinance, so there would not be any inconsistencies. In addition, the amendment sheet established an effective date of March 1 in order to allow them to inform applicants of the change in the process.

Mayor Hindman opened the public hearing.

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

Mr. Janku asked what the procedure would be for Council discussion if it was not on the consent agenda. He wondered if it would be any different than it was now under the public hearing agenda. Mr. Teddy replied the only difference between the procedure now and the proposed procedure was that it would not be an advertised public hearing at the Council level. Mr. Janku understood there would be no advertisement in the newspaper and no posting on the property. Mr. Teddy stated that was correct for the Council level. It would

still be posted for the Planning and Zoning Commission hearings. He noted the audience would be informed as to whether it would be a part of the consent agenda or old business after the Planning and Zoning Commission made its decision that evening. Mr. Skala understood there was a comment period at the Council level for items under old business rather than a required public hearing.

Mr. Skala made a motion to amend B20-09 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Wade made a motion to amend B20-09 by deleting Section 29-34(c)(1)(b), which read “No one spoke in opposition to the proposal at the commission hearing or submitted written comments in opposition for the hearing record”, and changing items (c), (d) and (e) to (b), (c) and (d) respectfully.

Mayor Hindman asked for clarification. Mr. Wade replied it eliminated item (b) as criteria for an item to go on the consent agenda if passed. Mr. Boeckmann explained someone could speak in opposition before the Planning and Zoning Commission and it could still go on the consent agenda.

The motion made by Mr. Wade was seconded by Ms. Nauser.

Mr. Wade stated it was a subjective criterion. The other four criteria were very clear and objective. He believed it was a poor criterion to eliminate something from going on the consent agenda and felt there were a lot of opportunities for an item to be removed from the consent agenda. He believed it was a simple task to contact the City Clerk’s office to request something be removed from the consent agenda. It required anyone seriously concerned about the proposal to act. He did not believe it detracted from citizen participation or Council prerogative. He believed this criterion would create the potential of undercutting the purpose of this ordinance, which was to improve the quality and efficiency of the planning and zoning process.

Mr. Janku stated he disagreed and believed it was a good criterion. It encouraged people to participate at the Planning and Zoning Commission meeting, which he felt helped the process. It gave an incentive to people to participate at the Planning and Zoning Commission meeting versus just speaking at the Council meeting. It also alerted the Council of potential concerns so they could start thinking about it. He also believed they would be putting up another road block or hurdle for someone to participate in matters before the Council if they removed it. They were already proposing to take away the notice in the newspaper, which many read with interest to find out what was going on with the Council. He felt this would make it more difficult for the public to participate in the process and would hurt the level of input that was provided at the Planning and Zoning Commission meetings.

Ms. Nauser stated she disagreed with Mr. Janku. She thought it would make the Planning and Zoning Commission meetings more important and would encourage people to attend those meetings to express their concerns. She understood the purpose of this ordinance was to streamline the process. She commented that when receiving the Council packet, the first thing she did was to look at the recommendations of the Planning and Zoning Commission. If it was a unanimous recommendation, she read the staff notes, the ordinance, etc., but did not read the entire testimony of the meeting. She felt constituents should contact her to express concerns and believed this would cause more people to contact their Council

representatives to voice approval or dissatisfaction with an idea. She stated she was willing to support Mr. Wade's request to remove that criterion because she felt people should speak at the Commission meetings. She noted people went to the Commission with developments to hear concerns, so they could tweak their plans before bringing those to the Council. She preferred these issues being taken care of prior to the Planning and Zoning Commission meeting versus afterward, and believed this might assist in that area.

Mr. Skala stated he agreed with Mr. Janku. He understood the purpose of this was to streamline the process and believed most of what was here did that. He did not think they needed to create anymore hurdles by specifying a particular behavior on the part of the public if they disagreed. He did not believe they should have to negotiate the request to remove an item from the consent agenda if they spoke in opposition before the Planning and Zoning Commission as that took a great deal of courage. In addition, some people were not as civically obsessed as others with regard to ensuring things happened by certain deadlines. He thought the process would be streamlined even if this criterion was included and hesitated in putting anymore impediments in front of the public if they had a legitimate opposition to something. He stated he read everything, to include the testimony, and sometimes twice. He would not support the amendment.

Mr. Sturtz agreed with Mr. Wade and Ms. Nauser. He felt there was enough of a fail-safe because anyone could ask a Council person to put it on old business. He felt this was good because it would emphasize compromise and consensus from the beginning. He stated he was comfortable with all of it.

Ms. Hoppe commented that she believed there were several ways it could be taken off of the consent agenda to include contacting a Council person. In addition, the Commission could suggest it be placed on old business if they felt there were some strong points of concern. She believed it would encourage people to come before the Planning and Zoning Commission with their concerns. Sometimes, after going through the process and hearing the rationale, the people with concerns might not be interested in opposing it any further. If they were still interested, they could ask for it to be removed from the consent agenda or contact their Council person. She felt there were a lot of ways for someone who really wanted to be before the Council to have it as an old business item, so she was comfortable with the amendment.

The motion made by Mr. Wade and seconded by Ms. Nauser was approved with Mayor Hindman, Mr. Janku and Mr. Skala voting no.

Mayor Hindman stated he believed improvement in the rezoning process was something that had been needed for a long time. He understood Mr. Wade and Mr. Skala were on the Planning and Zoning Commission when this was first discussed and noted the Planning and Zoning Commission had made some terrific improvements and congratulated them. He commented that he had some concern about the ability of citizens to come to the Council. He understood the idea of trying to make the Planning and Zoning Commission hearing the most important aspect in many ways. He noted these decisions affected people very personally in many cases, and those affected were often times not sophisticated with City procedures. When it came to redevelopment and rezoning requests, one of the parties was usually pretty sophisticated and the other party was struggling to find out what to do

unless they had an attorney. They often times did not discover what was going on until it was late in the process. He believed the public needed to feel that they could get something settled through their elected representative. He agreed issues would be taken care of at the Commission level most of the time, but noted there would be situations when individuals would want it done by the City Council. There would not be an advertisement and the fact they had spoken against it at the Planning and Zoning Commission meeting was no longer a criterion, so they would have to notify the City before Wednesday at noon to make a request for it to be taken off of the consent agenda, otherwise it would remain on the consent agenda. He felt that would lead to some very unfortunate situations. He believed people would feel the sophisticated side had the advantage and could not receive any help. He noted the Council person for a particular ward could be out of town or lack knowledge of a particular situation. There were a number of reasons someone could fail to ask for it to be taken off of the consent agenda by the deadline, and once the deadline passed, the Council could not do anything about it. He approved of the basic idea of streamlining and understood information would get out a lot better with the new procedures, which was advantageous to the neighbors, but thought a compromise was needed. He suggested an item be allowed to be removed from the consent agenda by a vote of the Council.

