

**MINUTES**

**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JUNE 15, 2009**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 15, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members THORNHILL, SKALA, WADE, NAUSER, HOPPE and STURTZ were present. Council Member HINDMAN was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of June 1, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Hoppe.

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

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

**SPECIAL ITEMS**

Mayor Pro tem Nauser recognized the Eagle Scouts in attendance from Troop 706 of St. Andrews Lutheran Church.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**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.**

The bill was read by the Clerk.

Mayor Pro tem Nauser noted this item had been withdrawn by the applicant.

**B141-09 Accepting the work for construction of sidewalks along the north side of Business Loop 70, between Creasy Springs Road and Garth Avenue; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Aplex, Inc. for the project; levying and assessing special assessments.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this improvement had been completed and staff was recommending the Council accept the sidewalk improvement and tax bill some of the property owners along the project who had asked the City to construct the sidewalk on their property. He noted a number of property owners elected to construct the sidewalks

themselves so there would be no cost to them. The special assessments would total about \$45,500.

Mayor Pro tem Nauser opened the public hearing.

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

B141-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

**(A) Construction of a sidewalk on the north side of West Worley Street between Clinkscates Road and the west side of the Sanford-Kimpton Health Facility.**

Item A was read by the Clerk.

Mr. Watkins explained this improvement would involve the construction of a 2,000 foot sidewalk on the north side of West Worley and CDBG funds would be used for the project. It would be a five foot wide sidewalk approximately four feet from the curb in most places. Included in the packet was a letter from six people in opposition to the project. If Council elected to move forward, a motion to proceed with plans and specifications would be needed.

Mr. Sturtz asked how much flexibility the Council had with regard to the width of the right-of-way. He understood when they retrofitted some streets in the downtown, such as Paquin Street, they replaced a three foot sidewalk with a three foot sidewalk. Mr. Glascock replied they would keep the right-of-way they already had. He thought they would need temporary construction easements, but would construct within City right-of-way. Sidewalks were generally built one foot inside the right-of-way line. He noted there was no sidewalk there today, so they would build a five foot sidewalk per the standard. If there had already been an existing sidewalk of three or four feet, they would have replaced it in-kind.

Mr. Thornhill noted he received e-mails from people concerned about the elevation change in the front yards and asked what the plan was since the level of the sidewalk was considerably lower than the front yard. Mr. Glascock replied they tried to carry the slope at the top of curb over the sidewalk, so water drained off of the sidewalk and into the grassy area and street. Mr. Thornhill asked if he foresaw troubles with any particular lots where the front yard was elevated quite a bit higher. He wondered if a retaining wall would be needed. Mr. Glascock replied he did not think any retaining wall would be needed and explained they would try to grade the slope so it was nice and normal, but it was something they had not yet addressed. It would be addressed when they brought the acquisition of temporary easements to Council.

Mayor Pro tem Nauser opened the public hearing.

Nancy Olsen, 1201 West Worley Street, stated her home was on the north side of West Worley and would be impacted by any sidewalk construction. She commented that there was a lack of support for the sidewalk in her neighborhood and provided a petition with 27 signatures. People from the south side of Worley had signed the petition because they did not believe there was a need for a sidewalk on the north side. People on the north side of West Worley, from Garth to West Boulevard, were also concerned because their yards would be in jeopardy if the sidewalk was extended further in another phase. She explained there was already a sidewalk on the south side of West Worley, which was more than satisfactory

to support the minimal foot traffic in the area, and noted the City might have to condemn property to obtain the almost ten foot easement needed for the sidewalk. She stated the topography on the north side of West Worley was un-level and pointed out they had a lot of trees. She commented that she had a 38 inch drop from the front of her house to the street and was not willing to give the City ten feet of her front yard for a sidewalk. The arborist identified eight trees that would be sacrificed to include her neighbor's 100 year old tree. Due to the slope, she might not be able to use her driveway any longer, and a neighbor with a shorter driveway might not be able to use their driveway at all. She commented that they were also concerned about the utilities, which were underground. In addition to property owners on the south side of West Worley, the Highland Park Neighborhood Association was not in favor of a sidewalk. She asked the Council to vote against the sidewalk on the north side of West Worley Street.

Ms. Hoppe asked how she would feel if the sidewalk could go around the trees so they were preserved. Ms. Olsen replied they still had to go 38 inches down and ten feet across, and asked if the Council would want to give up that much of their yards.

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

Mr. Sturtz commented that as a community, they had a goal to encourage pedestrian activity and this was an important stretch of the network. In addition, he felt they had a responsibility over the next 20 years to accommodate the increasing need for sidewalks even if they were not being used much today. He was, however, uncomfortable with some of the concerns, such as the amount of right-of-way. He thought the Council should adopt a policy that would allow more flexibility so there was not quite as much incursion into the yards.

Mr. Wade noted that with new subdivisions the widths of sidewalks and grass space did not create a problem because they were designed as part of the planning process. He thought they needed to be flexible with the standards in older neighborhoods in order to be congenial with existing development. If they looked at a four foot sidewalk and two feet between the curb and sidewalk in older areas, they would reduce the amount of land required by 30 percent while still meeting the purpose of interconnectivity. He stated he would support looking at designs that would have a lower impact while still providing the connectivity they wanted.

Mr. Skala asked how much of the proposed sidewalk construction would be within the City's current right-of-way. Mr. Glascock replied he did not believe they would need more right-of-way. They would only need construction easements.

Mr. Skala agreed there was a distinction between long established neighborhoods and new neighborhoods. He thought the beauty of the street standards document was that they had options and flexibility, such as going around the trees, narrowing the sidewalk, getting closer to the street, etc. while still meeting the policy of connectivity. He stated he would be in support of minimizing the impact of the new change on someone as long as it still met their policy goals.

Ms. Hoppe stated she thought they had been careful in saying these guidelines were for new development and that they would be flexible in existing areas so it would fit with the character of the existing neighborhood. She commented that she was in favor of looking at options, but felt it was the type of street that needed a sidewalk.

Mr. Wade made a motion to proceed with plans and specifications involving a four foot sidewalk with as much of a reduction in size as possible for the grass strip between the sidewalk and curb, and for the sidewalk to be designed so it was as compatible and non-intrusive to the existing landscape as possible. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Glascock understood they could go all of the way to the curb if it was a narrow area. Mr. Wade stated that was correct.

## **OLD BUSINESS**

### **R44-09 Approving the Preliminary Plat of Hawthorne Woods located east of Rolling Hills Drive, extended, approximately one mile north of State Route WW; granting a variance from the Subdivision Regulations.**

Mayor Pro tem Nauser noted this item had been withdrawn by the applicant.

### **B135-09 Rezoning property located on the east side of Forum Boulevard, north of Old Plank Road, from R-1 to PUD 4.5; approving the Rocky Creek PUD Development Plan.**

The bill was given second reading by the Clerk.

Mayor Pro tem Nauser noted this item had been withdrawn by the applicant.

### **B140-09 Authorizing an agreement with Community Housing Options for the lease of property located on the northwest corner of Vandiver Drive and Oakland Gravel Road.**

The bill was given second reading by the Clerk.

Mr. Watkins explained there was a three year option to lease and if it were executed, there would be a 50 year lease for the ground. The lease would facilitate a ten unit apartment building designed to be accessible and affordable for persons with physical disabilities.

Homer Page, 503 N. Brookline Drive, stated he was the President of the Community Housing Options (CHO) Board and explained the lease would give them control of the property and allow them to make application for federal Department of Housing and Urban Development funds.

Greg Ahrens, 1504 Sylvan Lane, stated this was an admirable plan, but a problem he saw involved traffic being backed up in this area due to Vandiver Drive and Oakland Gravel. He felt they needed access management in the area, which could involve moving Oakland Gravel, but moving it on that land would not accomplish much since it was narrow. He thought they would just be stuck with the traffic problem there.

Ms. Hoppe stated it was good to see a project involving affordable housing move forward.

Mr. Skala commented that there was consideration for access management in terms of the concept plan, but at this point, they were just dealing with the lease agreement and he was supportive of it.

Mr. Wade stated he was pleased to see this continue to move forward and thought someone with the School of Public Affairs should show it as a case study of something being done right.

Mr. Thornhill noted the access concern might be addressed by option B as it would provide an access point from the north side of the property and access on Oakland would only be for emergency vehicles. He pointed out he had not received any negative phone calls or e-mails with regard to the project and thought it spoke to how it was planned.

Mayor Pro tem Nauser agreed this showed what could happen when people informed neighbors and the Council of a project early in the process.

B140-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

**B148-09      Authorizing a grant agreement with Mid-Missouri Solid Waste Management District for the purchase of reusable recycling bins or roll carts for residential use; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins commented that the City received a grant to look at alternatives to blue bag recycling in the amount of \$22,800 for a pilot project. The required match was about \$7,600. He pointed out they did not have any recommendation for the pilot project areas at this time, but a couple neighborhoods, like East Campus, had asked to be considered. He noted staff would provide Council a recommendation as to how they thought the pilot project should be structured and potential areas to consider in the next couple of months. He thought it was important to look at different kinds of neighborhoods so they could determine if it was a viable substitute for the blue bags. Mr. Glascock stated they needed to look at an area with good recycling and an area with bad recycling to see if it increased.

Mr. Sturtz understood the City had a higher than average percentage of plastics in the landfill and wondered if it was because the blue bags were not recycled. He asked why Columbia was above average. Mr. Glascock replied he did not know. He noted the Master Plan was done in house and Columbia had a lot of college kids. Mr. Sturtz understood it would be hard to say how much of it was due to the blue bags.

Ms. Hoppe stated the report indicated the City spent \$250,000 a year for blue bags and asked if that was correct. Mr. Glascock replied they had spent that much until they changed the policy. Since the blue bags were now being picked up when needed, the cost could be significantly reduced. Ms. Hoppe asked if the cost for the carts was \$200,000 City-wide. Mr. Sturtz stated it would be the cost for the remaining households after this group was purchased. Mr. Glascock pointed out it was only for the recycling bins and did not include refuge.

