

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 2, 2010

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 2, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE and MCDAVID were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of July 19, 2010 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Mr. Thornhill.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid noted they had received a request from a citizen to move B180-10 from the consent agenda to old business. In addition, he wanted to move R154-10 from the consent agenda to new business. He also understood B197-10 would be added to introduction and first reading.

Upon her request, Mayor McDavid made a motion that Ms. Nauser be allowed to abstain from voting on R156-10 and REP67-10 due to a conflict of interest. Ms. Nauser noted on the Disclosure of Interest form that her husband was in alcohol sales. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mr. Kespohl made a motion approve the agenda with the changes previously listed by Mayor McDavid. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Construction of sanitary sewers in Sewer District No. 165 (Maple Bluff Subdivision).

Item A was read by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Watkins noted there had been a change in the alignment. Mr. Glascock explained the reason for the change in flow was to save some trees and they would use an existing utility easement at the end of Holly Hills Court. He pointed out staff was recommending they not defer the tax bills like normal because they did not believe the deferment would ever be paid since the lots would likely not

be subdivided or rezoned and the number of water meters per lot would likely not increase. This would allow them to use bond money as well.

Mr. Sturtz commented that the fiscal impact was shown as \$100,000, but Mr. Glascock had indicated around \$450,000 would be funded by the utility through a bond. He asked for clarification in terms of the discrepancy. Mr. Glascock replied it was because he did not know if the Council would waive the deferred portion of the tax bills. The memo was written assuming it would be tax billed.

Ms. Nauser asked for an explanation as to how this alignment had been determined. She thought previous discussion indicated it would go down the middle of the street. Mr. Glascock provided an explanation and noted it would cost \$500,000 more to go down the middle of the street.

Ms. Hoppe understood the differential was only \$60,000. Mr. Glascock replied the \$60,000 differential was based on the original design with the flow to the south toward the MKT Trail.

Ms. Hoppe asked if staff had met with the Holly Hills Court residents after the alignment was changed to affect them. Mr. Glascock replied they had not because they already had an easement and there were no right-of-way implications.

Mr. Thornhill asked how disruptive the project would be for residents adjoining the easement. Mr. Glascock replied there should not be any damage to the properties on Holly Hills Court. Mr. Thornhill asked if there would be any street access restrictions while the work was being done. Mr. Glascock replied only the area where the pit was tapped into would be restricted. Mayor McDavid asked for the size of the pit. Mr. Glascock replied it would be about 20 feet by 20 feet. Mr. Thornhill understood the sidewalks and driveways would not be restricted. Mr. Glascock stated that was correct.

Mayor McDavid opened the public hearing.

Jeanne Sebaugh, 3609 Holly Hills Court, commented that they had not been informed of this project affecting their neighborhood and had only learned of it when the materials from the Council Meeting had been posted on-line. She understood there had been a previous plan that brought the line into Holly Hills across the front yard and driveway of a homeowner. She thought they would be impacted due the size of the pit and the construction barriers, etc. needed. She understood the work would be done over a few months and wondered how the City trash trucks would be able maneuver as they already had difficulty.

Don Ginsburg, 3605 Holly Hills Court, stated he was the President of Hinkson Ridge Homeowners Association and one of the developers of the subdivision, and asked the Council to table the current proposal. He commented that he did not believe his subdivision should bear the burden of having a portion of the new Maple Bluff sewer line entering their property just because there was an existing utility easement. He felt there were alternatives and provided suggestions to include linking Lots 2900 and 2940 to the proposed sewer line along the ridge on the east side of Maple Bluff Drive or placing the sewer line along the property line between Lots 2900 and 2940 and under Maple Bluff Drive. He noted the proposed segment going into the Hinkson Ridge Subdivision could encounter unknown problems and costs, if the boring method did not work properly. He reiterated his request to

Council to table this issue so they could participate in the planning process. He also believed bids should be requested for the alternatives.

Rob Duncan, 3611 Holly Hills Court, stated he supported the construction of this sewer, but was concerned with the inadequate planning and contingent cost estimates involved with the project. If the horizontal drilling technology failed, deep trenching would be required and would be far more invasive and costly. As a result, he requested the City place \$300,000 in escrow as a contingency. He commented that he did not believe adequate estimates of the best case cost or worst case cost had been determined by the City. He was also concerned with the general lack of transparency and neighborliness with regard to how planning for this project had been approached. The City had met with residents of Maple Bluff Drive, but not with the residents of Holly Hills Court. He noted he had seen surveyors on his property a few months ago and they had informed him this was for a sewer project for Maple Bluff Drive and that Holly Hills Court would not be affected. He believed the City should support the ethic of those with the most to gain being required to undertake the greatest inconvenience and expense to ensure its completion. He asked the Council to table this project so their concerns could be addressed.

Don Vogt, 2981 S. Maple Bluff Drive, stated he was President of the Maple Bluff Homeowners Association and noted they were in favor of the overall project. He explained they would be agreeable with tabling this issue for further discussion and to obtain more accurate quotes, but also wanted the project to move forward as quickly as possible and in the most cost-effective manner possible for the City.

Umasankar Ramadoss, 3608 Holly Hills Court, stated the easement impacted his property and explained he had a problem with not being informed of the fact digging would occur on his property. He commented that the cost would be higher if something went wrong and explained there was no guarantee the electric, water or phone service would not be interrupted. In addition, there were plenty of trees in the easement area that would be negatively impacted with only a small infringement. He asked the City to look at alternatives going through the Maple Bluff Subdivision.

Sid Sullivan, 2980 Maple Bluff Drive, stated he was disappointed the City did not alert the Holly Hills Court residents of the proposed plan and noted the residents of Maple Bluff had been working with the City since 2005 when they had been cited by the Health Department. He pointed out they had been unable to make improvements to the sewers since then as well. He explained they had asked the City to consider using the existing easement in the front of their property and were encouraged to not favor that alignment because it would cost an additional \$25,000 per household. The sewer line behind the houses had the gravity feed, but it would require boring through bedrock to make the connection. This proposal had been finalized within the last few weeks and the notice they had received regarding this meeting was the first time they had heard of the changes. He felt this proposed alignment was the least obtrusive and most economic way to connect to City sewer, and was not sure how the City could guarantee there would be no problems.

Carolyn Bartal, 2940 S. Maple Bluff Drive, stated she believed City staff had done a good job in attempting to make the right decision in terms of fairness and justice for everyone. There were only two choices for taking care of the sanitary runoff at the top of the

bluff. One was the staff recommended proposal, which involved connecting with the Holly Hills and utilizing flat lands with no loss of trees, shrubs or animal habitat. The other alternative would be costly for her family as the sewer line would be placed across private land and included the loss of trees and 25-30 foot wide swath. She believed this alternative was unsafe and would be an environmental travesty in terms of losing wildlife habitat and a negatively affecting aesthetics. She felt the alternative would be too much to ask of one family to absorb.