Mayor Hindman made a motion to amend B20-09 by adding “The city council may remove any such bill from the consent agenda and place it under old business at the council meeting at which the council bill is scheduled to be considered for passage” to the last paragraph of Section 29-34(c)(1). The motion was seconded by Mr. Janku.

Mayor Hindman stated he understood that might cause some problems if the applicant believed the item would be on the consent agenda and felt Council representatives would be hesitant in bringing it up, but thought there might be times when it would make a huge difference.

Mr. Wade stated he disagreed with the amendment. He noted the person would have attended the Planning and Zoning Commission meeting and would know the rules because he assumed anyone who attended the Commission meeting would receive information regarding how an item could be taken off of the consent agenda if the Commission’s vote called for it to be on the consent agenda. In addition, if there was adequate public question/comment at the Commission meeting, he assumed the Council would indicate it should not go on the consent agenda. There were many ways for it to be taken off of the consent agenda. He believed the amendment would undercut the reorganization of the planning and zoning process. He thought they were underestimating the citizens of Columbia and believed a citizen that showed up at the Planning and Zoning Commission meeting would have the information needed to decide if they wanted to take the next step.

Mr. Skala disagreed with Mr. Wade and noted this would be the exception rather than the rule. He did not understand why this exceptional approach to a compromise might not be kept in place given the streamlining that would occur for the rest of the process.

Mr. Janku commented that in the legal process, lawyers were supposed to be the sophisticated ones, but case books were full of cases where a lawyer missed the statute of limitations or a pleading deadline causing the client to suffer. He hoped they could build something into their process so there could be due equity in certain situations.

Ms. Hoppe stated she could envision where someone might be in the hospital or taking care of a sick loved one and was not aware of the Planning and Zoning Commission hearing. She agreed some fail-safe provision to be used sparingly would be a good protection for the public and stated she would support the amendment.

Ms. Nauser understood the proposed amendment would require the Council to vote to take it off of the consent agenda and to place it under old business. She asked if the item would be discussed that evening or postponed to another date. Mayor Hindman replied he thought the Council could do as they wanted. Ms. Nauser stated if that was done on the eve of the Council meeting, it would not give the applicant sufficient notice to be there. Mayor Hindman understood that was an issue and believed the Council could look at the equities of that situation and decide when it should be heard. Ms. Nauser understood it would be under the introduction and first reading section of the agenda with an asterisk designating if it would go on the consent agenda at the next meeting and believed that would be the time Council needed to vote to pull it off of the future consent agenda so it would be under old business. Mr. Skala stated it could be done that way, but would not have to be.

Mr. Wade pointed out this recommendation came with an extreme amount of discussion and negotiation with a very diverse group of stakeholders that included neighborhood representatives and citizen activists, and those people were comfortable that the citizenry would be able to work within this system effectively. Mr. Skala stated that was true, but it also came with a good deal of discussion from the Planning and Zoning Commission when they approved the form of this moving forward.

The motion made by Mayor Hindman and seconded by Mr. Janku was approved with Mr. Sturtz, Mr. Wade and Ms. Nauser voting no.

B20-09, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Proposed non-motorized intersection improvements at Providence Road and Business Loop 70 and Providence Road and Green Meadows Road.

Item A was read by the Clerk.

Mr. Watkins explained this involved intersection improvements at Providence Road and Business Loop 70 and Providence Road and Green Meadows Road. Both intersection improvements had been presented to the Council several years ago as part of a Bicycle/Pedestrian Commission recommendation. As Council prioritized funding for the non-motorized grant program, these were two intersections they indicated they wanted improved. The projected cost of these two improvements was about \$800,000.

Mr. Glascock described the proposed improvements to the intersections using drawings on the overhead.

Ms. Nauser understood this would all tie into the Providence Trail. Mr. Glascock stated that was correct. Ms. Nauser understood it would also tie into the Greenbriar Trail and the bridge over Route K for pedestrian safety. Mr. Glascock stated that was correct.

Ms. Hoppe asked where the bike lanes on Providence would be located. Mr. Glascock replied it would be the shoulder. He explained they were in conversations with MoDOT to

determine if the area could be resurfaced and what would be required of the City. He thought it was two inches of asphalt on gravel, so it would not hold up well. He did not know what they would have to do so they would not have a lot of degradation on the shoulder.

Mayor Hindman opened the public hearing.

Preston Bass, 3806 Bedford Drive, stated he was the Coordinator of Safety and Security for the Columbia Public Schools, and as such, was concerned with the intersection of Providence and Business Loop 70 and how it pertained to Hickman High School students. He commended the City for seeking the input of the School District, students and parents, and urged the Council to approved this proposed improvement project because it would go a long way in improving the safety of students crossing Providence Road. He noted the timing could not have been better when they were first approached because a couple of students had done a small documentary on the hazards of the intersection and the risks students took in crossing it. He stated he spoke for the parents of Hickman students as well as many pedestrians and motorists that called and complained almost daily. He asked the Council to approve this project.

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

Mayor Hindman made a motion directing staff to proceed with the proposed intersection improvements. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(B) Construction of the Bear Creek Trail Connections Project at Blue Ridge Road and Python Court.

Item B was read by the Clerk.

Mr. Watkins explained this project would make two connections to the Bear Creek Trail. One connection would be at Blue Ridge Road and the other would be at Python Court. The proposed construction cost was about \$442,000 and would be paid for from the non-motorized grant funds. If Council wished to move forward, a motion directing staff to move toward construction was required.

Mr. Glascock stated one of the reasons for GetAbout was to connect the citizens to trails in order to provide different ways to get to work with alternative transportation and this would connect neighborhoods to the trail system, which they thought was important. He described the project using drawings on the overhead.

Mr. Skala understood this would be an eight foot wide hard surface in some areas and aggregate in others, and asked if there was still controversy regarding the surfaces of these trails and connectors in some areas. Mr. Hood replied he was sure there was still some controversy. The suggestion for these two connectors was a fairly well accepted compromise. It involved a paved portion of the trail with a gravel or aggregate sidepath or shoulder. In this case, they were talking about an eight foot wide paved trail with a three foot wide aggregate shoulder, so those that wanted to walk, jog or run on the aggregate had that opportunity.