Ms. Hoppe noted the East Campus Neighborhood was not interested in participating in the pilot project for recycling bins.

Mayor Pro tem Nauser asked how long of the pilot project it would be. Mr. Glascock replied they wanted to test it for 12 months. Mayor Pro tem Nauser understood they would be able to gather good data from the cost savings of changing from blue bag delivery to blue bag pick up.

Mr. Glascock noted some of the cost savings would be impacted by the equipment they would have to purchase to go to carts. They needed to ensure they covered everything.

Mr. Sturtz understood there were about 40,000 households in Columbia. Mr. Glascock stated they had about 44,000 meters. Mr. Sturtz noted they could do an entire ward if they wanted with regard to this pilot project. Mr. Glascock pointed out they wanted to make sure they had representation of each end of the spectrum.

B148-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

**B150-09      Amending Chapter 16 of the City Code relating to the misuse of official information.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this ordinance would amend the City Code to make it a Class A misdemeanor for City employees to knowingly make false statements or knowingly deliver false documents to the City Council. The penalty for a Class A misdemeanor was a \$1,000 fine or one year in jail.

Mr. Skala understood the ordinance already contained three pecuniary provisions and asked why they could not use the same header and have the proposed changes under it instead of creating a new header. Mr. Boeckmann replied he did not believe it made sense to put it as a number four so it was shown as a separate offense.

Mr. Skala understood it was a Class A misdemeanor because the pecuniary measures were Class A misdemeanors and asked if it could be a Class B misdemeanor. Mr. Boeckmann replied it could be Class A, B or C.

Kurt Albert, 400 High Point Lane, provided a handout and stated he was asking for honesty in government. He wanted the unelected and paid employees to tell the truth and deliver accurate and truthful documents to the elected officials. He understood staff felt this bill was unnecessary and he disagreed. He noted the City Charter limited Council Member access to information presented in the Council Chamber. He commented that honesty did not cost anything, but the value was self-evident. It was suggested this law might be open to abuse and he disagreed. He supported the right of the Council to ask for an investigation and supported a law that would give the investigation and prosecution meaning.

John Clark, 403 N. Ninth Street, commented that he felt this was tied to changed memos and reports from boards and commissions to the Council, although it might not be the same thing as this. He stated he did not believe criminalizing behavior was a good suggestion, but noted the Vision process identified transparency, efficiency and citizen participation that enjoyed the strong confidence of its residents. The Vision process also discussed increasing the accountability of City administration to the Council and public and thought more needed to be done, although some steps had been taken. This coming forward was an indication of citizen outcry for more accountability.

Mr. Skala noted he had asked for this ordinance to be brought forward and there was criticism as to why it was necessary if it might not ever be used, but he had asked about the other three provisions and whether they had ever been used. He was told it was a standard template taken from the State statutes and had not been used, and he saw this to be similar. One of the criticisms was that this would open the City up to frivolous complaints and

overwork staff to the extent people were harassing City government. If it was necessary to amend this so complaints could only come through the City Council and not directly from the public, he would be agreeable. He commented that he could not understand why any elected official would resist implementing a measure that would set a higher standard for truth in government. He believed it was the least they could do for the people they were representing as they paid the local government salary. He hoped this would never be used, but felt, symbolically, it was critical in helping establish trust and truth in government. He commented that it was better to have one and not need it than to need one and not have it.

Mr. Sturtz stated he believed the question involved determining the best remedy for making false statements or delivering false documents to the Council and he was uncomfortable with criminalizing it. If they were going to have a results-based approach, he felt it would be more effective to go another route, such as laying out a set of expectations for conduct and enhancing the communication they already had with staff through the City Manager's Office. He understood there was discomfort with the City Manager/City Council form of government, which was in the Charter, and felt there was a possibility of a Mayor/City Council form of government in the future if enough people thought it would be better. In the short term, he thought they could make statements indicating there was a certain standard of conduct and enhance the way they communicated their dissatisfaction to staff. He felt staff had started working on this when they set out protocol for communication with boards and commissions and Council requests. He thought this came out of the Council's dissatisfaction with the way items were tracked. He hoped staff could expand on this in the coming months. He did not think they would get the results they wanted with this ordinance.

Ms. Hoppe commented that she believed the law served to educate. In addition, she thought this would provide staff a resource if they were asked by a supervisor to make a false statement or give false information as they could refer to this ordinance. She believed this would also be a strong statement indicating what they expected as it was fundamental to good government since they could not make good decisions without accurate information.

Mr. Wade stated he agreed with most of the comments made by Mr. Albert and Mr. Clark and the Council had actually been working on it in different ways, but noted he did not support this ordinance as an amendment to the City Code. It was proposed on the assumption it would enhance honesty and openness in City government, but in actuality, it only threatened punishment. It required proof the information provided was false and was purposely given, which was nearly impossible, so they were looking at an ordinance that was unenforceable. Another assumption was that the threat of the ordinance would ensure open and transparent behavior and he felt it would have the opposite effect. Staff would feel they had to be careful of what they said due to the possibility of retaliation. He also believed the amendment was a small step toward the subversion of the current form of government. The Charter was based on the principle of separation of powers with the Mayor/Council having the responsibility of the City budget, policy and the hiring and performance assessment of the City Manager. The City Manager was a professional trained in the many facets of management and operations, and his job was to hire, fire and supervise City employees, provide oversight of City operations and keep the Council informed. This ordinance would open the door for petty meddling by the Council in the day to day operations of the City,

undercut the City Manager's authority and relationship with City employees and threaten the moral and job performance of City employees. If it was determined a City employee knowingly provided false information, it was already the City Manager's responsibility to discipline or fire the employee. If the City Manager were to provide false information, it was the City Council's responsibility to rebuke, discipline or fire him. He did not believe this ordinance added anything positive as it did not advance the cause of quality in City government or enhance openness and transparency.

Mr. Thornhill stated he agreed with Mr. Wade in that this ordinance could impede communication for fear it was not provided in the correct manner. He did not believe the ordinance did more good than harm.

Mayor Pro tem Nauser stated she concurred with Mr. Wade as well. She believed the ordinance involving misuse of official information was originally drafted to guard against officials using confidential information for monetary gain. She felt it was inappropriate to criminalize vague statutes and noted it would be difficult to determine "knowingly". Although she was going to vote against this ordinance, she was not against staff being honest. She believed the proper channel was through the City Manager.

Mr. Skala stated he agreed there were some issues with "knowingly" and the punishment, but could not separate pecuniary abuses from abuses of information. He believed it was symbolic for a statement of truthfulness in government to appear in the ordinances beyond pecuniary advantages. He did not know why any elected official would resist a measure that would set a higher standard.

Ms. Hoppe commented that "intent" and "knowingly" were used throughout the law and were clear standards. She felt to not vote for something because it included "intent" and "knowingly" meant not having any laws.

Mayor Pro tem Nauser commented that in her opinion, the role of the Council, as a legislative body, was to address issues needing to be addressed, so she did not feel they should pass ordinances based on symbolism.

Mr. Sturtz stated that with regard to registering dissatisfaction with staff reporting, the Council could start sending reports back to staff if they felt they were inadequate. There were a lot of options between it and the nuclear option of firing the City Manager. He hoped they could have many options at their disposal to be provided better information to make good decisions as a Council.

B150-09 was given third reading with the vote recorded as follows: VOTING YES: SKALA, HOPPE. VOTING NO: THORNHILL, WADE, NAUSER, STURTZ. ABSENT: HINDMAN. Bill declared defeated.

**B151-09      Amending Chapter 16 of the City Code to establish the offense of harassment of a bicyclist.**

The bill was given second reading by the Clerk.

Mr. Sturtz stated the report discussed how the current assault ordinance could be applied to some of the cases cited in the new legislation and asked for clarification. Chief Burton replied the assault ordinance could be applied in every case with the exception of blowing the horn and scaring the bicyclist.

Jim Wishmeyer, 7301 W. Henderson Road, stated he was concerned a horn would be considered a Class A misdemeanor. As a result, if someone hit the horn because a child ran out in front without being aware a bicyclist was nearby, that person would receive a \$1,000 ticket. Mr. Boeckmann explained the sound of the horn would have to be directed toward a person riding a bicycle for the purpose of frightening or disturbing the person riding the bicycle. In the example given, the horn was not sounded to frighten the bicyclist. Mr. Wishmeyer asked about someone honking their horn at a bicyclist to alert them of danger. Mr. Boeckmann replied that would not be a violation of the ordinance. He noted this was aimed at someone pulling up next to a bicyclist and laying on the horn as opposed to just tooting the horn to give a warning.

Robert Johnson, 1025 Ashland Road, stated he was speaking on behalf of the PedNet Coalition and they believed the purposeful harassment of bicyclists was a major problem in Columbia, which resulted in countless bicyclists giving up riding because they could not handle the taunting, threats, cursing and other forms of intimidation. As someone who had driven a vehicle and bicycle a lot, only a bicyclist received this type of systematic and intentionally frightening and dangerous behavior. One objection he had heard with regard to this ordinance was that it only protected bicyclists from harassment and did not protect motorists from bicyclists disobeying traffic laws. He felt those were two separate issues as there were already laws covering how bicyclists should ride on the roadways. He noted the PedNet Coalition worked with the Columbia Police Department in educating bicyclist of those laws and encouraged the Police Department to pull over and ticket bicyclists not obeying the laws. About 100 bicyclists were stopped last year during operation share the road and three bicyclists were stopped over the weekend in a downtown traffic enforcement operation. Despite the enforcement efforts, some bicyclists still broke traffic laws, but he did not believe that was any reason to scream, honk or threaten innocent bicyclists. He pointed out this ordinance only affected people doing this for the purpose of frightening or disturbing the bicyclist. Third degree assault covered most of this, but for an officer to charge an individual with assault for honking or screaming at a bicyclist was a stretch. They believed an ordinance similar to what was passed in Colorado and South Carolina would be a tool to make an officer's job easier because if the officer knew this specific type of behavior was against the law, it would give them the confidence to call a motorist if there was a complaint. He noted they taught 16 Confident City Cycling classes in Phase 1 of the GetAbout Columbia project and 14 involved someone honking or cursing at the students during the final class. They were spending a lot of money encouraging people to bicycle for transportation, and while most people were tolerant, a lot were not.