Diane Booth, 3609 Holly Hills Court, commented that the sewers for only two homes were being routed toward Holly Hills. The rest would be routed by the east and west routes behind the homes toward the MKT Trail. The route the residents of Holly Hills Court preferred would not impact the Bartal property as they were suggesting a line between the Bartal property and their neighbors to the west. In addition, the Holly Hills Court residents were not in favor of impacting wildlife habitat or damaging trees any more than was necessary.

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

Mr. Sturtz asked for clarification regarding the alternate route proposed by Ms. Booth. Ms. Sebaugh replied the blue route as part of her presentation was the proposed alternate route.

Ms. Nauser asked when the route involving Holly Hills Court transpired as she had attended the June interested parties meeting and it had not been discussed at that time. Mr. Glascock replied it was discussed by staff after the meeting as a result of the request to try to save more trees.

Mayor McDavid asked about the reliability of horizontal boring. Mr. Glascock replied he thought it was very good. It was the preferred method when feasible. He noted horizontal boring was used under Broadway when the street was widened. Mayor McDavid asked for success rate. He wondered if it was successful 19 out 20 times. Mr. Glascock replied he did not have the benchmark and explained they were confident in the ability of a contractor to get this done. Mayor McDavid asked how far underground they would be boring. Mr. Glascock replied it depended on how deep the sewer was underneath the cul-de-sac. Mayor McDavid understood it was possible they could go through tree root systems. Mr. Glascock stated he thought they would be at least three feet deep.

Mayor McDavid stated he thought the residents of Holly Hills Court had a valid point with regard to not being engaged in the discussion.

Ms. Nauser apologized to the residents of Holly Hills Court as plans had not included that neighborhood in June and she had just been made aware of the changes. She noted the Maple Bluff sewer issue had been going on since 2005 and stated she planned to request the tabling of this issue since it was amicable to all involved for further discussion.

Ms. Nauser made a motion to table Item A to the September 7, 2010 Council Meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(B) Considering the extension of the one-eighth of one percent local parks sales tax.

Item B was read by the Clerk.

Mr. Watkins and Mr. Hood provided a staff report. Mr. Hood explained the current one-eighth cent park sales tax would expire March 31, 2011 and staff was recommending a five year extension that would generate approximately \$12 million. He described the proposed uses for the funds if the sales tax was extended. He noted a resolution would be drafted for Council consideration at the August 16, 2010 Council Meeting finalizing the proposed use of funds. In addition, Council would be asked to pass an ordinance to put this park sales tax extension on the November, 2010 ballot at that same meeting.

Ms. Hoppe asked for a summary of the findings of the citizen survey conducted by the Parks and Recreation Department. Mr. Hood provided the requested summary of findings.

Mayor McDavid understood the City did not currently have enough full size soccer fields to host a regional soccer tournament. Mr. Hood stated that was correct and explained larger tournaments generally required 14 full size soccer fields. He noted there were six full size fields at Cosmo Park and Columbia Pride had five full size fields. Mayor McDavid asked if there would be enough fields to bid on tournaments if the Philips property was developed. Mr. Hood replied staff was recommending the creation of an open space area that would allow for multi-purpose use in first phase of development. This would allow them to layout full size soccer fields as needed and would allow them the capacity to bid on larger tournaments.

Mayor McDavid commented that he assumed there would be substantial growth to the east due to the new high school and the development of the east area plan and the City would need funds to acquire parkland as the City grew in that direction.

Mr. Sturtz asked if the Grindstone Trail from the Grindstone Nature Area to the confluence would be considered a commuter path and paved since it would serve Lemone Boulevard. Mr. Hood replied that was the intention, but explained the project would go through the traditional planning process if the project was funded.

Mr. Thornhill asked if consideration had been given to the potential of the City acquiring more than it could maintain. Mr. Hood replied he believed it was important for a growing community to continue setting aside greenspace, but also believed development of those areas for park use could be delayed depending on the City's budget situation. He noted they had reviewed the maintenance costs of the park system and felt there was an opportunity within the one-eighth cent park sales tax that would not sunset to provide additional operational monies. This money was currently being used to pay off the purchase of the new southeast regional park and that park would be paid off in two years.

Ms. Hoppe understood the degree of maintenance would vary depending on the use of the land. Mr. Hood agreed land acquired and maintained as open space with limited public use would have a lower maintenance cost than a highly developed facility, but pointed out there would still be some maintenance costs as they would have to ensure the properties were in a safe condition and free of invasive species.

Mr. Kespohl understood there were four undeveloped neighborhood parks. Mr. Hood replied there were three undeveloped park sites. Mr. Kespohl understood those three would be developed in this five year period and the City was anticipating acquiring three more as well. Mr. Hood stated he believed it was good planning to purchase 2-4 more over the next five years.

Mr. Dudley asked if staff was working with developers in terms of constructing neighborhood parks in new subdivisions. Mr. Hood replied they tried to regularly communicate with developers in terms of setting aside land for neighborhood parks. Some developers chose to build the neighborhood parks and pass the management responsibilities onto homeowners associations, which was great because it served the needs for that area.

Ms. Hoppe understood there was a possibility of IBM helping to fund the Grindstone Trail and asked if the funds proposed for that project could be allocated for another use if that were to happen. Mr. Hood replied he believed that would be a Council prerogative.

Mayor McDavid opened the public hearing.

Betty Wilson, 1719 University Avenue, stated she understood a prime consideration for businesses in determining where to locate was nearby park and recreation opportunities in addition to a good school system. Parks positively affected wholesome family living and made communities desirable by preserving the residential character of neighborhoods and reducing crime. In addition, parks were an asset in terms of quality of life and competing with other communities when discussing economic development. She believed the City had a wonderful and well-managed park system and urged for the extension of the parks sales tax.

Bonnie Bourne, 1503 University Avenue, stated she was the President of the East Campus Neighborhood Association and noted they were supportive of the park sales tax renewal and a potential increase to it. Neighborhood parks were an important consideration for people living in Columbia and looking to live in Columbia. Additional funding would make it easier for the City to partner with neighborhoods for the preservation and acquisition of parks when land became available. She explained a small section of land near the Clyde Wilson Memorial Park that everyone thought was a part of the park was up for sale and they felt purchasing it was important in preserving the park. The neighborhood was willing to solicit contributions and work on other fundraising activities to help with the acquisition, but understood they would likely need help from the City. She asked the Council to consider acquiring this property.

Mr. Kespohl asked how funding for the parks would be increased. Ms. Bourne replied she understood there had been a conversation as to whether the amount of money projected to be raised could be increased via a higher rate or alternative method. She thought it would allow more flexibility for the City. Mr. Kespohl asked for the size of the parcel of land for sale near the park. Ms. Bourne replied it was 1.2 acres.

Ms. Hoppe understood Ms. Bourne was encouraging an increase in the amount of money going toward land acquisition. Ms. Bourne stated that was correct.

Sherry Wyatt, 1002 Danforth Drive, stated she was in favor of the park sales tax extension to support parks for her son and future generations.