Mr. Janku commented that the people who were most concerned with paving the existing Bear Creek Trail were satisfied with this proposal.

Mr. Wade asked why the connectors had the same hard surface as the trail they were being connected with. He understood connectors would have a low level of use and asked if there should be stronger consideration for a less intrusive kind of surface and a design that would fit into the natural environment to which it was going through to make the connection. He stated he was not sure an eight foot paved road would do that. Mr. Glascock replied a lot of trails were very flat, but these were not. They were coming down a slope or hill and were hard to maintain. Water would erode them and since there would not be a lot of people on them, grass would grow on them and maintenance would be an issue. Blending it in was a consideration, but they also needed to ensure it was usable when someone wanted to use it.

Mr. Skala asked if an alternative would be a narrower hard surface in areas where the slopes precluded using aggregate since they tended to wash out. Mr. Glascock replied that they were trying to create a standard throughout the City whether it was a connector or pedway. He noted they were narrowing it to eight feet. It had to be usable since it was a pedway and the narrowest pedway was eight feet. Mr. Skala felt there was logic to a connector that was less intrusive in sensitive areas.

Mr. Janku stated he supported the eight feet, but felt that was about the narrowest width they would want for something like this. He did not think they wanted a five foot sidewalk to accommodate bicycles going up and down hills at each other. He thought eight feet would accommodate that use. He commented that he thought the Blue Ridge connector to the Bear Creek Trail would be fairly well used because it gave direct access to the Vanderveen subdivision.

Mr. Wade asked if there would be five feet of aggregate on each side. Mr. Glascock replied there would be three foot aggregate on one side. It would be eight feet with a three foot aggregate on one side.

Mayor Hindman opened the public hearing.

Larry Bossaller, 909 W. Prairie View Drive, stated he was pretty supportive of the GetAbout program, which was good in a lot ways, generally speaking. He noted people were looking at it when evaluating the City, so he felt it was a positive thing. He pointed out his house was right across from where the trail would start and he could not wait for them to put it in. He hoped the Council approved it. He understood eleven people submitted comments to the City regarding this project and ten had expressed support. He asked if they were trying to connect people with these trails. Mayor Hindman replied they were trying to have an interconnected system. Mr. Bossaller stated they might want to connect Prairie Lane Road, so they would have a true conformity to the connection.

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

Mr. Janku understood there was some interest in trees being planted at the Python Court connection and asked if that would be accommodated. Mr. Hood stated he was not sure if that was included in the GetAbout project, but the City purchased the entire lot where the trail would connect and the Parks and Recreation Department could do some landscaping on that property with plants and trees.

Mr. Janku made the motion for staff to proceed with construction of these connectors. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) Construction of the Hinkson Creek (Greenbriar) Trail Connection Project.

Item C was read by the Clerk.

Mr. Watkins explained this involved a connection to the Hinkson Creek. The proposed connection would be paid for through the use of non-motorized transportation grant funds and the expected cost of project was \$990,000.

Mr. Glascock stated this was another project that would connect neighborhoods and described the project using a drawing on the overhead. He noted they would be using concrete as well as boardwalks in some areas because as they were crossing small drainage areas, they were trying to avoid putting pipes in the ground.

Ms. Hoppe understood this one was paved with no running gravel sides. Mr. Glascock stated that was correct.

Mayor Hindman opened the public hearing.

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

Ms. Nauser stated this project was in the Fifth Ward, which had been lacking in trail projects for many years. As a result, she had received a vast amount of input from people who were excited about this as it would allow people to commute to the University. In addition, she understood after it was connected to the Providence Road Trail, it would connect to Rock Bridge High School. The Greenbriar Subdivision was happy for the most part. She noted a couple individuals were not completely happy, but had come to accept the trail would be going through their neighborhood.

Ms. Nauser made a motion directing staff to proceed with the construction of the trail. The motion was seconded by Ms. Hoppe.

Ms. Hoppe noted part of the trail was in the Sixth Ward and would provide a nice connector for her to get to work at Nifong and Forum.

Mr. Skala understood the logic of having a standard and assumed this one was different from the previous one due to the topography versus the nature of the constituents. Mr. Glascock replied the when using boardwalks to cross small ravines, there would be some sides requiring a shy distance for the handlebars. In order to have eight usable feet, they needed ten feet in that area, and they did not want to weave the trail in and out. They wanted a straight run.

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

(D) Reconstruction of the Old Route K Bridge over Hinkson Creek, south of Reactor Park.

Item D was read by the Clerk.

Mr. Watkins explained this project involved the reconstruction of the bridge at Reactor Park over the Hinkson Creek on Old Route K. He noted a portion of funding for this project would come from a grant received from the On-System Bridge Replacement Rehabilitation Program. The total cost of the bridge replacement along with some connections to trails was about \$1.8 million. He noted \$900,000 would be paid for by the On-System Bridge Replacement Rehabilitation Program grant, \$300,000 would be paid with non-motorized grant funds, and \$600,000 would come from the City's capital improvement fund. If Council

approved this, the project would be bid in late 2009. He pointed out the City had now taken over this road with the exception of the bridge.

Mr. Glascock stated the hearing was being held tonight for the purpose of receiving public comment on the proposed reconstruction of the Old Route K bridge over the Hinkson Creek, being a federal project number BRN2101502 in the whole. Following project approval, the City would proceed with project design, right-of-way acquisition and construction in accordance with all federal rules and regulations.

Mr. Glascock displayed a drawing on the overhead and showed where a bridge would tie into the MU Recreation Trail. The bridge width was 62 feet and included a sidewalk and ten foot pedway.

Mayor Hindman opened the public hearing.

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

Mr. Janku commented that after the bridge was completed, they might want to look at the sidewalk obligations of the properties to the south that were recently developed. He thought there was a potential for a connection to be made. Mayor Hindman agreed and stated that if there was an obligation, they should enforce it.

Ms. Nauser made a motion to directing staff to move forward with the Old Route K bridge project. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(E) Construction of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park.

Item E was read by the Clerk.

Mr. Watkins explained this involved the construction of the Hinkson Creek Trail, which they had been working on for several years. They had received two Federal Surface Transportation Program Enhancement Grants, which were combined so they had a coordinated effort. The expected cost of the project was about \$780,000 of which \$332,000 would be funded with the City's park sales tax. He noted they still needed to obtain two easements. If Council approved this, a bill to allow staff to construct and acquire easements would be introduced at the next meeting. He pointed out a phase of this trail was not included in the project and would be paid for through the GetAbout program and coming forward at another meeting. Staff wanted to proceed with this portion because of the easement acquisitions that were needed.