Michele Windmoeller, 705 E. Rockcreek Drive, commented that she rode her bike about ten miles a day all over the City and rode with her children frequently as well. They rode on the trails as much as possible and the streets when they needed. They always obeyed the traffic laws. She stated that when a car honked, it was unbelievably loud and jarring to someone on a bike. She agreed the current law was too harsh, but hoped the law would teach people it was not okay to yell and harass bicyclists and that everyone had the right to share the road.

Tom Brinker, 4904 Kirk Hill Road, stated he owned Cycle Extreme at 19 South Sixth Street and noted this sort of harassment existed and happened frequently. He provided two examples. One involved an off-duty police officer who was directing traffic being hit on the University campus by an impatient driver and the other involved bicyclist going south on Range Line being honked at and hit by a vehicle driver.

Gina Overshiner, 1300 Garden Court, provided a handout describing an incident involving her and her son. She explained she and her son were going home from school at 3:45 p.m. on a Thursday afternoon in February. They turned left out of the Office Depot parking lot and were going west on Broadway toward Garth. They took the right lane because the lanes on that section of Broadway were too narrow to share. They were traveling 10 mph per the speed limit flashing sign and the driver of the car behind them was honking his horn and followed them through the intersection at Garth. Although the lane next to them was empty, when he went to pass, he was so close she could have touched the side of the car. He then pulled in front of her son and hit the brakes, so she and her son had to brake suddenly to avoid running into the car. He proceeded to go to McBaine at a speed at which they had to keep on their brakes to avoid hitting him. She took his plate number and contacted the Police Department. An officer called her back and told her the driver was from St. Louis and did not have a Columbia address, so there was nothing they could do. She noted this person had broken some state and local laws to include a law requiring motorists to give bicyclists adequate space when passing and laws involving third degree assault. She felt it was clear this person had been trying to cause them harm and this ordinance would provide police a tool to work with to help protect cyclists in the future.

Shannon Canfield, 213 Alexander Avenue, stated she was a cycling citizen and her family rode throughout the City to commute, for pleasure and for health. She noted her son started school today and they discussed standing up for what one believed in and getting help when being bullied or harassed. She viewed this ordinance as a way for her speak up and ask for help as a cyclist. She believed they needed this ordinance for protection to do the things they had the right to do in Columbia.

Alan Hill, 401 Maplewood Drive, commented that he woke up on the side of the road on March 14, and it had been determined he was struck from behind by some type of automobile. He had a concussion and broken wrist. A week later, he became involved with PedNet and GetAbout Columbia and later took the Confident City Cycling class, although he already considered himself lawful. He understood the views from both sides and that bicyclists needed to follow the rules as well. He commented that people in cars were safe as they were surrounded by metal and had a seat belt and air bags, but people on bicycles were out in the open and vulnerable. It was easy to be intimidated by someone laying on the horn, driving close or passing suddenly and stopping, and could cause a cyclist to crash similar to a crack in the pavement or a rock. He thought there needed to be accountability on both sides, but agreed this ordinance was a step in the right direction in creating safer roads and paths for cyclists.

Erin Creo, 370 E. Sierra Court, stated she had only been biking for a few months and about every other time she rode, she was either honked at or obscenities were yelled at her. She noted she was in support of this ordinance.

Pam Thorne, 8000 N. Benthall, stated she was in favor of the ordinance. As a bike commuter, she rode 12-20 miles per day and about every other day, she would experience honking and profanity. She gave an example of a startling incident on Route B near Brown Station. She was first honked at from behind and then the vehicle pulled up beside her to yell profanities. There was no other car on the road, so there was no way she could have been holding him up. She got his license plate number and a description of the man and contacted the police. Nothing was done because there was nothing the police could do. She gave another example of an incident on Walnut where young boy leaned out the window and cursed at her. She believed this ordinance would help limit people teaching kids that type of behavior as well.

Alvin Sweezer, 13770 Old North, No. 7, stated he rode about 30 miles per day and explained being honked at made a bicyclist jump. In addition, a bicyclist did not know if he needed to get out of the way or not as some motorists thought it was funny to come behind a bicyclist and honk. He thought it would be nice to be able to contact the police if they felt their life was in danger and for the police to call the motorist regarding the incident. He felt the motorist might not do it again if it was reported.

Joshua Stockwell, 211 Maplewood Drive, read a statement from Carl Kimball, the owner of a bike shop where he worked. As a bicycle shop owner, many customers had expressed concerns regarding overly irate motorists. Oftentimes, it involved a threatening action, such as driving too close, swerving at them, throwing an object at them, etc., and sometimes it involved a motorist yelling and trying to frighten a cyclist. As an avid cyclist, he had been involved in several instances to include an ashtray being dumped on him and being struck in the head by a pistol. While these were extreme instances, he did not believe this type of aggressive behavior was acceptable. As more and more people rode on the same streets as cars, there needed to be a course of action so motorist no longer had the upper hand. He believed cyclist should feel safe and be protected by a law against road rage simply because they were on a bicycle instead of a car. If they, as a community, wanted to encourage people to ride bikes and consider alternative means of transportation, they needed to change the way these instances were handled. He stated he was in favor of the bicycle harassment ordinance.

Jacqueline Pearce, 411 Bourn Avenue, stated her husband was a bicycle commuter and she was a competitive cyclist. She noted she had been verbally assaulted and honked at on a daily basis. Many times, it was when she was going over 20 mph, which was dangerous and potentially a life or death situation when unexpected. She commented that her husband had been physically forced off of the road during his commute from the Stadium/Broadway area. While on Broadway, at the intersection of Broadway and West Boulevard, a car moved over to touch its wheels to the curb and her husband had to dismount from his bike and lift it over the curb and off of the road to keep from being hit. He reported it to the police, but they were not able to do anything because her husband did not want to press charges in the form currently available. She asked the Council to pass this bill.

Mike Denehy, 414 E. Rock Creek Drive, stated he was a bike commuter and had never been in a serious accident or a situation in which he felt grave danger, but many of his

friends had not been as lucky. He commented that the passage of an ordinance like this would make him feel more safe and secure and he was in favor of it.

Joe Fisher, 1012 Frances Drive, commented that being honked at or yelled at when in a car was different than when on a bike with regard to safety. In terms of safety or security, the situation was more dangerous when on a bike, and he felt this distinction was important because it could lead to more severe accidents. In addition, he believed in many situations, the animosity was toward the mode of transportation versus the operator. He stated he did not know much about the assault laws, but believed putting this into effect would provide more tools for law enforcement.

Adrienne Stolwyk, 1107 Locust, encouraged the passage of this ordinance for the safety of the general public and not just cyclists. She thought it would benefit everyone that used the roadways, to include pedestrians, cyclists and motorists. In her opinion, the purpose of the horn was to alert people on the road to a potential hazard. If it was used toward a cyclist in a different situation, there was the possibility of startling the cyclist to the point of creating an accident. While she respected people exercising their first amendment rights, she did not believe it should be allowed in situations where there was the potential to create a life threatening accident.

Steve Epstein, 5105 Melissa, stated he regularly commuted from northeast Columbia and was regularly involved in harassing incidents of people yelling at him and pushing him off of the road. He pointed out, on level ground, he could normally do close to the speed limit and did not believe there was any reason for someone to run him off of the road when he was in the right lane on a four lane road like Paris Road with no one in the other lane, but it happened on a regular basis. He stated it was like being in a subcompact car and having a semi on the back bumper blowing the horn. He asked the Council to pass the ordinance.

Tim Overshiner, 1300 Garden Court, stated the reason he believed this ordinance was necessary was because they were being harassed regularly even when they were obeying the law. A percentage of the population did not believe cyclists had any right to road. They believed cyclists should be restricted to trails or sidewalks, which was statistically a dangerous place for a cyclist. He felt they needed this ordinance in order to provide the police a tool, which was not as severe as third degree assault. He did not want to see someone prosecuted with third degree assault unless he was a bloody mess. He wanted fines and warnings. He understood this involved the same punishment as littering.

Steve Kullman, 205 S. Garth, stated there was a lot of anger out there and he did not understand the reason for it. He felt passing this ordinance would send a message indicating this anger was inappropriate.

Courtney Schlemeier, 512 E. Rollins, stated her boyfriend rode his bike everywhere in Columbia as he did not have a car. She asked if this ordinance would apply to people walking on the street as he was hit with an apple by someone walking when he was riding his bike. Mr. Boeckmann replied throwing something as a bicyclist was prohibited even if the person was not in a car.

Mike Bolman, 1501 Vandiver Drive, stated he used to commute regularly, but the constant harassment wore him down to the point he was afraid to be on the streets in Columbia, so he was in support of the legislation.

Brett Davidson, 807 Ames Drive, stated he believed this was key in helping the relationship between bicyclists and motorists in Columbia. In addition to the passing of this ordinance, he believed the responsibility of cyclists was important in garnering respect from motorists. He stated he was President of the Mizzou Cycling Team and they had competitive cyclists who were afraid of riding on the road. He did not believe the existing laws were appropriate and the passing of this would create laws that were appropriate.

Nate Smith, 804 Hardin, stated he bicycled everywhere and everything had happened to him to include bottles being thrown and being hit by a car. In the situation of being hit by a car, charges were not brought against the driver even though he was in the wrong. He noted he was in favor of this ordinance.