Kathleen Weinschenk, 1504 Sylvan Lane, commented that she would like a park in her neighborhood because the kids there had nothing to do and a park would take care of that problem. She thanked Ms. Hoppe for her work to save Stephens Lake Park.

Ms. Hoppe asked if there was a neighborhood park close to Sylvan Lane. Mr. Hood replied the Master Plan identified a need for a park in the area, but they had not been successful in finding an open piece of property.

Berkley Hudson, 513 Rock Hill Road, stated his house was adjacent to the 1.26 acres available for sale near the Clyde Wilson Memorial Park and noted he was supportive of working with the City to acquire that property and to find ways to help contribute to funding the purchase of it. He pointed out they were in the process of getting the land appraised to determine its value and that the seller had indicated her willingness to work them to save the land. He understood the original plan was for it to have two houses on it.

Paul Wallace, 503 Taylor Street, commented that the City had just reached a population of 100,000 which would lead to new opportunities and new challenges, and the continuance of a one-eighth cent sales tax for parks was small in terms of the future of Columbia. He believed the land acquisition part of the proposed ballot should be more because they had to think of the future even in difficult economic times. He noted the East Campus Neighborhood Association had the foresight to come to Council with money many years ago to establish a park in the area, and they were making a similar request now with the additional land adjoining the park. If the land was not acquired and donated to the City, it would negatively impact the neighborhood. He noted the owner of the property had agreed to take the property off of the market for one year to allow the neighborhood to raise funds and partner with the City in acquiring the property.

Robin Remington, 503 Taylor Street, stated she was in favor of the park sales tax extension being placed on the ballot and for more money to go toward land acquisition because it would benefit more than just one generation. Children would not have the love of land preservation and nature without having access to parks, and a generation would be lost. She believed they needed to partner with the school systems as well in terms of empowering them to be a part of the process in terms of valuing parks.

Chad Henry, 115 Gipson Street, stated he was President of the Columbia Youth Football League (CYFL) and noted he supported the one-eighth cent sales tax extension. He pointed out there were currently 700 children participating in the CYFL and that the CYFL was in favor of the proposed improvements at Cosmo Park for the football fields and new restrooms as they were needed. He commented that he would encourage the CYFL community to vote to continue the sales tax.

Sharla Hyler, 2504 Springdale Drive, stated she was the Vice-President and a Co-Commissioner of the Columbia Youth Football League and noted they had been using the facilities at Cosmo Park for more than 30 years. Although the facilities were well-maintained, improvements were needed. They had approximately 500 kids playing four nights a week and for six hours on Sundays in an area with only two port-a-potties. Lights were also needed as it started getting dark during practices in October. She noted the season was from April to November due to the Show-Me State Games and other tournaments. She commented that the CYFL also wanted to host tournaments so there was a need for more fields for football as well.

Hank Ottinger, 511 Westwood, stated he was the Chair of the Osage Group of the Sierra Club with a membership of roughly 1,000 people and explained they were in support of putting this extension on the ballot.

Paul Love, 100 Sondra, understood there were two one-eighth cent sales taxes and asked for the percentage of the on-going one-eighth cent sales tax that was being used for

maintenance versus further acquisitions. Mr. Hood replied about two-thirds of the funds generated from the one-eighth cent sales tax that did not have a sunset was going to maintenance and operations. The balance was being used to payoff the purchase of the Crane property, which was part of the Southeast Regional Park. Mr. Love asked if they would reach a point where the entire on-going one-eighth cent sales tax would be use for maintenance. Mr. Hood replied he thought they would reach that point sometime in the future. Mr. Love asked if general revenue funds had been reduced based on the fact there was an on-going one-eighth cent sales tax. Mr. Hood replied no and explained part of the commitment made to the voters when the sales tax passed was that the City would continue to fund maintenance and operations from the general fund at the same level as it was then.

Mr. Love suggested asking the voters to approve this one-eighth cent sales tax on a permanent basis instead of going to the voters every five years due to the support it seemed to have. In addition, they would not have the funding to expand in the future unless the additional one-eighth cent sales tax was continually renewed.

Karl Skala, 5201 Gasconade Drive, stated his support for the extension of the park sales tax and thought the distribution of the spending of the funds was critical. He suggested they put an emphasis on acquiring new land and recommended using some of the funding to invest in properties that could be considered bargains in this economic climate.

Dee Dokken, 804 Again Street, noted the vision impact statement identified some vision strategies and goals, but there were others it would address as well, and those were the preservation of open space, farmland, natural beauty and critical environmental areas under environment and the development of funding mechanisms to finance land preservation. She suggested 20 percent of the funds generated be allocated toward land preservation as it promoted the Vision Plan. She also suggested the money be used to leverage funds from other governmental agencies, land trusts, neighborhood groups, etc. She recommended this be done through public dialogues.

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

Ms. Nauser stated she was supportive of placing this on the ballot for the citizens of the community. She reminded Council they needed to discuss policy in terms of property the City would purchase for land preservation purposes instead of neighborhood parks.

Mr. Kespohl commented that he thought the City should help reconstruct Maplewood Barn. Ms. Hoppe pointed out \$200,000 would be allocated for that purpose.

Ms. Hoppe thought they should raise the amount that would go toward land acquisition as the survey indicated citizens would spend \$21 out of every \$100 for it. In addition, she believed the City would have many opportunities to partner with other entities in the purchase of sensitive lands and wanted to be sure there would be enough money for them to proceed. She thought they would be able to get land at a good price as well due to the economy at this time.

Ms. Hoppe made a motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$200,000 from the Contingency category to the Acquisition/Land Preservation category. The motion was seconded by Mr. Sturtz.

Mayor McDavid stated he would vote against this amendment because the money would be in contingency and could be used if an opportunity for acquisition became available.

He thought they should leave it as flexible as possible. Ms. Hoppe commented that the contingency funds could be used for another purpose as well, and would then not be available for acquisition.

Ms. Nauser stated she wanted a policy regarding how they would address acquisitions for preservation purposes. She agreed they should leave the contingency at \$600,000 and that those funds could be used for acquisition as well. Mr. Sturtz pointed out they had started the discussion for a policy and had asked the Parks and Recreation Commission and the Environment and Energy Commission to provide recommendations. He thought they would have criteria in place. Ms. Hoppe noted Report 76-10 also addressed the criteria for land preservation.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$200,000 from the Contingency category to the Acquisition/Land Preservation category was defeated by voice vote with only Ms. Hoppe and Mr. Sturtz voting yes.

Ms. Hoppe noted \$225,000 had been allocated for a shelter and additional parking at Stephens Lake Park in the draft ballot proposal. She believed these improvements were low in priority due to the fact they had already completed a lot of improvements at that site and because there appeared to be ample parking most of the time. She felt the improvements could be deferred for five years to provide more funding for land preservation.

Ms. Hoppe made a motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$225,000 from the Stephens Lake Phase II – Shelter, Parking line item under the Improvement to Existing Parks category to the Acquisition/Land Preservation category. The motion was seconded by Mr. Sturtz.