Mr. Hood stated the portion of this project that was being paid for by the park sales tax and the STP enhancement funds began just south of the Stadium at Old 63 intersection. He described the project using a drawing on the overhead and explained it included the crossing underneath Stadium and followed Old 63 to the north to the bridge on Old 63 crossing the Hinkson Creek. The bridge at Old 63 over the Hinkson and northward would be a GetAbout project and was currently being redesigned. They were looking at an additional alternative to get underneath the bridge and onto the east side of Old 63. That portion would come to Council at a later date. He commented that a short portion of the project, which was a connector out of Stephens Lake Park, would be paid for with park sales tax. He noted this was a pedway and involved an eight foot wide paved surface.

Ms. Hoppe understood the City needed easements from only two property owners. Mr. Hood stated she was correct and explained they were both in conjunction with the crossing beneath the Stadium Boulevard bridge.

Ms. Hoppe asked if any large trees would need to be removed on Old 63 to construct the sidewalk, and if so, if replacement trees were planned. Mr. Hood replied he was sure the engineers and planners had looked at that, but he did not have the answer. He commented that if any large trees were removed, he thought they would replant some trees. He stated he would check into that.

Mr. Skala understood this was an eight foot paved surface without any aggregate. Mr. Hood stated that was correct.

Ms. Hoppe noted this street had bike lanes to accommodate additional bikers.

Mayor Hindman opened the public hearing.

Dave Angle, 2245 Bluff Boulevard, commented that he lived along the Old 63 proposed trailway and stated he was very much in favor of expanding trails and this system as they would be very beneficial to him and his family. He encouraged the Council to go back toward downtown with this trail system and to find a solution in that direction because it would be very helpful. He noted he was disappointed the Bluffdale issue did not go through. He understood the piece from Stadium to the Hinkson was all the Council was voting on tonight and he would have to come back to a different meeting with regard to the other piece of the trail. Mr. Hood replied the public hearing tonight involved the portion being funded by the park sales tax and the STP Enhancement Grant, which was from Stadium to the bridge over Old 63. He stated the other portion of the project would be funded through the GetAbout non-motorized transportation grant and plans were still in design on a portion of that, so there would be another public hearing on that portion of that trail. Mr. Angle stated the GetAbout notice talked about a hearing today and had mentioned Moon Valley to Bearfield. He asked if that was included in what they were talking about because Moon Valley was different than Old 63 and Stephens Lake to him. Mr. Hood replied he thought Moon Valley was the property on the east side of Old 63. Mr. Angle stated that was what he thought as well, but it had been referred to as being taken up at this hearing tonight by GetAbout. Mr. Hood explained it was not intended to be. Mr. Angle asked the Council to vote in favor of this project because it was a good thing.

Ms. Hoppe explained this section of the pedway had been approved before she was on the Council and before GetAbout was a program, so that was the reason for the difference in funding and the separation.

Mayor Hindman asked if this started at Stadium versus the Grindstone Nature Area. Mr. Hood replied the portion south of Stadium would be part of the GetAbout project as well.

Jeanine Pagan, 701 Bluffdale Drive, thanked GetAbout for putting out stands with leaflets for the public to read about this public hearing. There was some confusion with regard to whether this included Moon Valley and anything else. She stated she looked forward to having a pedway along Old 63 and believed the benefit of having something along a roadway was that it received a lot of use. People walked to the shops at Eastgate and to Stephens Lake. Once the improvement was made at the intersection of Old 63 and

Broadway, it would be beneficial in getting to Stephens Lake. She thanked the City for putting this along a direct route.

Bruce Summers, 603 Bluffdale Drive, stated he lived at the corner of the Hinkson Creek and Old 63 and his back yard was at the terminus of this. He asked if this was the trail that would go down the shoulder of Old 63. Mayor Hindman replied yes. Mr. Summers asked what the plan was for crossing the bridge at Old 63. Mayor Hindman replied it had not yet been designed. Mr. Glascock explained that once someone came to bridge, they would cross the bridge on the west side and loop back underneath the bridge and continue up the Hinkson Creek until they came to what was built on Broadway. Mr. Summers understood they were planning to loop it around instead of using a tunnel. Mr. Glascock stated that was correct. Mr. Summers noted some vagrants currently lived under the bridge and asked what they planned to do about it. Mr. Hood replied that as the trail passed under and people began to use it, he did not think vagrants would use it nearly as much, but if the issue continued, they would deal with it. Mr. Summers commented that he did not know if the proposed trail to go down through the watershed through the park had been killed or was still moving forward, but stated he supported the trail going down Old 63. He thought the City could save money by leaving the painted lanes that were there now indicating the bike trail. Due to the implosion of the financial system, he thought the money could be used for something better, such as starving people or a service. He did not think they should be spending money on pet projects for bikeways because in the overall scheme of the world, he believed there were more important things to spend money on.

Rod Robison, 2504 Shepard Boulevard, stated he was in favor of this project as he believed it would be a great addition to the east side of Columbia and would be a good asset for the residents of the Shepard area to get on to the Grindstone Creek Trail area and over to Stephens Lake. He encouraged the Council to move forward with this project as well as the follow up projects since it was pretty much a bridge to nowhere until the projects at both ends were completed.

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

Ms. Hoppe understood a pedestrian crossing on Old 63 had been proposed so people from the east side of Shepard Boulevard could get to the west side to the pedway and asked for a status on that crossing. Mr. Glascock replied staff was still studying the intersection as far as improvements were concerned to determine if a round-a-bout or some type of signalized crossing was needed. Ms. Hoppe stated she understood staff had indicated a round-a-bout was not warranted and the residents were in favor of a pedestrian crossing. It was cheaper as well. Mr. Glascock stated he did not want to paint a crossing that was not marked, so they needed to include flashing lights or some other indicator of someone being in the crosswalk since people were not used to a crossing at that location. Ms. Hoppe asked if there would be a public hearing regarding it. Mr. Glascock replied yes.

Ms. Hoppe commented that the connector went up to the Hinkson by Bluff and Bluffdale and there was very narrow crossing over the bridge on the west side where one bicycle would barely fit. She asked if there were plans to expand or widen it. Mr. Glascock replied it would be difficult to widen, but thought they were looking into it. He explained that they might have to cut it back and rebuild it on a cantilever because it would be difficult to

expand it. Mr. Hood stated his staff told him it would be very difficult and expensive. He noted they were looking into it, but he was not sure funding would be available to do it. Ms. Hoppe stated she wanted to be involved in those discussions.