Meredith Colgin, 303 E. Briarwood, stated she was in favor of this ordinance. There was already glass on the road, which cyclists tried to avoid, and honking could be a hazard to other drivers in addition to the cyclists. She hoped the Council passed the ordinance.

Mr. Sturtz commented that he had been a bike courier in San Francisco and Seattle and had biked in Boston, so he understood honking could be scary. He agreed a contentious culture of self-righteousness had developed in Columbia and hoped they could create a different kind of culture in time. He understood this was partly about creating a culture of respect between bicyclists and motorists and getting away from the maliciousness of someone honking to scare people, but noted he was uncomfortable with this ordinance because it singled out one set of relationships. He hoped the Police Department would take these situations seriously when someone was being threatened or assaulted. He was not sure how duplicative this was, but understood honking was not included in the assault ordinance and wanted to see that rectified if someone was trying to scare someone to death. He noted his 16 year old son was walking down Broadway when a van full of surly people taunted him to the point he felt he was in danger and this ordinance would not cover that situation. He preferred an ordinance that would cover all relationships. He felt this was something they would have to deal with over time with engineering. He noted Copenhagen and Amsterdam were not always bike-friendly, but they had been able to solve their problems through engineering by separating bicycle, car and pedestrian paths. He hoped Columbia would be able to solve its problems over time with GetAbout and the CIP budget. He also hoped they could solve the education problem of cyclists having a right to the road over time as well.

Ms. Hoppe stated she thought tonight showed people were verbally harassed and harassed by the honking of the horn even though they were traveling by the rules of the road. She noted this ordinance would cover actions other ordinances did not, such as the sounding of the horn, yelling and threatening behavior. In addition, at this time, the ordinances were spread out throughout the Code so it was difficult for police officers to know exactly which law should apply and when. To have it all in one place was valuable so the cyclists, motorists and law enforcement officers all knew what was and was not allowed. She reiterated this covered threatening behavior the other ordinances did not. She agreed a lot needed to be done to include educating bicyclists of the proper rules of the road and educating motorists so they understood bicyclists had the right to use the road and it was safer for them to use the road if they followed the rules. She believed this was a step in the right direction as it

covered behavior which was increasingly becoming a problem. She also thought this would send the message that threatening behavior was not acceptable.

Mr. Skala noted there were a lot of adversarial relationships between many different groups, but one major difference with this road rage was the issue of vulnerability. Bicyclists were more vulnerable and he would support any reasonable method which would reduce the harassment of any group. He felt this was a stop gap measure and was more specific than the South Carolina language, which was found to be too broad. He stated he was not trying to antagonize anyone, but believed they needed to send a message and protect the less vulnerable.

Mr. Wade understood the purpose of the ordinance was to reduce harassment and it was clear this was an immediate concern for the welfare of bikers and a long term concern in building a community where transportation arteries were safely shared by all users and not just bikers and automobiles. He noted bicyclists were not the only ones subject to this behavior. He commented that he was not supportive of this ordinance because he thought it was inappropriate to craft an ordinance specifying each group to be addressed by the ordinance. He believed they needed to begin with the strong commitment that harassment was unacceptable in any context. He understood the current ordinances were not effective in addressing harassment and believed the proposed ordinance was a step in the wrong direction. He did not believe it would make a difference and felt it would create a false sense of security. He believed the issue of harassment would remain and they would be passing another ordinance which would not lead to successful prosecution or ticketing. Driver to driver, driver to bicyclist, driver to wheelchair, driver to pedestrian and pedestrian to bicyclist road rage seemed to be expanding, and he felt they needed to address the issue of harassment and road rage beyond an ordinance that simply targeted one group that appeared to be angry at another. He thought they needed to understand why the current ordinances were not working and felt the traffic laws should be enforced for both bikers and drivers. He commented that they did not have a policy regarding multi-modal conflict involving transportation bikers, recreational bikers, joggers, pedestrians, etc. on the trails or roads, and if this ordinance was not passed, he would make a motion at the end of the meeting for the City Manager to appoint a task force to assess the current ordinances, recommend changes so harassment and road rage could successfully be enforced and prosecuted and determine how they could improve traffic law compliance for all modes of transportation.

Mr. Thornhill commented that he agreed with the concern of singling out a particular group. He noted he used to ride bikes, but now ran for exercise, and had experienced many of the offenses in the proposed ordinance while running. He understood a lot of people did not want this enforced under third degree assault because they felt it was too severe, but he was not sure that should be a concern. He thought the concern should be to eliminate that type of behavior. He believed the assault ordinance would have more teeth. He was also concerned about other groups approaching the Council for a specific exclusion to a particular type of harassment. He agreed there were drivers who left the house mad at bicyclists, but he did not believe this ordinance would address them.

Mayor Pro tem Nauser stated civility was gone and felt, as a community and society, they had to get back to being civil to one another. She noted everyone had the right to be on the road, but did not agree with singling out one class by providing special privileges or a special ordinance. She believed an educational component was missing and thought they should focus on educating vehicle drivers of the rights of bicyclists on the road.

Mr. Skala stated he believed any attempt to reduce harassment for any group was good. With regard to the effectiveness of this ordinance, they would not know since it did not exist in its present form. He did not feel reducing harassment for a particular population was a privilege and believed it was incumbent on government to help reduce the problem. He felt this ordinance would provide more tools and could set the example with regard to the harassment of other groups as it would indicate this was not acceptable behavior. While he appreciated the effort to make this broader, a lot of people would be left out in the interim. He stated he intended to support the proposed ordinance.

Ms. Hoppe pointed out it would be enforceable per her discussion with the City Prosecutor. She was concerned about the task force because it could be a long time before something was done and they had a serious problem now. In addition, the task force might recommend having specific sections for bicyclists, wheelchair users, pedestrians, etc. and in the meantime, a lot of people would not have protection.

Mr. Wade believed a task force could move fairly quickly given the work that had already been done and the level of knowledge of those from the biking and legal communities.

Mr. Thornhill asked if Chief Burton felt there was a benefit to the proposed ordinance with regard to enforcement above and beyond the existing assault ordinance. Chief Burton replied yes. He explained the ordinance, as written, addressed activities which would not normally reach the level of assault. People pushing the envelope and getting as close to assault without assaulting someone would be covered under the ordinance. With regard to prosecutability, the elements of the offense would have to be there for the City Prosecutor to move forward and they would have to wait to see how it would work. Mr. Boeckmann stated he agreed the proposed ordinance would fill in the gaps. Although some people had indicated assault was more serious than the harassment of a bicyclist, they were both Class A misdemeanors. There was a perception that assault was worse than the harassment of a bicyclist. He noted a lot of the harassment issues in the proposed ordinance would constitute assault as well.

Mayor Pro tem Nauser asked why they would pass an ordinance specific to bicyclists if third degree assault was also a Class A misdemeanor. She wondered why they would not just readdress the assault ordinances to include some of the offenses in the proposed ordinance. Mr. Boeckmann replied they could do that. Chapter 16, which included the different misdemeanors and classifications, essentially mirrored State law with the way they were worded. Assault was meant to be general in order to cover a lot of situations. If Council wanted something that covered more than bicycle harassment, the assault section might be a place to put it. They could also put it in a separate section.

Mayor Pro tem Nauser understood if the assault ordinance was amended, pedestrians, wheelchair users, etc. would have the same criteria as bicyclists. Ms. Hoppe

noted Chief Burton had indicated the proposed ordinance covered behavior that was short of assault.

Mr. Thornhill wondered if the proposed legislation could be amended to include runners, wheelchair users, etc.

Mr. Sturtz thought the question was whether they used this as a template for other legislation in the future or whether they should wait to have a more encompassing ordinance. Mr. Wade asked Mr. Boeckmann if they should pass this with the notion they would amend it later to address other issues or if they should table it to a specific date so it could be amended to include those changes. Mr. Boeckmann suggested they pass the proposed ordinance and ask staff to come back with potential changes after further review. He noted he did not believe anyone was opposed to the concept of the ordinance per comments made and understood they wanted it to be broader.

Mr. Wade commented that he wanted an ordinance that was enforceable, prosecutable and used by the police to make a difference and asked Chief Burton for his thoughts. Chief Burton replied he agreed they could do it either way. He noted they could expand the definition of the ordinance so it prohibited the harassment of bicyclists, persons in wheelchairs, runners, joggers, etc. He understood they wanted to equally protect people on the roads. Mr. Thornhill suggested they amend it to make it broader. Mr. Boeckmann pointed out this was an amendment to the Code and he would prefer to have time to come up with the appropriate wording and to do it right. Mayor Pro tem Nauser asked how long he would need. Mr. Boeckmann thought he could have it ready by the July 20 meeting.

Mayor Pro tem Nauser suggested tabling this issue so it would not need to be amended later. Mr. Skala felt there was consensus and suggested they vote on this as it put something in place immediately. He was not sure anything would be accomplished by tabling it as they were only going to broaden it. Mr. Wade agreed.

B151-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

**B154-09      Amending Chapter 27 of the City Code relating to the Columbia Trust utility checkoff program.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would broaden the wording for one of the six categories as part of the Share the Light Program. It changed public art to community arts programming.

Mr. Sturtz asked if there was anything they could do to get people to contribute more to the program. Ms. Britt replied each utility customer was invited to make contributions in the fall, but she was sure they could do other things to raise awareness.

Mr. Wade asked if they had a brochure about the program. Ms. Britt replied yes. Mr. Wade believed now was the appropriate time to put together an aggressive marketing strategy involving more than just providing people information as he thought there would be interest.

Ms. Hoppe asked how many people participated per year. Ms. Britt replied in 2008, there were 1,865 donors to all six areas. Ms. Hoppe asked how much was donated on

average. Ms. Britt replied she did not have an average, but in 2008, donations totaled \$17,729.

Mayor Pro tem Nauser asked if it was advertised that the donation was tax deductible. Ms. Britt replied it was included in the information provided. In addition, they sent most donors receipts in January once the information became available.