Mayor McDavid asked if staff had any comments regarding the motion. Mr. Hood replied the proposed shelter and parking area was shown on the Master Plan, but the decision as to the appropriate time to build it had not been identified. Stephens Lake Park shelters were the heaviest use shelters in the parks system. He was confident a new shelter would be heavily used, but stated staff could live with the delay in building it.

Mr. Kespohl asked where the shelter would be built in relation to the Hindman Gardens. Mr. Hood replied it would be further to the west, near the two waterfalls.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$225,000 from the Stephens Lake Phase II – Shelter, Parking line item under the Improvement to Existing Parks category to the Acquisition/Land Preservation category was approved by voice vote with only Mr. Dudley and Mr. Kespohl voting no.

Mr. Sturtz commented that he believed they had a tremendous opportunity to help the economic future of the community by setting aside large portions of land for the future. As they moved forward with growth management planning, they needed the ability set aside the most precious lands while developing land that was not as precious, and he believed they needed more than \$1.425 million toward that effort. The survey had indicated land preservation was the second most popular priority behind maintaining and improving what the City already had. Within the Acquisition/Land Preservation category, about \$500,000 - \$600,000 would be used to acquire neighborhood parks, and he thought those funds should

be moved to the Neighborhood Parks subcategory under the New Facility/Park Development category.

Mr. Sturtz made a motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by changing the title of the Acquisition/Land Preservation category to just Land Preservation, changing the description to “acquire land for community parks, wildlife corridors, greenspace, greenbelts, and natural area preservation”, creating “acquire neighborhood park land” as a line item under the Neighborhood Parks subcategory under the New Facility/Park Development category and moving \$500,000 from the Acquisition/Land Preservation category to that line item.

Mayor McDavid asked for clarification because it appeared as though they were moving the money for the acquisition of neighborhood parks into a development category. Mr. Sturtz replied the purpose of his proposal was for a clear organization of the park sales tax ballot for people that were passionate about the setting aside of land for wildlife corridors, greenbelts, etc. It would make it clear that those funds would not be used for neighborhood parks.

Mr. Thornhill asked about the risk of doing this if they were unable to find a suitable neighborhood park since they would be specifying this amount would be for neighborhood parks instead of general acquisition of land. Mr. Watkins replied that had been a difficulty in the past and suggested they allow for as much flexibility as possible. He recommended they not make it so restrictive that they might not be able to build a future trail in an exiting buffer.

Mr. Dudley commented that he was concerned with limiting the amount of money that could be spent as well if more than \$500,000 was needed. Mr. Sturtz stated he thought they had some flexibility since all of the money from the last five years had not been spent.

The motion made by Mr. Sturtz to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by changing the title of the Acquisition/Land Preservation category to just Land Preservation, changing the description to “acquire land for community parks, wildlife corridors, greenspace, greenbelts, and natural area preservation”, creating “acquire neighborhood park land” as a line item under the Neighborhood Parks subcategory under the New Facility/Park Development category and moving \$500,000 from the Acquisition/Land Preservation category to that line item was seconded by Ms. Hoppe.

Mayor McDavid stated he would vote against the motion as he felt it would limit flexibility.

Mr. Thornhill commented that placing it under development, but calling it acquisition was confusing. He asked if that category was meant to be specifically for land preservation or if it was to acquire land for multiple purposes. Mr. Hood replied the intent of staff was for land to be acquired for multiple purposes as it would allow more flexibility in terms of the opportunities that might become available. Staff would work with it either way. He thought they needed to make it clear to the voters as well.

Mr. Thornhill suggested a subcategory under Acquisition/Land Preservation instead that would allow up to \$500,000 to be used specifically for neighborhood parks. Mr. Sturtz stated he would be agreeable.

Mr. Sturtz made a motion to amend his previous motion by restoring the name of the Acquisition/Land Preservation category to Acquisition/Land Preservation, keeping the change

to the description so it read “acquire land for community parks, wildlife corridors, greenspace, greenbelts and natural area preservation” and making that description a subcategory, adding another subcategory called “neighborhood parks” with an amount of up to \$500,000 allocated for it. The motion was seconded by Ms. Hoppe and approved by voice vote with only Mayor McDavid voting no.

The vote on the amended motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by changing the description so it read “acquire land for community parks, wildlife corridors, greenspace, greenbelts and natural area preservation” and making that description a subcategory and by adding another subcategory called “neighborhood parks” with an amount of up to \$500,000 allocated for it was approved by voice vote with only Mayor McDavid and Mr. Dudley voting no.

Mr. Sturtz noted the Vice President of IBM made a public statement on May 17, 2010 indicating the City and IBM would work together to incorporate the new facility into Columbia’s sustainable city program, which included building bike paths to connect the facility with downtown Columbia. As a result, he did not believe they should fully fund the \$1.57 million for the Grindstone Trail and suggested deducting 10 percent to encourage the partnership.

Mr. Sturtz made a motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$150,000 from the Trails and Greenbelts category to the Acquisition/Land Preservation category. The motion was seconded by Ms. Hoppe.

Mayor McDavid commented that although he hoped IBM would help fund the trail project, he did not believe they had any legal obligation to do so.

Mr. Kespohl understood the City had made a commitment to IBM to build that trail before they had agreed to come to Columbia and asked if that was correct. Mr. Watkins replied the commitment was that it would be put on the ballot.

Ms. Nauser stated IBM could help in ways other than the construction of the trail and provided restroom facilities and other amenities as an example.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by moving \$150,000 from the Trails and Greenbelts category to the Acquisition/Land Preservation category was defeated by voice vote with only Mr. Sturtz and Ms. Hoppe voting yes.

Mr. Sturtz understood \$6 million would likely be allocated to continue the GetAbout program as part of the Federal Highways Act and the Grindstone Trail met the criteria of the program in terms of encouraging non-motorized transportation to one of Columbia’s biggest employment centers. As a result, he suggested some of the GetAbout money be allocated to the project.

Mr. Sturtz made a motion to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by reducing the amount allocated to the Grindstone Trail Development project by \$300,000 and adding it to the Acquisition/Land Preservation category. The motion was seconded by Ms. Hoppe.

Mr. Thornhill supported the use of GetAbout money for the project, but was concerned with risk of underfunding the project if they did not receive the money.

Ms. Nauser asked if they could partially fund a project they already planned to fund with federal funds. Mr. Hood replied it was complicated, but if done properly, a project could be funded with both federal and local sources. He noted if a project was done using any amount of federal funding, all of the federal requirements would need to be met and that could extend the time frame.

Ms. Hoppe asked if any other project had been funded with a combination of park sales tax funds and GetAbout funds. Mr. Hood replied the Hinkson Trail project from the Grindstone Nature Area to Stephens had been split into two separate projects with the southern portion from the Hinkson Creek Bridge south being funded with parks sales tax and federal transportation enhancement money and the portion north of the bridge being funded with GetAbout money.