Ms. Hoppe stated she believed the people in the Sixth Ward had been looking forward to this for many years as it was approved before she was a member of the Council. She noted that when she was the President of the neighborhood association, she had written a letter in support. She commented that people had been asking when this would happen, so she felt it was timely and welcomed.

Ms. Hoppe made a motion directing staff to proceed with the project. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman stated he was excited to see these projects move forward and was interested in seeing them move forward quickly because they needed to practice shovel ready projects in 90 days. He thought this would be a good place to start.

Ms. Hoppe commented that she felt this pedway was particularly good because it would be lit and would be a good route to travel when it was dark. She believed it would be used.

(F) Voluntary annexation of property located on the south side of I-70 Drive Southeast, generally southwest of the I-70 and St. Charles Road interchange.

Item F was read by the Clerk.

Mr. Watkins explained this annexation request was part of an island of unincorporated area southeast of the present City limits in the eastern part of the City. The applicant was requesting C-3, general commercial, as permanent City zoning on the subject tract. The property was presently zoned Boone County C-G, which was also general commercial and essentially equivalent to the City's C-3. The annexation would allow them to tie into City sewers in the area. The Planning and Zoning Commission recommended approval of the C-3 zoning. He noted the zoning was not the issue tonight. The issue tonight was whether this area should be brought into the City limits.

Mayor Hindman opened the public hearing.

Robert Hollis, an attorney with offices at 1103 E. Broadway, pointed out the annexation was contingent upon the zoning and offered to answer any questions.

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

(G) Voluntary annexation of property located 1,000 feet southeast of Old Mill Creek Road, west of Sinclair Road (4760 Mill Creek Road).

Item G was read by the Clerk.

Mr. Watkins explained the annexation request involved a five acre tract located in south Columbia, just southeast of Old Mill Creek Road, west of Sinclair Road. The applicant was requesting R-1 zoning, which was equivalent to the County zoning in the area. This was one of two five acre tracts created as part of the Quality Cunningham Estates subdivision approved by Boone County in 2006. The current site was improved with a 5,800 square foot house and an on-site sewage collection system. The annexation would allow them to tie into the City's sewer system.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was available to answer questions and noted this was a matter of substantial importance to them as it would allow them to connect to City sewer and eliminate the current individual wastewater treatment system that was close to Mill Creek. He understood the sewer was currently under construction, and if the Council approved the annexation and zoning at its next meeting, they would connect City sewer.

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

OLD BUSINESS

B24-09 Allowing the 2009 Show Me Green Sales Tax Holiday to apply to Columbia sales taxes.

The bill was given second reading by the Clerk.

Mr. Watkins explained Senate Bill 1181, which was approved last year, established the Show Me Green Sales Tax Holiday. It exempted the sale of certain energy star certified appliances from state tax. The City had the option to opt in. He noted there was a request to bring this up for discussion. If the City opted in, it would exempt the City's two percent sales tax on purchases of qualifying sales. The Show Me Green Sales Tax Holiday, by state law, took place annually on April 19-25 of each year. Because it was such a narrow exemption, staff had no way of advising the Council of the fiscal impact and because they knew it would not be a positive fiscal impact, staff was recommending against participating in the program.

Mr. Skala stated he brought this up partly because of a conflicted position given this was an energy star program and they favored renewable and energy efficient systems. He had anticipated seeing some of the business people who sold these appliances to talk to this issue, but seeing none, he was comfortable with relying on staff's recommendations. Historically, this community had not participated in some of these events. He only wanted to provide an opportunity for folks to discuss the issue.

Mr. Wade stated he believed trying to get behavior by playing with tax holidays was bad policy. In addition, he felt the City programs to support this kind of energy efficiency was the way they should proceed.

Mr. Janku stated he agreed with Mr. Wade and noted they were considering the development of some programs with the Integrated Resource Plan (IRP) to encourage conservation to include rebates for these types of appliances throughout the year. He commented that a local businessman on the television indicated many people decided to purchase an appliance at the last minute when there was a crisis. He believed the program being developed would be superior to the tax holiday that was being proposed. In addition, he agreed tax holidays were bad public policy.

Mayor Hindman stated he agreed and pointed out the legislature, which did not rely on sales tax as much as income tax, was giving cities an unfunded mandate. He noted Columbia relied heavily on sales tax. He believed they needed to encourage the purchase of energy star appliances through the City's new program and noted there were federal tax credits for some of these types of purchases.

B24-09 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. Bill declared defeated.

CONSENT AGENDA

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

- B21-09** Authorizing the acquisition of an additional easement for the Vandiver Drive Extension Project, from the U.S. Highway 63 interchange to Mexico Gravel Road.
- B22-09** Appropriating funds to the Fleet Operations FY 2008 operating budget to offset expenditures for items for resale.
- B23-09** Accepting and appropriating donated funds for Parks and Recreation Department programs.
- B25-09** Authorizing an agreement with the National Association of County and City Health Officials for the Medical Reserve Corps program; appropriating funds.
- R20-09** Setting a public hearing: voluntary annexation of property located southwest of the intersection of Route K and South Hill Creek Road (6591 and 6601 South Hill Creek Road).
- R21-09** Setting a public hearing: construction of a sidewalk on the north side of West Broadway, between Stadium Boulevard and Fairview Road.
- R22-09** Setting a public hearing: construction of a sidewalk on the east side of Providence Road, between Smiley Lane and Blue Ridge Road.
- R23-09** Setting a public hearing: construction of MKT Connector Projects to include the Garth Extension Trail design, Katy Place Trail, MKT trail access at Forum and Katy Lane and the Wilson’s Trail.
- R24-09** Authorizing an agreement with Boone County for public health services.
- R25-09** Authorizing an agreement with Boone County for animal control services.
- R26-09** Authorizing service agreements with YouZeum and the PedNet Coalition, Inc., for implementing activities associated with the Missouri Foundation for Health - Healthy and Active Communities Model Practice Building Grant.
- R27-09** Authorizing an agreement with Boone County National Bank for the subordination of a CDBG loan for property located at 2101 Vandiver Drive; authorizing the City Manager to execute a Full Deed of Release on a CDBG loan to Ann Carlson Emergency Food Pantry.
- R28-09** Authorizing an amendment to the agreement with Little Dixie Holding Company, Inc. relating to the extension of Maguire Boulevard.
- R29-09** Authorizing the City Manager to file a request with the Missouri Department of Transportation to add Route PP (Clark Lane) and Route 163, from the four lane extension to Route K, to the Statewide Transportation Improvement Program (STIP).