Mayor Pro tem Nauser asked if they marketed to corporate sponsors or if they predominantly focused on individual households. Ms. Britt replied the focus had been on individual Water and Light customers. Mayor Pro tem Nauser believed that was a new opportunity.

Ms. Hoppe suggested special recognition for people donating over a certain amount. Mr. Wade thought that should be included in the strategic plan to expand participation.

B154-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

- B136-09      Approving the Farmers Market C-P Development Plan located northwest of the Ash Street and Clinkscales Road intersection; approving less stringent screening requirements.**
- B137-09      Approving amendments to the Warren Funeral Chapel C-P Development Plan.**
- B138-09      Vacating a portion of an unused street easement located north of Vandiver Drive, between Oakland Gravel Road and COLT railroad property.**
- B139-09      Authorizing an annexation agreement with Ron and Melanie Kerrick.**
- B142-09      Accepting the work for construction of Louisville Drive from north of Whitefish Drive to Smith Drive; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Wilcoxon Excavating and Construction, LLC for the project.**
- B143-09      Accepting the work for rehabilitation of the general aviation apron and Taxiway A4 at the Columbia Regional Airport; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Orders No. 1 and No. 2 to the contract with Lehman Construction, LLC for the project.**
- B144-09      Accepting the work for construction of the Walter Leroy Anderson Salt Storage Facility located on the east end of Big Bear Boulevard; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Dome Corp of North America for the project.**
- B145-09      Authorizing construction of the Clear Creek Pump Station and Force Main Improvement Project; calling for bids through the purchasing division.**
- B146-09      Authorizing an agreement with James W. Brush, Linda S. Brush, James D. Brush and Nancy A. Brush relating to payment for the acquisition of**

easements for construction of Mexico Gravel Road from the Vandiver Drive Connection to the intersection with Ballenger Lane/Route PP.

- B147-09 Authorizing an agreement with the Missouri Highways and Transportation Commission for an air service study at the Columbia Regional Airport.
- B149-09 Accepting conveyances for utility purposes.
- B152-09 Authorizing a settlement agreement with Wesselmann Brothers, L.L.C. relating to the Sunflower Street reconstruction and water main relocation project.
- B153-09 Authorizing a tax collection agreement with Boone County.
- B155-09 Appropriating funds for Share the Light program.
- B156-09 Appropriating funds for Parks and Recreation projects.
- B157-09 Appropriating tax increment financing (TIF) application fees received from Tiger Columns, LLC.
- B158-09 Appropriating tax increment financing (TIF) application fees received from 10<sup>th</sup> & Locust, LLC.
- B159-09 Appropriating asset forfeiture funds for the police training facility.
- R127-09 Setting a public hearing: voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended.
- R128-09 Setting a public hearing: considering the Wastewater Facilities Plan.
- R129-09 Setting a public hearing: approval of the Wastewater Facilities Plan Environmental Information Document for the Columbia Regional Wastewater Treatment Facilities Plan Phase I Improvements Project.
- R130-09 Setting a public hearing: construction of the Columbia Regional Wastewater Treatment Facility improvement project.
- R131-09 Setting a public hearing: construction of a sidewalk along the north side of Walnut Street between William Street and Old Highway 63.
- R132-09 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Summer Food Service Program.
- R133-09 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Community-Based Home Visiting Program.
- R134-09 Authorizing an Adopt a Spot agreement with Woodhaven.
- R135-09 Accepting donation of computer equipment from Central Missouri Computer Center to be used by the Police Department.
- R136-09 Authorizing an amended cost-share agreement with the County of Boone relating to the installation of water quality features at Fire Station No. 7.
- R137-09 Authorizing the Director of Finance to execute all necessary documents to establish a 401(a) Plan for the Police Chief.

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

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

## **NEW BUSINESS**

### **R138-09    Approving the by-laws of the Tenth Hitt Elm Locust (THELA) Neighborhood Association.**

The resolution was read by the Clerk.

Mr. Watkins explained they had received a request that the Tenth Hitt Elm Locust Neighborhood Association (THELA) be officially recognized by the City. This Association replaced and slightly changed the boundaries of the Tenth Hitt Locust Neighborhood Association. The request had been reviewed and staff found it met all of the requirements for recognition.

T. K. Livingston stated he owned property at 1109, 1110 and 1112 Locust and would be the Chair of the proposed Association. Part of the reason for the Association was to have a voice. There was a lot of residential to include Paquin Towers and the properties he owned. It was a mixture of business and residential and an area that was growing and changing. They had issues similar to other neighborhood associations, such as vandalism, security, etc. He commented that he spoke to people in the neighborhood to include business owners, landlords, renters, homeowners, etc. and no one was opposed. He spoke with the SBD and did not believe they were opposed. He reiterated they wanted a voice since they lived and owned property in the area.

Mr. Sturtz asked how many business owners, property owners, or residents he contacted. Mr. Livingston replied they mailed letters to all property owners per tax record information, but did not receive many responses so he walked the area as well. Mr. Sturtz stated he owned part of a building on Hitt Street and did not believe they were contacted. Mr. Livingston commented that he went to the building and talked to his partner. He thought Mr. Sturtz's partner signed off on a sheet he had.

Mr. Sturtz understood Mr. Livingston would be the chair and secretary and Mr. Veach would be the vice chair and treasurer. Mr. Livingston explained although everyone he had spoken with was in favor of this, no one had volunteered. If other people wanted to be on the board, they were more than willing to accept the help.

Mr. Sturtz understood he had signatures of people in favor of this. Mr. Livingston stated he did and had provided it to staff.

Mr. Sturtz commented that the documents they had been given did not show a high degree of participation and he felt a little trepidation since they did not know who was in support of it other than Mr. Livingston and Mr. Veach.

Mr. Skala stated he had been involved in establishing a new neighborhood association and did not believe staff would allow it to move forward if it only involved two people as it had to meet all of the requirements.

The vote on R138-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

**R139-09     Authorizing application to the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant through the American Recovery and Reinvestment Act; approving an Energy Efficiency and Conservation Strategy Plan.**

The resolution was read by the Clerk.

Mr. Watkins explained the City was eligible to apply for stimulus funds to promote energy efficiency and conservation and it would be appropriate for Council to now authorize staff to apply for those funds.

Steve Hanson, 2105 Doris Drive, stated he was representing Columbia Sustainability Partners and wanted to comment on the four projects comprising the application. The first two projects involving energy efficiency analyses and improvements to City-owned buildings were good ideas as the return on the investment was known. They would recommend the return on the investment be reinvested for other efficiency upgrades in the future. Another project involved updates to building codes for incentivizing buildings to meet Energy Star standards. They would recommend more code improvements and expediting the approval process of building permits. The other project would fund the sustainability manager position, which they supported, but they wanted to see the hiring of this position prior to receiving these funds. He noted \$50,000 had been allocated this fiscal year, which they could use to get the position in place. Fiscal years 2010 – 2012 could then be paid for with the grant. He commented that he had seen the position description from the Council retreat and had concerns with requiring an engineering or business degree as they felt it should be open to other people.

Ms. Hoppe understood there could be changes afterwards and they could shift the exact amount of funds from one project to another. They needed to get the application submitted in order to receive the money and could work out the details later.

The vote on R139-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

**R140-09     Endorsing the East Columbia Environmental Impact Statement (EIS) alignment relating to the extension of Route 740 (Stadium Boulevard) from its current terminus to I-70.**

The resolution was read by the Clerk.

Mr. Watkins explained this resolution would be submitted to the Federal Highway Administration if approved by Council. This had been a multi-year process with a number of public input opportunities. The recommendation was for the alignment identified as SC-2-A, which had been approved by MoDOT, CATSO and the Boone County Commission. He noted there were three separate components to this. There was the extension of Route 740 to Lake of the Woods, extensive improvements and adjustments to Route WW, which could be done separately from Route 740, and the Ballenger Lane extension, which would be eligible for federal funding since they included it as a third component of the study. Staff felt all three were necessary to achieve the kind of traffic control and mitigation of congestion that was desired.

Jeff Barrow, 1007 Coats Street, stated he was the Chair of the Planning and Zoning Commission and was speaking as the Chair. He could not say he was speaking on behalf of

the Planning and Zoning Commission since he had only spoken with two other members. He commented that the Planning and Zoning Commission did not receive a formal briefing on the EIS 740 extension and he believed the Commission could have been a valuable part of the process as their focus was land use and transportation interconnectivity. In addition, they would be reviewing a several hundred acre Richland Road development, which was predicated on how these roads would be aligned, so it would have helped the Commission to be a part of the formal process so they understood the details of the endorsement, to include its implications and rationale. If they had been involved in the process, they could have helped the Council with its decisions and it would have helped them with their decisions as well. He understood this was probably a done deal, but noted there were other things coming up to include the East Columbia Area Plan, West Broadway and a Scott Boulevard extension and interchange at I-70. He felt it would be helpful if the Planning and Zoning Commission was involved in the process.

Mr. Sturtz asked Mr. Barrow to explain the purpose of the East Columbia Area Plan and when it could be completed as it appeared to overlap this area. Mr. Barrow replied they would be looking at the same area as was involved in the EIS study with an extension to the south near Discovery Ridge. The Planning and Zoning Commission was working on four major subjects in coming up with goals and objectives. They would then go to the public for feedback in order to delineate strategies. He noted they were looking at environmental quality, land use, the timing of development and public utilities. They hoped their work would guide the City, County, water districts and other entities.

Mr. Sturtz asked if they were ordinarily asked to review road plans, such as what CATSO put forward. Mr. Barrow replied he was not sure of the process because sometimes they were and sometimes they were not. He noted they had just gone through a process of reviewing CATSO endorsements of reclassifying some roads and the potential connections of roads in the outer areas of Columbia, and it was very useful for the Planning and Zoning Commission and the public.