Mr. Kespohl noted Mr. Watkins had indicated there had been a commitment to fund the trail with park sales tax money and he believed that should be honored. Mr. Sturtz asked if that was in the contract with IBM. Mr. Kespohl replied he understood it had been part of the negotiations with IBM, and although it was not in writing, he believed it should be honored. Mr. Sturtz commented that if that was the case, he believed IBM should honor its verbal commitment in terms of assisting with its construction.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe to adjust the draft 2010 Parks Sales Tax Renewal Ballot Proposal by reducing the amount allocated to the Grindstone Trail Development project by \$300,000 and adding it to the Acquisition/Land Preservation category was defeated by voice vote with only Mr. Sturtz and Ms. Hoppe voting yes.

Mr. Kespohl made a motion directing staff to prepare a resolution regarding the park sales tax ballot. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

R157-10 Approving an amendment to the FY 2010 Action Plan for CDBG and HOME funds.

The resolution was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Teddy noted public comment would be taken until close of business on August 24, 2010 and explained how one would submit a public comment.

Mr. Sturtz commented that the renovation of the Hiebel-March building had been crossed out in certain places, but not in all places of the report. Mr. Teddy stated the intent was to remove all references to it.

Ms. Hoppe asked for an explanation of the pages with the objectives. Mr. Teddy replied it was part of the narrative of the existing plan and was a statement of what had been accomplished in terms of the objectives required by HUD and the numbers in the Consolidated Plan, which was a five year strategy. He noted they were in the first year of the five year plan.

Mr. Sturtz asked Mr. Teddy to summarize some of the projects. Mr. Teddy described the projects that would be funded.

Mayor McDavid opened the public hearing.

Rick Hess stated he was representing the Columbia Housing Authority and noted they were satisfied with the \$77,000 for the Head Start facility at 1400 Elleta Boulevard as it was vacant and next door to a duplex already involved in the Head Start program. He commented that it would have four slots for children of residents at a minimum and those children would have priority in terms of the other slots for up to 20 students.

Darin Preis, 4803 Chilton Court, stated he was the Executive Director of Central Missouri Community Action (CMCA) and noted they supported the recommendation of the Community Development Commission. This partnership would help expand the quality and availability of services as it related to Housing Authority residents and Head Start eligible families. Both organizations would like to change the perception of public housing as permanent housing as it should be stepping stone for individuals toward economic self-sufficiency and independence, and this was a great opportunity to expand the partnership.

Beth Vossler stated she was the Assistant Director of Operations for Head Start and noted the program would consist of a classroom of 20 pre-school aged children and a preference would be given to the children of the Housing Authority. It would be a full day/full year classroom and require parents to work full-time or be a full-time student, and the funds awarded would be used to get the building up to code. She explained it was a comprehensive early childhood program and focused on education as well as the health, nutrition, social and emotional needs of the children.

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

The vote on R157-10 was recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B168-10 Amending Chapter 6 of the City Code as it relates to the building code and demolition of structures.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report.

Mr. Thornhill asked the fine could be \$500 per day. Mr. Teddy replied that was the language for any type of building code violation as it was usually for something that could be abated. He thought demolition would be hard to abate.

Ms. Nauser asked if the City had a historic resource survey area or national registry districts. Mr. Teddy replied the City had both.

Brian Treece, 2301 Bluff Pointe, stated he was Chair of the Historic Preservation Commission and noted this was more a matter of public safety than historic preservation. A permit was required prior to construction, alteration or demolition, and in the case of demolition, the ordinance protected the public by allowing City staff to determine whether utilities had been disconnected, neighbors had been notified and tenants had been evicted. The proposed ordinance would provide staff the enforcement powers needed proportionate to the violation. A \$50 fine was not an effective deterrent.

Mr. Sturtz asked if the \$500 fine was sufficient for complete non-compliance. Mr. Treece replied only those who knowingly violated the ordinance would be impacted. It had

only happened twice in his memory and staff used it as a communication opportunity to educate the contractor or property owner on the permit process.

Ms. Nauser asked why section three had been added if there would already be a penalty and fine if a permit was not obtained. Mr. Teddy replied the feeling was that it would be a more severe offense if a historic building was demolished without a permit.

Ms. Nauser asked if a building was considered historic if it was older than 50 years. Mr. Teddy replied 50 years was the threshold per the ordinance. Mr. Thornhill stated it could be considered more egregious if someone demolished a potentially historic building.

Ms. Nauser asked if these buildings would be impacted by the waiting period for review by the Historic Preservation Commission. Mr. Teddy replied yes and explained there was a ten day hold on demolition permit applications.

B168-10 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B172-10 Amending Chapter 14 of the City Code to change the speed limit on New Haven Road.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked for clarification regarding the current speed limit and if it would be a reduction or at 30 mph from Warren to Old 63. Mr. Glascock replied if it was posted as 30 mph, it was 30 mph, and if it was not posted, it was 25 mph unless it was within a school zone, in which case it would be 20 mph. He thought it was 30 mph and was posted at 30 mph. Ms. Hoppe understood the school zone was posted at 20 mph and it would be 45 mph from Warren, east to Rolling Hills. Mr. Glascock stated that was correct.

Paul Love, 100 Sondra, suggested tying speeds to a road plan based on the classification of the road instead of discussing changes such as this numerous times a year. He noted this section of the ordinance was difficult to read as speeds seemed to be listed road by road.

B172-10 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B180-10 Authorizing a cooperative agreement with Boone County for license plate reader hardware and software to be used by the Police Department.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mitchell Richards, 5108 Buckeye Drive, stated he was a member of Keep Columbia Free and opposed the use of license plate readers. He believed license plate readers along with other equipment, such as iris scanners were a part of the Federal government's plan to influence and intrude upon citizens' relationships with its local law enforcement. He thought it was interesting the City did not have enough funds to re-hire four firefighters, but had the funding for surveillance cameras and biometric technology. He understood the information obtained would be held in databases for 30 to 60 days and felt it was naïve to believe the

information would not be provided to the three fusion centers in Jefferson City, St. Louis and Kansas City and fed to the Federal government. He felt the use of biometric technology would be the norm in the long run and was troubled by the attitude of allowing police to scan because there was nothing to hide. He encouraged the Council to vote against the purchase and use of license plate scanners.

Paul Love, 100 Sondra, asked what would happen to the data that was obtained with scanners as he believed there would be less resistance if the information was purged on a daily or weekly basis. Deputy Chief Dresner replied the data would be held for 60 days unless there was a hit. In the case of a hit, the information would be held for 365 days.

Mr. Love asked what would occur if someone requested the information from the database and whether anyone would be notified. Lieutenant Richenberger replied the Boone County Sheriff's Office would house the information. Mr. Love asked if it would be brought to the public's attention that the information had been requested. He also wondered if data was kept for the day or just the hit, if there was a hit. Deputy Chief Dresner replied the single hit.

Mr. Sturtz asked how the 365 day holding of information compared to other communities. Lieutenant Richenberger replied most communities he had contacted had longer retention periods. The Boone County Sheriff's Department drafted the policy, and he believed the 365 day time frame was chosen due to the Missouri Sunshine Law.