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER,

HOPPE. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

- B26-09** Voluntary annexation of property located on the east side of Rolling Hills Road, extended, approximately one mile north of State Route WW; establishing permanent R-1 zoning.
- B27-09** Voluntary annexation of property located on the south side of I-70 Drive Southeast, generally southwest of the I-70 and St. Charles Road interchange; establishing permanent C-3 zoning.
- B28-09** Voluntary annexation of property located 1,000 feet southeast of Old Mill Creek Road, west of Sinclair Road (4760 Mill Creek Road); establishing permanent R-1 zoning.
- B29-09** Approving the Final Plat of Linkside at Old Hawthorne, Plat 1 located on the west side of Old Hawthorne Drive East, north of State Route WW; authorizing a performance contract.
- B30-09** Authorizing construction of Clark Lane, from Route PP to St. Charles Road; calling for bids through the Purchasing Division.
- B31-09** Authorizing the acquisition of easements for the construction of Clark Lane, from Route PP to St. Charles Road.
- B32-09** Authorizing a right of use permit with Boone Hospital Center for construction, improvement, operation and maintenance of a decorative roundabout with low planter box, decorative median, corridor light poles and decorative landscaped islands with a median wall within portions of William Street and Bass Avenue rights-of-way.
- B33-09** Accepting conveyances for sewer, utility, street and drainage purposes.
- B34-09** Appropriating funds to balance the FY 2008 water operations budget.
- B35-09** Appropriating funds for the production of instructional videos on healthy cooking and eating for the Health Department.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Mexico Gravel Road Grading.

Mr. Watkins explained this was an information item.

Mr. Skala stated his appreciation for the report and noted he was asked by several constituents to look into it, so he would turn the report over to those individuals.

(C) Stormwater Management and Water Quality Manual Updates.

Mr. Watkins noted this was an informational item and explained that periodically, the Director of Public Works revised the stormwater manual, which according to ordinance was in his purview. For the most part, the changes followed recommendations made by the City's stormwater consultant last summer.

Mr. Janku stated they had received an e-mail questioning the level of detention and asked for an explanation. Mr. Glascock replied that when this was passed, they had indicated this was not the end all to this ordinance. It was a dynamic ordinance and would continue to change for many years. As a result, staff would provide the Council a report every 12-18 months describing what had been changed and why. He thought this would go on for at least a decade. He noted one issue was stream bank erosion, which was happening now, so they were trying to address it. He explained they were not eliminating flood control. They were only putting another tool in the toolbox to get channel protection volume. He stated they would not see a lot of impact up front from going away from a 100 year detention, and it was still in the toolbox. If there was flooding downstream, they would continue to use it. If there were not flooding issues and the channel protection volume could do the job, they wanted to allow it because they had eroding streams, which they wanted to stop since the deeper the stream, the more they carried and eroded. As the Public Works Director, his goal was to keep it dynamic and bring Council something back every 12-18 months. Mr. Londeree had brought up some very good points and they would study many of those, but at this time, this gave them the biggest bang for the buck. He noted they followed the CH2M Hill report where they could. He pointed out some of it was very costly. This addressed the minimum parts of what they recommended.

Mr. Skala understood there were still two viable options depending on the circumstances with regard to the distinction between protecting the 100 year floodplain and the stream bank protection. If they were seeing high water in the floodplain, there was still an option to deal with that. Mr. Glascock explained if they had flooding downstream, they would require detention. If they did not have a problem downstream, channel protection volume might be a better way to go. He commented that they wanted to start studying each watershed and how that was impacted, and that was not addressed in this document. They wanted to know where they needed to put money into detention and channel protection. He noted that would take a long time to prepare. Mr. Skala thought some of the misconception involved whether or not this was one alternative in lieu of another which was no longer a viable alternative. That clearly was not the case and he believed they needed to get the message out.

Mayor Hindman understood channel protection was a cheaper and easier to do than flood protection and asked why that was the case. Mr. Glascock replied it was not necessarily cheaper. It depended on what needed to be done to the channel. He noted it could be done off-site and not on the site being developed. The 100 year detention would normally happen on the site being developed. He pointed they had a lot of 100 year detention ponds that they did not enjoy. He explained they wanted to have options. Mayor Hindman asked for a definition of channel protection. Mr. Glascock replied a channel defining stream was three inches in 24 hours, and those storms eroded the stream making them deeper and causing them to keep spreading out. They were trying to protect the banks

so this did not happen. Mayor Hindman asked how they were protected. Mr. Glascock replied they used large rock, rip-rap, geotextile fabric, trees, etc. He explained that whatever was done today would not have an impact for years, so they needed to look beyond today. Mayor Hindman commented that if they went to flood protection with on-site detention if they would still have to do all of those things. Mr. Glascock replied yes. He explained when detention was done, they were only worried about the water from that site. With channel protection, that piece of the stream would be protected from water anywhere in the watershed. With 100 year detention they were only worried about what flowed through that site. Mayor Hindman commented that if that was done, it would not add to the stream. Mr. Glascock stated that was true. Mayor Hindman stated he wanted to think about this because instinctively it seemed as though they would not want to put riprap in and so forth. Mr. Glascock explained it slowed down the water flow through the stream, which gave it more time to infiltrate and not do so much damage to the stream. Mayor Hindman asked if that would not be the case if they put in the detention. Mr. Glascock replied it would, but only for the water going through that site. If the channel was done off-site, it was helping whatever was upstream in the entire watershed. It was not just helping the site being developed.

Ms. Hoppe understood they were initially controlling both the quantity and quality of water and keeping it to the pre-development site. It appeared as though the recommendation was leaving out water quantity. Mr. Glascock replied that had not been changed at all. If they say they did not need detention for the site, they could have channel protection somewhere else. He explained they were not taking away detention. Ms. Hoppe stated she attended a presentation on stormwater control at a Smart Growth Conference and understood some communities were encouraging redevelopment and in-fill by being flexible and looking at the whole watershed versus a particular area in the watershed. She noted she saw the usefulness of the flexibility and thought that was what Mr. Glascock was talking about.