Mr. Wade commented that the Planning and Zoning Commission's engagement with the project was the same as the Council's as it was a federal process.

Ms. Hoppe understood Mr. Barrow was asking for this to be referred to the Planning and Zoning Commission for input. Mr. Barrow stated that was correct and explained they would at least like to have a formal structured process so they could be educated.

Mayor Pro tem Nauser suggested he attend meetings as an individual, discuss it with the Planning and Zoning Commission at a work session and submit recommendations as it appeared as though they were all viewed as citizens in this process. Mr. Barrow explained some of them had been very involved and had reported back to the Commission. He was speaking to the Council because he felt they could be more efficient if they were educated as it would help when they did the area plans. He noted they would be using a lot of the EIS study data in their project.

Mr. Skala stated he wanted the Planning and Zoning Commission as educated as possible because the more advice they could give the Council, the easier the Council's job would be, so he agreed with the concept of involvement in the process.

Mr. Wade suggested they consider designating someone on the Planning and Zoning Commission to keep up with the Scott Boulevard EIS process as it would also be a multi-year process.

Ms. Hoppe suggested they have the Planning and Zoning Commission review this before taking action and asked if it was time sensitive. Mr. Glascock replied Buddy Desai of CH2M Hill could comment on the schedule.

Buddy Desai of CH2M Hill in St. Louis, Missouri, explained CH2M Hill was the lead consultant on this environmental document and noted this was time critical. He pointed out the draft Environmental Impact Statement had been approved by MoDOT and the Federal Highway Administration. The public hearing was held in May and 111 people attended the meeting. He noted the core team included City and County staff, and they were actively involved in the process. They had received input from the public and every resource agency that normally replied to the environmental document. All of those resource agencies supported this alternative as the preferred alternative and no substantive comments opposing this alternative as the preferred alternative were received. Ideally, they would have brought the Planning and Zoning Commission to the table earlier, but with this project, they would have a final environmental document within the month and a record of decision by late fall, and at that point, the study was over. They were currently seeking the Council's endorsement that this alternative was consistent with the City's planning goals and how they envisioned the community growing, and it was a time sensitive issue.

Mr. Skala asked what the ramifications were if it were delayed a month or two. Mr. Desai replied there were no specific penalties and he was not sure there was funding to move forward with design. If funding became available and there was not a record of decision, they could not move forward with the design.

Mayor Pro tem Nauser understood this process started in March of 2005 and the comment period ended in May of 2009. She suggested they move forward and noted all of the other agencies had agreed with this alignment. She noted there was ample opportunity for them to be more involved on the Scott Boulevard project, but felt they needed to move forward with this project.

Mr. Sturtz understood the professionals and public had reviewed this and generally liked it, but stated that was not enough for him to vote to endorse it. Mr. Desai pointed out City staff had been to every meeting. At one point, they had weekly updates and City staff was part of every decision. They were asking the Council to endorse something City staff stated was their preferred alternative. Mr. Sturtz stated the Council had not been provided a presentation unless he had missed the meeting. Mr. Glascock noted a work session had been held on the topic.

Mr. Skala commented that he had been following this for some period of time as he wanted the overpass across I-70. He noted St. Charles needed relief and this provided another way to Lake of the Woods and an extension of Stadium. He would have liked the extension to be further out, but understood that would have been cost prohibitive. He stated it appeared as though there was a dovetail into Richland Road, which might be an eventual connection. Mr. Desai stated it would be from the Ballenger Road extension over I-70. Mr. Skala commented that the only reason he was conflicted was because some of his

constituents would lose things with this alignment, particularly in the St. Charles area. He understood this alignment tried to minimize the personal impact on people.

Mr. Desai explained the National Environmental Policy Act required them to choose the alternative that met the project purpose and need and was the least environmentally damaging. The environment included the natural and social environment. When looking at the cost and the environment, the SC-2-A had the least impact and the lowest cost. If they had gone with an alternative that used Richland Road, they would be impacting more residents and businesses.

Mayor Pro tem Nauser understood they could not change the alignment at this point. Mr. Desai explained they had an approved draft environmental document with a comment period that ended on May 29. They would gather all of the comments and respond to any substantive comments, and would then prepare the final environmental document, which also had a 30 day comment period. At the end of the 30 days, they would review the comments, and if there were substantive comments requiring shifts in the alignment, there was still an opportunity. Once the record of decision was delivered by the Federal Highway Administration, the alignment was set. He noted that although those lines appeared to be single lines, they cleared a corridor so it was wider than the required right-of-way in order to allow flexibility in the design phase and limit impacts in key areas.

Ms. Hoppe asked how the Planning and Zoning Commission could be more active in the process in the future. Mr. Desai replied if they were starting a project today, he would get with City staff to determine the key stakeholders needing to be involved. There was a study team involving City, County, MoDOT and consulting staff. There was also a core team involving the Federal Highway Administration and other resource agencies, and that might be where the Planning and Zoning Commission could be involved so they were not inundated with weekly calls. They could come to meetings involving major milestones so they could provide comments.

Ms. Hoppe commented that sometime in the process, the consultants had changed, and when CH2M Hill became involved the number of alternatives went down from nine to four or five. She recalled asking the consultant at the meeting if they considered cost or the impact to the natural environment when eliminating the other alternatives and was told they did not. She asked if that was correct. Mr. Desai replied that was correct. He explained they established a purpose and need for the project and started developing alternatives independent of whether they met the purpose and need. Once developed, they matched them up to the purpose and need, and if it did not meet the purpose and need, it did not matter if it was the least environmentally impacting or cost the least.

Ms. Hoppe thought the City and Planning and Zoning Commission needed to get involved early in the process when the purpose and need was being identified.

The vote on R140-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

## **INTRODUCTION AND FIRST READING**

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

- B161-09 Vacating a drainage easement located on Lot 64 within Corporate Lake Subdivision, Plat 12; accepting a conveyance for drainage purposes.
- B162-09 Authorizing construction of sewers in Sanitary Sewer District No. 142 (Anthony Street); calling for bids through the Purchasing Division.
- B163-09 Authorizing construction of sewers in Sanitary Sewer District No. 162 (Valley View Road); calling for bids through the Purchasing Division.
- B164-09 Authorizing construction of sidewalks along the east side of Providence Road from Blue Ridge Road to Smiley Lane; calling for bids through the Purchasing Division.
- B165-09 Authorizing the acquisition of easements for construction of sidewalks along the east side of Providence Road from Blue Ridge Road to Smiley Lane.
- B166-09 Authorizing application for FY 2010 transit planning, operating and capital assistance grants.
- B167-09 Amending Chapter 14 of the City Code to prohibit parking along a section of Rain Forest Parkway.
- B168-09 Authorizing an agreement for temporary construction and grant of easement for sewer purposes to Commerce Bank, N.A. relating to sanitary sewer construction in the alley between Fifth Street and Sixth Street.
- B169-09 Appropriating funds for construction of a new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street.
- B170-09 Accepting conveyances for temporary construction, sewer, storm sewer, access and sidewalk purposes.
- B171-09 Accepting a conveyance for utility purposes.
- B172-09 Amending the FY 2009 Annual Budget and the Classification Plan and Pay Plan to upgrade the position of Economic Development Manager to Assistant Economic Development Director.
- B173-09 Amending Chapter 19 of the City Code as it relates to unclassified positions.
- B174-09 Appropriating grant funds from the Missouri Department of Conservation for construction of Phase I improvements at the A. Perry Philips Park.
- B175-09 Appropriating fire equipment sale proceed funds.
- B176-09 Appropriating asset forfeiture funds to be used by the Police Department to purchase equipment and uniforms for the downtown bicycle team.

## REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds Requests.

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

(B) Payment-In-Lieu-of-Tax (PILOT) Report.

Mr. Watkins explained there were two separate charges assessed against water and electric utilities. One was a payment in lieu of gross receipts tax and was the same as other

utilities in Columbia to include Boone Electric. The other was based upon property tax and did not change based on usage, so if the Water Plant was assessed a certain amount, they would pay what a private utility would pay.

**(C) Issue of Enforcing Ordinance Limited Number of Residents in Rental Property.**

Ms. Hoppe noted the reported indicated mixed results and asked if that meant some were successful while others were not. Mr. Watkins replied he did not think anyone was satisfied with the results. They could not find a model that everyone agreed was the best approach. There were some things they could look at to include requiring leases with everyone's name on the lease, but there were problems of visitors, boyfriends or girlfriends, etc. so it would be difficult to enforce. Mr. Wade understood it would be expensive as well.

Ms. Hoppe understood this was currently complaint driven. Mr. Watkins stated that was correct. Ms. Hoppe asked if any of the models shared the rental agreement or names of the parties with the neighborhood associations. Mr. Watkins replied he was unaware of any that did.

Mr. Skala asked if there was a way to approach this through utilities. Mr. Watkins replied all names were not always on the bill.

Ms. Hoppe asked if she could be provided the information gathered to share with the neighborhood association in case they wanted to brainstorm for ideas. Mr. Watkins replied yes and explained they had a group that was looking at the rental ordinance for cost recovery. They were also looking to use the rental inspection as leverage in dealing with problem tenants, etc.

**(D) Gas Station in Disrepair at 300 Brickton Road.**

Mr. Watkins noted some changes had been made, but it was not a safety problem after the canopy and a few other items had been corrected.

**(E) Bus Advertising-Additional Estimates.**

Mr. Watkins understood the Council was in favor of moving ahead with bus advertising, but had questions because there was a wide disparity regarding the potential revenues. Staff was suggesting moving forward with RFP's to determine what the market might bring.

Mr. Sturtz asked if they would be able to put standards in place before going out for RFP's. Mr. Watkins thought they could within some broad parameters. Mr. Glascock pointed out staff's standard might be different than the Council's, so he would provide the RFP to Council for review.

Mr. Wade made a motion directing staff to proceed with the RFP bid process to determine if bus advertising was feasible and to include standards to be met in the RFP. The motion was seconded by Mr. Thornhill.