Mr. Dudley asked if officers currently ran license plates. Lieutenant Richenberger replied yes. Mr. Dudley asked how long this had been a practice. Lieutenant Richenberger replied it had been common practice for some time. Mr. Dudley asked how long that information was kept. Mr. Richenberger replied it was housed with the Joint Communications Center or MULES, and he was not sure of the time frame, but assumed it would be an extended period of time. Mr. Dudley understood the use of license plate scanners was an extension of something officers already did and this would only make it more efficient. Lieutenant Richenberger replied that was correct.

Ms. Nauser commented that a database was not involved when an officer manually ran a license plate. Deputy Chief Dresner explained the record would be run through MULES, which was maintained by the State, and the officer could chose to print a document. The only information the State had was the fact the plate had been run. All license plates were already in a database for each individual state.

Ms. Nauser stated she believed scanners were a good tool, but was concerned with the ability to store vast amounts of data involving people who were not doing anything illegal as it increased the intrusion upon the daily lives of citizens.

Mayor McDavid understood there would be four scanners in Boone County and they were offering two of those scanners to the Columbia Police Department.

B180-10 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, MCDAVID. VOTING NO: NAUSER, HOPPE. Bill declared enacted, reading as follows:

B182-10 Amending Chapter 2 of the City Code as it relates to the order of business at City Council meetings.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill explained he suggested this so those who volunteered on boards and commissions would be recognized earlier in the meeting.

B182-10 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B169-10 Rezoning property located north of Smiley Lane and west of Range Line Street from M-C to C-3.
- B170-10 Approving the Final Plat of The Village at Wyndham Ridge, Plat No. 2 located on the east side of the intersection of Thornbrook Terrace and Scott Boulevard; authorizing a performance contract.
- B171-10 Amending Chapter 14 of the City Code to restrict parking on portions of Eighth Street and Wilkes Boulevard.
- B173-10 Authorizing a cooperative agreement with Boone County relating to road maintenance of Lake of the Woods Road and Oakland Church Road.
- B174-10 Authorizing the City Manager to execute a gas pipeline easement to Union Electric Company, d/b/a AmerenUE, in connection with the County House Trail project.
- B175-10 Accepting a conveyance for utility purposes.
- B176-10 Authorizing a cooperative agreement with Boone County Family Resources for additional funding of the Park and Recreation Department’s C.A.R.E. Program.
- B177-10 Authorizing a cooperative agreement with Boone County Family Resources for additional funding of the Park and Recreation Department’s Adapted Community Recreation Program.
- B178-10 Authorizing a supplemental agreement with the Missouri Highways and Transportation Commission for transportation enhancement funds for development of the Hominy Branch Trail from Stephens Lake Park to Woodridge Park.
- B179-10 Authorizing a license agreement with American Tower Asset Sub II, LLC for the lease of tower space to improve radio coverage for Public Safety Joint Communications and user agencies in northeast Boone County.
- B181-10 Authorizing an amendment to the agreement with Central Missouri Community Action for sub-grantee services under the Homeless Prevention and Rapid Re-Housing Program; appropriating funds.
- R143-10 Setting a public hearing: construction of sanitary sewer improvements, more specifically described as the Hominy Branch Outfall Relief Sewer.
- R144-10 Setting a public hearing: construction of sanitary sewer improvements, more specifically described as the Upper Hinkson Creek Outfall Sewer Extension Phase I Project.

- R145-10 Setting a public hearing: construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) and Phase II (Woodridge Drive to Clark Lane) project.
- R146-10 Setting a public hearing: setting property tax rates for 2010.
- R147-10 Setting a public hearing: setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2010.
- R148-10 Setting a public hearing: FY 2011 Budget for the Special Business District.
- R149-10 Setting a public hearing: FY 2011 Budget.
- R150-10 Setting a public hearing: considering sanitary sewer utility rate increases.
- R151-10 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for Regional Public Health Emergency Planning and Preparedness Services.
- R152-10 Authorizing an agreement with The Curators of the University of Missouri on behalf of the Department of Family and Community Medicine for medical director services.
- R153-10 Authorizing an agreement for transportation services with Campus Lodge Apartments.

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

NEW BUSINESS

R154-10 Transferring funds for the Columbia Vision Commission.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe commented that she believed this was an important commission and they were requesting a modest amount of funds to help with their work.

Mayor McDavid stated he had great respect for the Vision Commission, but would not vote in favor of the request in an effort to send a message showing the citizens the City was trying to be frugal.

Mr. Sturtz commented that he believed this was a very modest investment in helping citizens feel confident in their government.

Mr. Kesphol stated he agreed that they needed to send a message indicating they would be frugal.

The vote on R154-10 was recorded as follows: VOTING YES: STURTZ, THORNHILL, NAUSER, HOPPE. VOTING NO: KESPOHL, DUDLEY, MCDAVID. Resolution declared adopted, reading as follows:

R155-10 Authorizing an agreement with R.W. Beck for assistance with the planning and implementation of a Local Energy Assurance Plan (LEAP) for the City of Columbia.

The resolution was read by the Clerk.

Mr. Watkins and Ms. Hertwig-Hopkins provided a staff report.

Ms. Hoppe asked about the experience of the consultant. Ms. Hertwig-Hopkins replied R.W. Beck had the most experience in terms of mitigation and the production of LEAP plans for other communities and states. They were very well briefed in disaster preparedness and their staff made the best presentation.

The vote on R155-10 was recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R156-10 Authorizing an agreement with Thumper Productions, LLC for the 2010 Roots 'N Blues 'N BBQ Festival; closing certain streets for the festival; and excluding certain streets from the provisions of the open container ordinance during the festival.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and noted this would be followed with an operations agreement, which would involve fees to be paid for various City services.

Paul Love, 100 Sondra, commented that he believed there had been a lower turnout last year than in previous years due to the emphasis on ticket sales. He suggested they emphasize the fact a significant portion of the festival was still free.

Greg Ahrens, 1504 Sylvan Lane, asked Council to ensure access and ease of movement for people in wheelchairs and people with walkers. There had been a lot of big electric cables when he attended the first year making it inconvenient for those in wheelchairs. Ms. Rhodes explained this issue of ADA accessibility had been brought up at a special event committee meeting and the City would be paying close attention to that this year.