Ms. Hoppe stated she received an e-mail from Mr. Ben Londeree, who was a Co-Chair of the Stormwater Task Force, indicating that one group of stakeholders had been involved in this process but another group, which was on the opposite side of the fence, had not, and that they had worked for five years and had compromised. She suggested input from the other stakeholders be provided.

Mayor Hindman stated he wanted to hear the other side of the argument as well.

Mr. Skala noted he heard the same thing as Ms. Hoppe with regard getting a well rounded view and believed they should at least get some input in the short term.

Mr. Watkins suggested this issue be scheduled for a work session. Mayor Hindman agreed and asked that they invite representatives from the original commission to come and talk to the Council. Mr. Janku suggested they provide input to staff first because many issues could potentially be resolved then.

Mr. Janku stated he heard Hy-Vee had problems with stormwater when they were redeveloped on Nifong. Mr. Glascock commented that they did not have any problems, but there were problems on Conley. Mr. Skala understood there were some problems with the Wal-Mart site.

Mr. Wade understood some changes made in the stormwater management and water quality manual were not vetted with people with a broader range of perspectives, so the Council wanted a work session in which they could hear the various points presented in a way the Council could understand what was really happening and what had changed. Mayor Hindman commented that they also wanted to get the committee back together again to see if they could come up with a compromise. Mr. Watkins pointed out the ordinance the Council approved for stormwater management had set up a technical manual, which was an engineering tool and that was being discussed. After having the ordinance for a year, they had received a report from CH2M Hill regarding the manual. He noted the City's manual was based on the Kansas City APWA standards. CH2M Hill looked at a set of standards that was used by groups other than Kansas City, whose focus was on some other improvements. They vetted that report pretty heavily last summer and did not remember this particular issue coming up. In addition, by ordinance, this was not the purview of the Council. It was the purview of the Director of Public Works and staff was required to inform the Council of changes made. He commented that in discussions about land disturbance, he had hinted that staff would bring to Council a whole series of stormwater questions to include the concept of a permanent stormwater advisory board appointed by the Council to deal with stormwater issues, but they had to get through land disturbance first. He did not think they would be able to get the old group together until May or June as well since they would be dealing with land disturbance issues the next few months.

Mr. Skala stated he was not trying to suggest someone was not doing something they were supposed to do, but felt this was a legitimate question and an opportunity to soothe feelings and get ideas, so they had a better product. If that took a short time to do without too much interference, he did not see the problem.

Mr. Watkins understood he had suggested a work session, but thought the best thing might be to have that group meet with Public Works for a report to be submitted to Council because that could be done much quicker.

Ms. Nauser asked if they would need to bring this group together every time there was an adjustment. Mr. Watkins noted some of those members might not be available. Mr. Skala stated he did not think this would be every time. He commented that several Council members had concerns about this issue and wanted input in this particular instance. Ms. Hoppe pointed out the concern expressed was that these were not moderate changes and that they might affect the initial recommendation and approval. She felt the extent of changes were the concern. She did not think staff had the prerogative to significantly change it.

Mr. Watkins explained part of his concern was that the Council was being contacted by one group and would then be contacted by another. This would continue to go back and forth. One of the reasons they were considering suggesting a board was so they did not have to go back and forth. Mayor Hindman stated he understood, but felt they needed to address this now.

Mr. Wade stated he received questions and observations on technical items for which he did not have an answer. He thought they needed to find a mechanism by which those questions were answered in a way that provided some understanding to everyone. He was uncomfortable being asked questions by constituents that he was not able to answer and was

looking for a way to get those questions resolved in a public manner. Mr. Watkins thought the quickest and most expeditious way would be to get a report to the Council after meeting with a balanced group.

Mayor Hindman noted the report indicated Mr. Glascock's would rather do some things one way, but could not due to cost factors, and he wanted to understand that because he thought they might be willing to pay for it.

(D) West Ash Pump Station Sidewalk Along Bernadette.

Mr. Watkins explained the Council had requested staff look at a sidewalk along the property where the water pump station was located. There was no money in this year's budget and the cost was estimated at \$32,000-\$60,000 depending on whether the Council wanted a green strip or not. If the Council wanted to pursue this, he suggested a motion directing staff to add this to next year's CIP Plan.

Mr. Janku noted he was fine with the least expensive option because it would meet the needs there.

Mr. Janku made a motion directing staff to add the least expensive option for this project to the CIP Plan so funds were appropriated as part of the next budget year. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(E) Lee School Playground Expansion – Impact on Paquin Park.

Mayor Hindman understood this report was informational.

Mr. Watkins noted a motion directing staff to prepare an agreement with the Columbia Public Schools on this issue was required.

Ms. Hoppe made a motion directing staff to prepare a written use agreement with Columbia Public School District with regard to Lee School and Paquin Park. The motion was seconded by Mr. Skala.

Mr. Janku thought it would be beneficial if the school was willing to have a gate that could be locked at appropriate times so students could access other parts of the park. Mr. Hood explained that was discussed with the school and they had some serious reservations.

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

(F) Stephens College Dorsey Street Vacation.

Mr. Watkins explained Stephens College was asking to vacate an alley that went under a building. The policy was to bring it to Council and for Council to direct staff to prepare an ordinance.

Mr. Wade noted this was platted in 1872 and asked how this was discovered now. Mr. Watkins replied he believed Stephens was looking to do something.

Mr. Skala made a motion directing staff to prepare an ordinance vacating the alley near Dorsey Street. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Wade stated he provided the Council a copy of his comments regarding Mediacom and the loss of KETC, the public channel out of St. Louis. He noted he had been contacted by a number of people who were upset about the decision by Mediacom to drop KETC from its offerings. He felt people needed to understand the City of Columbia had no authority to do anything about Mediacom's channel selections. This loss of local control was important. He thought some might remember the 1960's when the telephone company was General Telephone and service had declined and was awful. The franchise renewal was coming up and a public movement started with the intent to deny a franchise to General Telephone. Public hearings allowed citizens to present documentation of poor service. General Telephone responded with major commitments to upgrade the service, which they did and was why the City had decent telephone service. Over the last several legislative sessions, new laws were passed by the Missouri Legislature and signed by the Governor denying cities from having any say about the communication companies that provided services to the community. It was one expression of the political agenda of the last several sessions to move local control to corporate headquarters so corporations did not have to deal with individual communities. Another example of the same political agenda was that it was now illegal for cities to offer cable service as a public utility. People upset about the pending loss of KETC should complain to Mediacom. He noted that was not the only recourse. The control was now with the State of Missouri Public Service Commission and the Federal Communications Commission. Letters expressing concern should go to them. He suggested they might also want to contact the Governor and state and federal legislators and request returning appropriate local control to communities, which was where it should be.

Ms. Nauser thanked all law enforcement for a job well done last week as quite a few individuals were now off of the streets.

Ms. Nauser noted she had asked for a graffiti ordinance a while ago and wondered what its status was. Places in the downtown still had graffiti on walls. Individuals had not taken the initiative upon themselves to remove it. In light of some facts that had come forward, she wanted some movement on the graffiti ordinance. She asked for a report regarding the status of the graffiti ordinance. She understood several people in the downtown were getting together to resolve some of these issues, but wanted to know where they were in the process.

Ms. Hoppe stated there had been progress with regard to Moon Valley Dam. She understood Ms. Rogers' attorney and the Greenbelt Land Trust had made application to the Department of Conservation and were approved for \$30,000 in Stream Stewardship Trust money to restore the stream. The neighbors were aware of the situation. She hoped there would be a conservation easement and nature area there.

In the process of meeting with the neighbors regarding that situation, the neighbors noted there was a stormwater problem on Bluff Road, which was east of Old 63 and above the Moon Valley Dam. It was a steep area as well. The stormwater drain was about 6 feet from the street and cascaded down the slope. This created a lot of erosion and water on the stream. She wanted staff to look at the situation to determine if the City needed to do something more with regard to the stormwater problem. She noted the neighbors thought it needed to be extended to prevent erosion.

Ms. Hoppe made a motion directing staff to review the stormwater situation on Bluff Road and to determine if something needed to be done to prevent erosion. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe stated there were problems with trash being put out early in the East Campus area and the neighbors had to call the City for early pickup. They were interested in knowing if any fines or fees were imposed as a result. She wanted a report indicating how many early trash removal fees had been imposed in the East Campus area in the last calendar year. Mr. Watkins thought they could get that information.

Mr. Janku understood there was a \$35 charge. Ms. Hoppe thought it had been increased to \$45 for a second violation.

Ms. Hoppe made a motion directing staff to provide a report indicating the number and amount of early trash removal fees that had been imposed in the East Campus area in the last calendar year. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe commented that they had talked about advertising on buses and was not sure of its status. She noted she had spoken with the owner of Brookside Apartments, Bruce Odle, and they had a bus which transported students to various locations. She understood they used vinyl for pictures and it looked wonderful. She wanted to ensure staff knew that was available so they could look into it. She thought it looked classy and was durable, and believed Mr. Odle would be happy to show staff what he had.

Ms. Hoppe stated she understood the City's website asked people to report light outages, but did not appear to ask people to report lights that should not be on. She suggested staff look at this since the Water and Light Director had recently mentioned this as a problem.

Ms. Hoppe noted a paid poll had been conducted in the Sixth Ward over the weekend and was not sure if it would continue. She understood the questions were slanted and the polltakers were stating the City Council had paid for the poll. The City Manager had assured her the City was not conducting such a poll. She wondered if any legal action could be taken since they were stating they were polling for the City. She noted she could provide the names of some people that had been contacted.

Ms. Hoppe made a motion directing staff to determine what legal action could be taken by the City assuming they were able to locate the source of the poll. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Janku noted he and others had received an e-mail from someone who was concerned with what had been happening at Gatehouse Apartments. He understood the Police Department was involved. He wanted to know what was being done to correct the problems. He was told there had been a change in ownership or management and that the group owned other complexes within the City. He thought they might be more lax in screening tenants or with policies, and if that was the case, similar things might be going on in other complexes. He asked for a report regarding what was being done and if they were being required to take certain corrective actions for this situation and City-wide with regard to this management or ownership group.

Mr. Janku wondered if Holly was within the CDBG area or would qualify for CDBG funding since there was a mobile home park within the area. He asked staff to look at a sidewalk on Holly when looking at potential sidewalk projects. He stated the Business Loop also needed sidewalks, and felt an opportune time to construct sidewalks was when the water line upgrades were being done.

Mayor Hindman stated he appreciated the weekly crime survey information provided.

Mayor Hindman noted he provided information about the 30 percent solution associated with Mr. Wade's motion at the previous meeting involving a review of improving the insulation ordinance. He asked that this information be provided to those that would be reviewing the codes.

Mayor Hindman referred to a letter regarding the Law Department's review of a sidewalk situation at the Shalom Christian Daycare and understood the City could not require the sidewalk to be constructed. The City recommended a sidewalk be constructed to the use facility and surrounding neighborhood. He thought the sidewalk might need to be added to the CIP Plan and suggested staff to take a look at it.

Mr. Skala stated he was at a Benton-Stephens State of the Neighborhood Address and an item high on their list was the East Walnut sidewalk or pedway. He assured them it was high on the list and wanted to make sure he was not giving them the wrong information. He understood there was contact between the neighborhood and the hospital regarding the other side of the street, but thought the City should at least take care of one side of East Walnut.

Mr. Skala noted he was approached by someone with regard to volunteers painting the Blind Boone Home and asked if this was a possibility. Mr. Watkins replied the building needed to be renovated to the standards of the Interior Secretary, so it prohibited volunteer work at this time. He commented that if it needed a coat in five years, after already being painted, they might be in the position to use volunteers at that point. Mr. Skala stated he would convey that information to the person asking.

Mr. Skala stated there was a CWIP meeting at the Boone County Government Building on February 3, 2009 at 7:15 p.m. One of the people who would be speaking was a

chairman of the New York Public Service Commission and member of the U.S. Nuclear Regulatory Commission. They would be dealing with the CWIP issue involving the Ameren UE project. He invited anyone interested to attend.

Mr. Skala commented that he and Ms. Hoppe attended the 8th Annual Partners for Smart Growth Conference and had brought back a wealth of information. He would make some of that information available to Council in the future. He stated about 80 percent of the attendees were AICP Planners and 15-20 percent were elected officials. The rest were consulting firms and health professionals. He thought it might be worthwhile for Mr. Teddy to attend the conference next year.

Mayor Hindman noted they had recently held a closed session and during that session, he thought they had reached a consensus that the City Manager had done an excellent job and should receive a raise of two percent. Mayor Hindman made a motion to retain the City Manager as he had done a good job and to provide him a raise of two percent. The motion was seconded by Mr. Janku.

Mr. Janku pointed out that was consistent with the range included in the budget for all City employees with regard to a merit increase.

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

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Sheela Amin
City Clerk