Ms. Hoppe asked if this was advertising inside or outside of the bus. Mr. Glascock replied both.

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

**(F) Get About Project – Back in Angle Parking Pilot Project.**

Mr. Watkins stated staff was suggesting back in angle parking be considered on Ash Street if Council wanted to look into it because Ash Street had recently been paved and they needed to re-stripe it. If Council wanted to move forward with the pilot project between Seventh and Ninth Streets, an ordinance authorizing it would need to be prepared.

Mayor Pro tem Nauser asked if the back in spaces would be metered. Mr. Glascock replied they would be metered.

Mr. Skala believed a pilot project was the best approach to determine if people liked or did not like it.

Ms. Hoppe stated she did not believe it would be successful, but was willing to move forward with the pilot project. She noted she was concerned for the safety of pedestrians on the sidewalk with people backing into spaces. She commented that when she biked on Broadway, she looked at the car reverse lights and exhaust, and would not see those as people pulled out with back in angle parking.

Mayor Pro tem Nauser asked if it would cost another \$5,000 to put the street back to its normal condition if the pilot project did not work. Mr. Glascock replied there would be costs and they would be paid by the parking utility. Mayor Pro tem Nauser understood the initial \$5,000 would be paid for by GetAbout, which was federal funding, and the cost to change it back would come from the parking utility.

Mr. Skala understood water borne paint would be used. Mr. Glascock stated that was correct.

Mr. Glascock noted the purpose of this project was to gather data.

Mr. Skala made a motion directing staff to move forward with the pilot project. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**(G) Beta Theta Pi Fraternity – Drainage Issues.**

Mr. Watkins explained staff was still exploring the situation.

Ms. Hoppe stated the key to the cause might be better seen in the winter when it was icy. She suggested they look in the winter if the cause was not determined prior to then.

**(H) Broadway/Old 63 – Pedestrian Lights.**

Mr. Watkins noted the signals were activated on June 2, 2009.

**(I) 200 Block of W. Sexton – Sewer Backup.**

Mr. Wade understood this was a system problem versus an individual problem and would have to be addressed as a system problem for resolution. He asked how fast it could move forward. Mr. Glascock replied he was not sure. He explained he participated in a meeting today involving the problems they were having with infiltration and inflow and 75 percent of peak flow was stormwater getting into the City system. A lot of it was in the old part of town from Business Loop to Stadium, north/south, and Stadium to the Hinkson Creek, east/west. Just dealing with Mr. Thomas' situation would not solve the problem. He noted

they would need to hold a work session to determine how to deal with the problem because many sump pumps were connected to the City's sanitary sewer and pipes were leaking.

**(J) Stimulus Funding for Bioreactor Projects.**

Mr. Watkins explained staff was working with local industry in trying to find stimulus money for the bioreactor projects and the first step was do a white paper that would be forwarded to the State for consideration. Mr. Glascock stated they were looking for stimulus money to help build a pipeline to the bioreactor to divert water from Kraft to help decompose refuse. The Water and Light Department would also try to use the heat to do something, such as heating the building or for electricity.

Mr. Wade stated he hoped they would continue to actively look for co-generation opportunities as it increased the efficiency of energy conversion.

Mr. Sturtz asked if there was a potential to lure other plants near the landfill to provide them some of the recovered heat. Mr. Glascock replied he was not sure. He explained they were working with three companies and only needed 40,000 gallons of water. Once the first one signed up, they would be done until they built another cell.

**(K) 25 MPH Kid-Friendly Signage.**

**(L) Residential Street Speed Limit Study.**

Mr. Watkins commented that they had looked at kid-friendly signs and the reduction of speed limits at the Council's request. Mr. Glascock explained they could install kid-friendly signs in conjunction with lowering the speed limit to 25 mph. They suggested these for the entrances of subdivisions, but not on every street because they were expensive. The cost of a kid-friendly sign was \$262 per installed sign while a standard speed limit sign was \$77. He noted he was surprised by the results of the Residential Street Speed Limit Study. An ordinance would be required for the change and it would take some time to implement it because they would have to remove all of the 30 mph signs and get the word out regarding the ordinance change. They were recommending a change to 25 mph for the local residential streets and wanted to study the collectors and arterials to ensure they were appropriate.

Mayor Pro tem Nauser asked if they would be reusing the signs or if they would need new signs. Mr. Glascock replied he thought the signs could be re-skinned.

Mr. Sturtz recalled an earlier discussion of asking neighborhoods if they preferred 20 or 25 mph speed limits and asked if they could proceed with a policy with that type of flexibility. Mr. Glascock replied he would not recommend it because they wanted the Police Department to be able to enforce a standard speed limit throughout the City. Mr. Sturtz felt if they were trying to avoid children being hit by a car a 20 mph speed limit was more effective. Mr. Glascock commented that if they wanted to keep children from walking in the street, they should build a sidewalk. Mr. Sturtz stated that was not possible on some of the streets in his ward.

Mr. Wade noted they had documentation of the impact of lowering the speed limit from 30 mph to 25 mph. Without data, he did not believe they would have nearly same impact in lowering it to 20 mph because 20 mph was viewed as too slow on a normal residential street.

Mr. Sturtz stated it would create a better contrast. Mr. Wade thought the challenge involved the difference between residential, collector and arterial streets.

Mr. Skala pointed out they had difficulty maintaining 20 mph speed limits in school zones. In addition, some people mistakenly believed 20 mph in a residential zone was punitive so it would likely be ignored.

Ms. Hoppe made a motion directing staff to prepare an ordinance that would lower the speed limit on residential streets from 30 mph to 25 mph and establish a consistent methodology for setting speed limits on major roads, such as neighborhood collectors and arterials, and provide a report with an implementation strategy, timing and the budget requirements. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(M) Safety/Traffic Flow Improvements – Intersection of Fairview and Ash.**

Mr. Watkins noted staff reviewed the intersection and determined the intersection met minimum signal warrants as established by the Uniform Traffic Control Device Manual. Staff was recommending \$250,000 be included in the CIP for this project to be funded at a future time.

Mr. Wade agreed there was a question of traffic management, but also thought there was a question as to the appropriateness of a traffic circle and asked if it was determined not to be appropriate. Mr. Glascock replied he was not sure a traffic circle could be placed there due to the 36-inch water line.

Mr. Wade made a motion directing staff to include this project in the CIP. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**(N) Disguised Communications Towers.**

Mr. Watkins explained this proposed zoning ordinance change standardized some of the requirements for disguised communications towers. Currently, the height was dependent upon the zoning classification and staff was suggesting a standard height of 90 feet. Staff was also suggesting changes regarding the equipment.

Mr. Skala asked for clarification regarding the concealment of the equipment in the disguised communications tower. Ms. Amin explained the antennas were within the tower, which made it a stealth tower, but the electronic equipment could not be put within the tower or underground. It had to be outside so it always required a variance.

Mr. Wade made a motion directing the Planning and Zoning Commission to hold a public hearing on the proposed ordinance and to provide a recommendation. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(O) Hickman Pool Roof Report.**

Mr. Watkins explained a major roof replacement at the Hickman Pool was imminent and the Council needed to decide whether it wanted to continue putting money into it or look at other alternatives. Mr. Hood noted it was an important facility to the City and the School and they wanted Council direction as to whether they should continue working with the School to try to develop a plan to replace the roof or go in a different direction.

Mr. Skala asked if there were any alternatives. Mr. Hood replied the ideal situation would be to develop a new facility as this one was 35-40 years old, but it would be very expensive and he was not sure it was possible. Another scenario would be to close Hickman Pool. The City would then need to find a facility at which they could do lifeguard and other deep water training during the winter. Another alternative would be to try to create some type of air bubble structure over Albert-Oakland Pool to enclose it, but he had not looked into it and did not know if it was feasible.

Ms. Hoppe asked if the new high school would have a swimming pool. Mr. Hood replied he was not aware of a swimming facility at the new high school.

Mr. Wade believed the only option they had at this time was to work with the School to replace the roof with the hope the roof would last long enough to come up with other options with less maintenance costs associated with it.

Mayor Pro tem Nauser stated she thought they should look at adding this to the capital improvement project list for a future ballot issue since this would only be a stop gap measure. She thought now was a good time to start looking for a location for a new pool if it was going to be a possibility because land area would be limited as they continued growing.

Mr. Skala agreed and stated he was inclined preserve the central location. Mr. Wade noted one option was to rebuild it.

**(P) Stephens Lake Park Amphitheatre – Status Report.**

Ms. Hoppe asked for clarification regarding the accessible seating areas. Mr. Hood replied he understood it was grass, but the walkway leading in would be a hard surface.

**(Q) MKT Bridge #12 and #13 Repair Project Budget and Park Sales Tax Shortfall.**

Mr. Watkins explained the repair of the two bridges was approved by the Council and included in the last park sales tax issue. When the parks sales tax issue was put together, they thought the big bridge could be replaced. Now that more detailed engineering had been done, they were finding they would have to replace the bridge instead, and it would be substantially more expensive. Staff was recommending a transfer of \$440,000 in park sales tax that was originally appropriated for the Hinkson Creek Trail – Phase 3 project, which was the Rockhill connector the Council elected not to do.

Ms. Hoppe asked if there was any other funding available. Mr. Hood replied the only source of money they had was park sales tax money and if they did not use the recommended \$440,000, they would have to look at some of the other potential sales tax money, such as the funding set aside for acquisition. Staff's thought was that this \$440,000 was allocated for trail projects and if they were not going to do the Rockhill connector in the immediate future, it would be logical to use that money. He noted the bridges were critical as they were in a high use area. Another alternative would be to delay the repair/replacement of the bridges and include it in the next ballot issue.

Mr. Skala asked if they spent money on the bridges, if the alternative suggested could apply to a future Rockhill connector. Mr. Hood replied he thought Council had the option, but pointed out they were dealing with the commitments and promises made with respect to it.