The vote on R156-10 was recorded as follows: VOTING YES: STURTZ, THORNHILL, KESPOHL, DUDLEY, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSTAINING: NAUSER. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B183-10 Approving amendments to the FY 2008 Action Plan; appropriating CDBG funds.**
- B184-10 Vacating utility and access easements located adjacent to Lot 8 and Lot 11 within Hilton Plat No. 5 Subdivision on the west side of Fairview Road, north of Bernadette Drive.**
- B185-10 Amending Chapter 14 of the City Code to prohibit parking along a portion of North Cedar Lake Drive.**
- B186-10 Accepting conveyances for utility purposes.**
- B187-10 Authorizing a Release of Restrictive Covenants burdening property at 1805 East Walnut Street in favor of Stephens Lake Park Property.**
- B188-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program; appropriating funds.**

- B189-10 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B190-10 Calling a special election on the extension of the one-eighth of one percent local parks sales tax.
- B191-10 Amending Chapter 16 of the City Code to add a new section pertaining to tasers and other conducted electrical devices.
- B192-10 Calling a special election to consider an initiative to enact an ordinance making it unlawful to use or threaten to use a taser or other conducted electrical device against any person.
- B193-10 Setting property tax rates for 2010.
- B194-10 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2010.
- B195-10 Adopting the FY 2011 Budget for the Special Business District.
- B196-10 Adopting the FY 2011 Budget.
- B197-10 Amending Chapter 21 of the City Code as it relates to filing complaints alleging police misconduct.

REPORTS AND PETITIONS

REP65-10 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins noted this report had been provided for informational purposes.

REP66-10 Street Closure Request – Heart of America Marathon.

Mr. Watkins provided a staff report.

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

REP67-10 Street Closure Request - Harpos.

Mr. Watkins provided a staff report.

Paul Love, 100 Sondra, commented that if this was approved for one business, it should be allowed for all other businesses that might make a similar request. As a result, he thought the Council should consider how many streets it wanted to close. In addition, he did not believe this should only apply to MU home football games, if approved. If requested, he thought it would need to be considered for other sporting events and other colleges.

Greg Ahrens, 1504 Sylvan Lane, stated he believed this establishment already had a de facto closing of the street and this would just provide it a de jure closing as well. He explained he thought it would be safer for those in wheelchairs and pedestrians to walk in the street versus the sidewalk and noted there were only six home games. He urged the Council to vote in favor of the request.

Kevin Fitzpatrick stated he was the managing member of Harpo's and noted they had agreed to all of the stipulations and had received approval by the special events committee and the CCA. He offered to answer any questions.

Julie Rader stated she was the owner and operator of Bengal's Bar and Grill and was the owners of other downtown properties as well. She noted she was also representing

Lance Morrow, the owner and operator of The Field House, Willie's Pub and The Forge and Vine, as well as many other business and property owners. She believed street closures during MU home football games and graduation weekend were a bad idea. Although she liked the idea of downtown festivals, she believed further study was needed. She commented that she felt Harpo's request violated the spirit of the street closure ordinance as it was intended to allow special and unique events that would draw people to the area that might not normally be there. If Harpo's request was approved, many other establishments would immediately consider requesting street closures for one or more home football games as well in an effort to remain competitive. She asked Council to deny Harpo's request, enact a moratorium on for-profit street closures during MU home football games and graduation weekend for the 2010-2011 school year, and re-examine the street closure ordinance with the assistance of the SBD and the special events committee.

Mr. Sturtz stated he did not believe this fit the tradition of closing streets for cultural events. He did not feel that roping off an area for people to drink was a cultural event. He also felt the length of time for the street closure was excessive.

Mr. Kespohl understood the Council could temporarily waive the open container ordinance for a special event and he did not believe six home football games were a special or unique event.

Mr. Dudley thought every street in Columbia would be closed if they approved this because other business would want the same thing.

Mayor McDavid commented that he recalled a big crowd outside of Harpo's after many games in the past and thought it was a fun scene. Although he would like to see the scene come back, he felt the other downtown bars would request something similar making it an unwieldy request.

Mr. Dudley made a motion to approve the street closure as requested. The motion was seconded by Mr. Kespohl and defeated by voice vote with Ms. Nauser abstaining and everyone else voting no.

REP68-10 First Night – Request to use City Building.

Mr. Watkins provided a staff report.

Mr. Sturtz asked if there was a policy in place for renting out conference rooms. Ms. Rhodes replied there was not a written policy. Mr. Sturtz wondered if one should be developed. Mr. Watkins explained this was the first request they had received, and it was different than a private group wanting to use the City facilities on a regular basis. He pointed out the City provided some funding to this organization as well. He believed it was a perfect use of a City facility.

Mr. Thornhill agreed and thought this was a good organization and event to test how the use of the building by an outside organization would be handled.

Ms. Hoppe noted First Night had used the Boone County Government Center for several years. She asked for clarification regarding the \$850 estimated cost. Mr. Watkins replied the \$850 was the cost estimate to cover the cost of having a custodian here during the event and to lock up the building afterwards. Ms. Hoppe asked what fund that would

come from. Ms. Rhodes replied First Night would pay that cost unless the City Manager determined it would be absorbed by the City when the agreement came forward.

Ms. Nauser made a motion to approve the request of First Night. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP69-10 Zoning Violations in Rental.

Mr. Watkins provided a staff report.

Ms. Nauser asked for clarification regarding the two suggestions listed on the first page of the report. She wondered if they would address all of the issues or if they were additional suggestions. Ms. Britt replied those were additional thoughts. Six specific issues came out of the meeting and most could be addressed easily. One would require an ordinance change so rental certificates could not be transferred when there was a change in ownership. The new owner would be required to apply for a new rental certificate. This would allow an inspector to look at the property as it changed hands.

Ms. Nauser asked if this would work similarly to the nuisance ordinance in that there was a progression of steps in terms of whether the tenant or landlord would be determined to be at fault. Ms. Britt replied yes and noted the zoning violation would be added to the list of possible violations in Chapter 16.

Mr. Thornhill asked if it would create undue stress on staff if they eliminated the opportunity to extend a rental certificate for three years if no violations were found. Ms. Britt replied it would create a lot of work for staff as there were 23,000 rental units. She felt a change would require more staff to conduct the additional inspections.

Mr. Thornhill explained he often saw properties that were likely not in compliance and thought more frequent inspections would help with those situations.

Mr. Sturtz commented that two homes on Hickman Street, near Providence, with terrible violations were dealt with when the rental certificates were up for renewal. He was not sure it would have been addressed if the rental certificate did not need to be renewed.

Ms. Nauser made a motion to accept the report and direct staff to draft an ordinance. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP70-10 Inflow and Infiltration Reduction Program.

Mr. Watkins and Mr. Glascock provided a staff report.

Mr. Sturtz asked for clarification on the difference between the study basin and the pilot area. Mr. Glascock replied the study area was shown in Exhibit A and the pilot area was the dotted line north of Broadway. Mr. Sturtz asked what the difference was in terms of what they were doing in those two areas. Mr. Glascock replied the pilot area was the total drainage area for that particular section of the sewer utility. They chose a particular area in the drainage basin to study, which was in the high north end of that basin.

Mr. Thornhill made a motion directing staff to draft the appropriate ordinance changes. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP71-10 Forum Street Lights Alternate Option.

Mr. Watkins and Mr. Johnsen provided a staff report.

Ms. Nauser thanked staff for providing these revisions as there were safety concerns at some of the intersections.

Ms. Hoppe asked for the cost to the City for one light for one year. Mr. Johnsen replied he was not certain of the exact cost. Ms. Hoppe thought the cost of less lighting was significant.

Mr. Watkins commented that the street lighting budget had been reduced by \$200,000 by restructuring the rate as the overhead was excessive. Mayor McDavid asked if that change was in the budget he presented. Mr. Watkins replied yes.

Ms. Nauser understood the poles proposed for installation would be the standard in terms of size and its fixtures and that staff would try to ensure the light would not spill over into residential homes. Mr. Johnsen stated yes and explained they were the 250 watt sodium bulbs with full cut-off lenses. Ms. Nauser understood those were the standard and were bought in bulk so they could not be smaller. Mr. Johnsen stated that was correct.

Ms. Nauser made a motion directing staff to create a work order to install four new galvanized steel light standards and relocate three existing galvanized steel standards between Woodrail and Green Meadows. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP72-10 Chapter 12A Review and Proposed Amendments – Soil Stockpiles – Planning and Zoning Commission Letter.

Mr. Watkins provided a staff report and noted staff had a few technical questions and suggestions, so a staff report would be appropriate.

Mr. Sturtz commented that he believed some of the language was confusing and that clarification should be provided. He thought there was contradiction with some of the wording.

Ms. Hoppe stated she talked to a Planning and Zoning Commission member who indicated their intent was for a public hearing to be held at the Planning and Zoning Commission level prior to it being addressed by Council. Mr. Teddy commented that was correct, but noted it was Chapter 12A, and not the zoning ordinance, so Council could decide who would hold the public hearing.

Ms. Nauser asked how long it would be before the issue came to Council if it went through the Planning and Zoning Commission process first. Mr. Teddy replied it would be introduced in September as time for a hearing notice would be needed. Ms. Nauser asked that the issue move expeditiously and that they also address the enforcement of existing problems so those could be resolved.

Ms. Hoppe made a motion directing the Planning and Zoning Commission to hold a public hearing on the issue. The motion was seconded by Ms. Nauser.

Mr. Dudley suggested silt fences and other items to address erosion be included as well. Mr. Glascock replied silt fencing was not needed as long as there was established vegetation. Mr. Sturtz pointed out seeding was included. Ms. Hoppe understood seeding would not be required after October 1. Mr. Glascock noted silt fencing was required for erosion control. It was just addressed in another ordinance.

The motion made by Ms. Hoppe and seconded by Ms. Nauser directing the Planning and Zoning Commission to hold a public hearing on the issue was approved unanimously by voice vote.

REP73-10 Bicycle & Pedestrian Commission Report: Roller Skating on Public Streets.

Mr. Watkins provided a staff report.

Mr. Sturtz suggested roller skates be treated like bikes in that as long as they follow traffic laws and did not create a hazard they should be allowed.

Mr. Thornhill asked if someone could be on roller skates in a row of cars at a stop light. Mr. Sturtz replied they would be in the bike position. Mr. Thornhill thought this was a bad idea.

Mayor McDavid felt this was a solution to a problem that had not been defined and asked if they had a problem. Mr. Sturtz replied a man had approached the Council last year because he had been cited for roller skating on City streets. Ms. Hoppe thought there had been another issue involving a business that used a carrier on roller skates.

Mr. Dudley made a motion to leave the ordinance as it was currently written. The motion was seconded by Mr. Kespohl and approved by voice vote with only Mr. Sturtz and Ms. Hoppe voting no.

REP74-10 Additional Funding for GetAbout Projects.

Mr. Watkins provided a staff report and noted it had been provided for informational purposes.

REP75-10 Communication from Environment & Energy Commission.

Mr. Watkins provided a staff report.

Ms. Hoppe made a motion directing staff to provide a report regarding the WaterSense Program and to obtain input from the Water and Light Advisory Board. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP76-10 Land Preservation Component of Parks Sales Tax.

Mr. Watkins provided a staff report.

Ms. Hoppe made a motion directing the Parks and Recreation Commission, Environment and Energy Commission, Planning and Zoning Commission and Vision Commission to review the issue and provide feedback by early September. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Paul Love, 100 Sondra, understood the City was planning to eliminate firefighter positions from the budget and would lose a unit out of Station 2 causing the loss of the central reserve. This meant there would not be an extra engine to dispatch if needed. He

suggested the City reduce other costs, and gave the out of town retreat, funding for the Vision Commission and artwork for public buildings like the garage as examples. He asked the Council to spend more money to support the firefighters.

Kathleen Weinschenk, 1504 Sylvan Lane, commented that there were crumbling sidewalks around town and asked the City to take care of the sidewalks.

Mayor McDavid appointed Ms. Nauser to the Boone County Chapter 100 Bond Committee.

Mayor McDavid made a motion directing staff to prepare a resolution appointing Jack H. Morgan and John T. Clark as Associate Municipal Court Judges as provided for in Section 15-50 of the Code of Ordinances. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe understood the University wanted to change the name of Maryland Avenue.

Ms. Hoppe made a motion directing the Historic Preservation Commission to look into the history of Maryland Avenue and provide Council a report of their findings. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

Mr. Thornhill asked if the percent for art was voter approved or if it was Council initiated. Mayor McDavid understood the ordinance indicated it would be funded when fiscally possible, so they had a guide to do it unless there were overriding circumstances. Mr. Watkins explained that early in the process for the garage, the Council designated it as a percent for art eligible project. Ms. Nauser understood the money was coming from the parking utility and could not be spent on other general revenue funded items.

Mr. Kespohl stated he had requested a balance sheet by enterprise funds showing the assets and liabilities of each fund at the retreat. He had also asked for the trend analysis for the past ten years and the total budget for those ten years. He had received the trend report, but had not received the total budget numbers. Mr. Watkins stated he would get him what he needed.

Mr. Sturtz asked staff to develop a policy for renting out conference rooms in City Hall as he believed they would receive more requests in the future.

Mr. Sturtz asked when the public hearings would be held for people to provide input on the fiscal year 2011 budget. Mr. Watkins replied they could comment at the next three Council Meetings.

Mr. Dudley stated he would like the West Broadway construction project between Garth and West Boulevard to be placed in the CIP for 2012. Mr. Sturtz asked where it was listed now. Mr. Watkins replied he thought it had been in the CIP for 2013. Mayor McDavid understood funding was an issue. Mr. Watkins stated that was correct and noted they had to determine what project or projects they wanted to cut in order to fund this one.

Mr. Dudley commented that he received a complaint from a citizen indicating the construction on Scott Boulevard had created a dangerous situation at the intersection with Smith Lane. Lane closed signs partially blocked views to the south and drivers continued to ignore speed limits. He felt an accident would happen if something was not done to correct the problem. Mr. Dudley asked for something to be done. Mr. Watkins explained the goal was for a portable signal and he thought that would be up quickly.

Mr. Dudley noted a couple people had approached him about stocking trout in Bethel Park through a partnership with Trout Unlimited and asked what needed to be done to make that happen. Mr. Watkins replied they had participated in a partnership two years ago and he would check to see how that was done and its impact to the budget.

The meeting adjourned at 11:15 p.m.

Respectfully submitted,

Sheela Amin
City Clerk