Mayor Pro tem Nauser thought it was important to take care of what they had and getting emergency vehicles through there was a safety issue, so she felt they should proceed as recommended.

Ms. Hoppe stated an active group was working on the connector issue and had two short east/west alternatives that would be less expensive and meet the need. She understood they could put the east/west alternative on a future park sales tax ballot or take money from a less pressing need, such as the connection down Old 63 to Bearfield, with Council action.

Mr. Thornhill agreed with Mayor Pro tem Nauser in that they needed to take care of what they had. In addition, he thought they needed to face the real possibility that there might be waning support for continued tax funding due to the economy.

Mr. Skala made a motion directing staff to initiate the proposed fund transfer and to adjust the plan for expenditure of park sales tax funds to not appropriate the contingency and undesignated neighborhood park funds. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**(R) Perspectives on the new Planning and Zoning Commissioner.**

Mr. Skala stated this was helpful and he appreciated the input.

Mr. Wade stated he would be opposed if the Commission wanted to comment on applicants each time there was an opening. Mr. Skala noted his interpretation was that it would be a comment on need. He agreed they should not evaluate candidates.

**(S) Alexander Avenue Traffic Calming.**

Mr. Glascock explained this would restore the original profile of the two street humps using the street maintenance budget. Two additional speed humps had been requested, but the traffic safety money was spoken for with other projects. Council could use its discretionary funds if they wanted. Mr. Watkins asked if there would be additional traffic money in October. Mr. Glascock replied there should be. Mr. Watkins noted another alternative would be to wait until October for the two additional speed humps.

Mr. Sturtz asked if the restoration would happen fairly quickly. Mr. Glascock replied yes.

Mr. Sturtz wondered if they could shift money from another source with Council approval and restore it to that source in October as it was not a lot of money. Mr. Watkins noted the Council contingency was an alternative.

Mayor Pro tem Nauser noted there were other people who had asked for traffic calming ahead of the people on Alexander. She thought their obligation at this point was to restore what they had and review the situation in October to determine if there was funding.

Mr. Sturtz pointed out the people on Alexander were never satisfied with the two speed humps as it had not reduced the speed of cut-through traffic. In addition, due to the narrowness of the street, they could not build sidewalks. He wanted to proceed, but was not sure he wanted to start a precedent of using the Council contingency fund for this type of project. He thought there was a way to make it work.

Ms. Hoppe thought they could be prioritized ahead of others as they were correcting a situation that was not done correctly.

Mr. Glascock suggested leaving the original humps as they were and installing the new ones with operating funds. Mr. Sturtz thought the residents could live with that.

Mr. Wade asked if the restoration of the other two could be in next year's budget. Mr. Glascock replied they could look at it.

Mr. Sturtz made a motion directing staff to proceed with the two new speed humps on Alexander and postpone the restoration of the existing two speed humps until the new budget year. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr. Skala made a motion to extend the application period for the Planning and Zoning Commission for an additional cycle to encourage more applicants to apply.

Mr. Thornhill asked if this would be second time they would be readvertising. Mr. Skala replied yes. Mr. Thornhill asked how many applicants they had the first time. Ms. Amin replied three. Mr. Sturtz noted they appointed one. Mr. Thornhill understood they had two this time for a total of five.

Ms. Hoppe noted they had eight or nine the last time. Mr. Thornhill asked if the level of interest was dropping. Mr. Skala replied he thought it was as they had 21 as one time. Mr. Sturtz asked if it was a seasonal issue. Ms. Amin pointed out this was the annual vacancy. Mr. Skala thought it might be a function of the economy as volunteerism was hard to come by now.

The motion made by Mr. Skala was seconded by Mr. Sturtz and approved by voice vote with only Mr. Thornhill voting no.

Upon her request, Mayor Pro tem Nauser made the motion that Ms. Hoppe be allowed to abstain from voting the Cultural Affairs Standing Committee on Public Art vacancy. Ms. Hoppe noted on the Disclosure of Interest form that her husband was an applicant. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Pro tem Nauser noted Mayor Hindman had made the appointments to the Library Board as it was a Mayor's appointment and both candidates had been appointed.

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

### **CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART**

Sleadd, Michael, 607 Bluffdale Drive, Ward 6, Term to expire July 1, 2012

### **ENVIRONMENT AND ENERGY COMMISSION**

Turner, Alyce, 1204 Fieldcrest, Ward 4, Term to expire June 1, 2012

### **HISTORIC PRESERVATION COMMISSION**

Stoltz, William, 1805 Parkade Boulevard, Ward 2, Term to expire September 1, 2010

**LIBRARY BOARD**

Baka, Julie, 314 W. Boulevard North, Ward 1, Term to expire June 30, 2012

Thorne, Jacob, 2110 Sunborough Drive, Ward 4, Term to expire June 30, 2012

**RAILROAD ADVISORY BOARD**

Lusk, Benny, 1504 Preakness Drive, Ward 2, Term to expire July 15, 2013

Ross, Bryan, 3508 Woodside Drive, Ward 3, Term to expire July 15, 2013

**WATER AND LIGHT ADVISORY BOARD**

Roper, Robert, 3400-3 Woodrail Terrace, Ward 5, Term to expire June 30, 2013

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Skala understood there were a couple of options with regard to signage for the back in angle parking and wanted to express his enthusiasm for the one with the icons that provided an indication as to how to do it.

Mr. Skala noted he received an e-mail of the YouTube video an attorney, Steve Wilson, made of the Crosscreek/Lemone area during a recent rain event. He thought everyone should take a look at it.

Mr. Skala commented that he and Ms. Hoppe attended the Stephens Lake Park Waterfall dedication and noted it had the potential of aerating the lake and was aesthetically pleasing. Ms. Hoppe stated it was a result of a donation from the estate of Russell and Mary (Grant) Nall.

Mr. Wade made a motion for the City Manager to appoint a working task force to assess how the current ordinances such as the assault ordinance could work better for bicyclists, pedestrians, people in wheelchairs, etc., the changes needed to have ordinances that successfully address harassment enforcement and prosecution, how they could improve traffic law compliance by bicyclists and how they could manage the multi-modal conflict among cars, transportation bicyclists, recreational bicyclists, joggers and walkers on the trails, etc. in a general sense. He suggested the task force include a representative of the City Law Department, Prosecutor's Office, Police Department, Public Works Department and Parks and Recreation Department, the Bicycle/Pedestrian Commission, the bicycling community and a citizen at-large who was not a bicyclist but interested in the topic, but would leave it to the discretion of the City Manager.

Mr. Skala understood Mr. Boeckmann would broaden the ordinance passed earlier to include wheelchair users and pedestrians and asked if this was another layer independent of that. Mr. Wade replied yes and explained this would provide an additional analysis to determine how they could make the ordinances work better.

Mayor Pro tem Nauser thought a primary focus should be on how to gain community cooperation within the different modes of transportation through ordinances or educational opportunities.

The motion made by Mr. Wade was seconded by Mayor Pro tem Nauser and approved unanimously by voice vote.

Mr. Wade commented that the Roots N Blues N BBQ Festival was three months away and there was no agreement. He noted the agreement from last year indicated the contractor's books and records pertaining to the funds were subject to audit and review upon request and suggested they look at them since they were being asked to forego the \$38,000. He stated he was uncomfortable with the situation and felt something definitive needed to happen.

Mr. Skala thought the Council provided some direction when they discussed how it might be different from last year, but agreed it was disappointing it had taken this long to be provided specific information. He noted he would not give up on the \$38,000 or the review of the business plan, etc. He thought they needed to do what they could so it was done right and provide enough support so it had the possibility of happening while they protected the City's interests.

Mr. Wade stated he had spoken to several constituents who were unhappy at the prospect of ticketing, but understood why it was necessary. Those constituents had also indicated that if there was ticketing, they wanted the City to get a higher rate of recovery for its costs. They did not feel it was appropriate for the general citizenry to subsidize an event that had tickets.

Mr. Thornhill asked if the assistance the City would provide could be earmarked for only the free portions of the festival. Mr. Sturtz thought they could specify what the money was used toward.

Mr. Thornhill stated he had a problem with the debt being carried over this long and thought they needed a better plan to ensure they were reimbursed and a new debt was not incurred. He hated the thought of the festival not happening, but thought the method needed to be improved.

Mr. Sturtz asked if the \$38,000 had been significantly discounted compared to the actual cost of the City to provide those services. Mr. Watkins replied yes and explained they believed the cost to be in the upper \$40,000 range. They thought the \$38,000 covered the true out of pocket costs, but they discounted some of the services, such as additional clean up services.

Mr. Wade stated he was uncomfortable with the assumption the City would carry the \$38,000 over as they had not made a decision. He was also uncomfortable because he had not seen much and what he had seen did not give him confidence for the long term potential of success. In addition, he did not believe the City was being provided the consideration it should in the process.

Mr. Skala thought they had informally provided guidance with regard to recovering the \$38,000 and had agreed it needed to be paid.

Mr. Wade noted there would be additional costs and if there was an inability to pay, the amount would accumulate. He thought they needed to provide staff direction. Mr. Skala believed they had provided staff some direction.

Ms. Hoppe understood they expected the \$38,000 to be repaid. Mr. Watkins stated staff would attempt to recover costs to the City this year as well.

Ms. Hoppe made a motion directing the Environment and Energy Commission to review and provide comments regarding the job description for the Sustainability Director. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Ms. Hoppe asked for the status of the public transportation commission. Mr. Watkins replied staff was working on it.

Ms. Hoppe asked if the plywood/pressboard wall at Shiloh was intended to be permanent. Mr. Watkins replied the owner of Shiloh was trying to work something out with the neighbors across the street, but had not been able to yet. He noted they were to the point of moving the noise ordinance forward because he did not think anything would be worked out with this situation. If the noise ordinance was changed, the wall might come down.

The meeting adjourned at 12:41 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk