

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
DECEMBER 6, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 6, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID and STURTZ were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of November 15, 2010 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to remove R240-10 from the agenda, add B310-10 to the introduction and first reading section of the agenda and add REP138-10 to the report section of the agenda. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Thornhill.

SPECIAL ITEMS

Meritorious Conduct Medal Presentation to Officer Matt Gremore and Officer Brian Graff.

Mayor McDavid provided details on an incident where Officer Gremore and Officer Graff saved the life of a young man.

Officer Gremore’s mother and Officer Graff’s wife pinned the Meritorious Service Ribbon to their respective uniforms. Chief Burton presented each officer with a plaque as well.

Mayor McDavid thanked them for their service, and noted the community admired, respected and valued all police officers and what they do for the safety of it citizens.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B286-10 Authorizing construction of a third baseball field at the Thomas E. ‘Country’ Atkins Jr. Memorial Park Baseball Complex; calling for bids through the Purchasing Division; authorizing a Land and Water Conservation Fund project agreement with the Missouri Department of Natural Resources; appropriating funds.

The bill was given second reading by the Clerk.

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

Mayor McDavid opened the public hearing.

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

B286-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B312-09A Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended; establishing permanent C-P, PUD-7, PUD-5 and PUD-4 zoning; authorizing a development agreement.

The bill was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Teddy stated the Planning and Zoning Commission recommended approval of the amended application based on three conditions, and that the applicant was agreeable to two of the three conditions. The applicant was not agreeable to the condition of restricting development on steep slopes defined as a slope with a greater than fifteen percent gradient.

Mr. Sturtz asked Mr. Teddy if he could show the NRI topographical map for Tract 5 on the overhead. Mr. Teddy replied he did not have it as part of this presentation. Mr. Sturtz stated he hoped the NRI maps could be utilized as they moved forward because the lay of the land was difficult to see on the type of map provided as part of the presentation. Mr. Teddy pointed out an analysis of the topography was done at the zoning stage, but it was at a scale of about 30,000 feet. The detailed site analysis would be done in conjunction with plans. At this stage, the goal was to determine how suitable the general character of the land was for the type of zoning being requested. Mr. Sturtz understood the finer scale of the NRI was available, but it was not reviewed until they were further in the process.

Mr. Kesphol understood it was not clear as to whether staff's calculation or the commissioner's calculation was correct at this point in time. Mr. Teddy explained staff's calculation was meant to be an approximation.

Ms. Hoppe understood staff was concerned with development along steep slopes and the issue was whether a restriction should be based on slope of fifteen percent and how much of an area that would involve. Mr. Teddy stated that was correct. He explained the steep slope provision was mainly due to the input received during the East Area Plan process. He pointed out a steep slope ordinance was pending further review by the Planning and Zoning Commission and the Environment and Energy Commission. It had been distributed to Council a year ago as a preliminary report from staff and had percentage limitations on each class of slope, so there was still an opportunity for Council to pass legislation that would limit development on steep slopes.

Ms. Hoppe asked if the ordinance would apply to the plan that would come forward in the future. Mr. Teddy replied that if Council moved ahead with legislation of a general nature, it could be applied to these types of tracts in the future.

Mr. Dudley asked if the applicant provided an alternative when he indicated he could not agree to the staff recommended slope restriction. Mr. Teddy replied no.

Mayor McDavid asked for the implications of a fifteen percent slope. He thought there were some attractive homes in Columbia were built on rather steep slopes. Mr. Teddy replied it was generally a good practice to avoid steep slopes and fifteen percent was a fairly common site planning manual measurement of steep. The issues involved with steep slopes included the costs of earth moving, the change of the character of the landscape and problems with erosion control. Mayor McDavid understood the Council could anticipate an ordinance for review with regard to steep slopes and assumed it would be relevant to all construction within the City. Mr. Teddy explained an amendment to Chapter 12A had been prepared as a preliminary draft by staff for Council last December.

Mr. Sturtz made a motion to amend B312-09A per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Robert Hollis, attorney with offices at 1103 E. Broadway, explained he was representing the applicant and that the fifteen percent slope restriction had been initially agreed upon, but due to the differing opinions and the fact they did not know what would be affected, he felt it would be irresponsible for the applicant to agree to the restriction.

Mr. Kesphl asked for clarification as to whether the applicant was agreeable to the fifteen percent slope restriction. Mr. Hollis replied they were not agreeable to that restriction.

Ms. Hoppe asked if the applicant would be supportive of language indicating they would stay away from developing in steep slopes as much as possible. Mr. Hollis replied the applicant was with agreeable to the idea, but was not agreeable to a specific restriction without knowing the impact. Something that had been discussed was to apply any slopes of fifteen percent or greater to the 25 percent green space area first, but he was uncertain if it was workable as he was not an engineer.

Mayor McDavid asked if the applicant understood Council could pass this zoning request and subsequently pass an ordinance prohibiting development on a fifteen percent slope. Mr. Hollis replied yes and noted he had seen the draft ordinance.

Ken Midkiff stated he was the Conservation Chair of the Osage Group of the Sierra Club and explained he had provided staff a copy of their position, which indicated development restrictions should be placed on slopes of 15-24.9 percent and no development should be allowed on slopes of 25 percent or higher. He suggested that language be adopted as an amendment or be applied to any land disturbance permits. He hoped the ordinance would come before the Council prior to the issuance of land disturbance permits, so any restrictions could be applied at that time.

Tony Black, 5533 E. Yosemite Avenue, stated he was representing a group known as the Concerned Citizens of Richland Road and pointed out the citizens in the area were against this annexation and zoning request. He understood the only people in support this request were City staff and the developer. He did not believe this development was needed since there were empty apartments and commercial buildings all over town. In addition, the City had many available shovel ready sites. He felt this was urban sprawl and agreed with the late Clyde Wilson in that the City had a bad habit of planning for development and trying to figure out how to fund it afterwards. He wondered where the money would come from for

infrastructure and fire and police services and also believed this would negatively affect the Grindstone Creek. He reiterated the residents of the area were against this proposal.

Paul Hinshaw, 5150 E. Richland Road, commented that the residents had fought to get the density reduced over the past two years, and he believed it was now where the developer wanted it as it had been overstated so it could be negotiated down to the desired density. As a resident of the area he was not in favor of the proposal and felt 700 units for a development of this size was out of character with the East Area Plan.

Ms. Nauser noted the fifteen percent steep slope restriction was more stringent than the draft steep slope ordinance that had been presented to Council, so she did not feel it should be required. In addition, there was no ordinance regarding steep slopes at this time. She did not think they should be inconsistent and apply certain standards to certain developments as it was unfair, especially if they were more restrictive than what the Council would ultimately pass by ordinance when addressing the specific issue. She pointed out they would have the opportunity to review any plans as the development proceeded.

Mr. Sturtz asked how long it would take to prepare the steep slope ordinance for consideration. Mr. Teddy replied there was already draft ordinance creating a new section in Chapter 12A. Mr. Sturtz understood development plans for these parcels would not be coming to Council anytime soon. Mr. Teddy stated he was not aware of any interest in completing a development plan at this time. Mr. Sturtz asked what was needed from Council to push the steep slope ordinance forward. Mr. Teddy replied a stated desire to see the ordinance and noted the hearing process at the Planning and Zoning Commission level would take about 2-3 months.

Mr. Dudley asked if the ordinance required any setback for 25 percent or greater as far as land disturbance from the edge of the precipice. Mr. Teddy replied he did not recall.

Mayor McDavid stated he felt this revised request met the intent of the East Area Plan. He also felt approving this ordinance and later coming back with a steep slope ordinance would be a prudent decision.

Ms. Hoppe commented that clustering units was a way for developers to spend less on infrastructure and for the community to benefit from natural land preservation, if done carefully, in a sensitive area such as this. She hoped this would be a prime example of this type of positive development.

Mr. Sturtz noted he believed it was in the interest of this and other developers to retain and increase the value of their sites through land preservation. He hoped there would be a consensus built over time of the sensitive use of the land instead of speculative tabletop developments.

Mr. Kespohl stated he was conflicted. He understood the frustration of the developer as this had been a long process and they needed to come to a decision. He agreed with Mayor McDavid in that they should move forward with the steep slope legislation before any development plans were put in place so those requirements would be applied to this development. He stated he was supportive of approving this request and applying the steep slope requirements in the future.

The vote on B312-09A, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B322-09 Voluntary annexation of property located on the south side of Richland Road, approximately 250 feet east of the St. Charles Road and Richland Road intersection; establishing permanent C-P zoning.

The bill was read by the Clerk.

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

Mr. Sturtz understood only the northwest corner of this property touched the City limits. Mr. Teddy displayed a map on the overhead and explained everything north of Richland Road, between St. Charles and Grace Lane was within the City.

Mr. Kespohl asked if the lake on the tract would be counted as part of the seventeen percent open space. Mr. Teddy replied he did not believe it should be counted if it continued to be used as surface water. Mr. Kespohl understood it would be seventeen percent in addition to the lake. Mr. Teddy understood some landscaped area would be needed if the lake was retained in the development. Mr. Kespohl thought the lake would provide an advantage in terms of stormwater and asked if the requirement of seventeen percent in addition to the lake could be added to the ordinance. Mr. Teddy replied yes.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, stated he represented Betty Weiss and explained her application was precipitated by the extension of Highway 740 and the previously massive commercial rezoning request made by the developers involved with the issue just discussed. He believed her commercial rezoning request was just as appropriate as the request put forth by the other developer that had acquired land on a speculative basis. He noted he had submitted a letter last week indicating she would be willing to start over to address various issues to include significantly scaling back this request.

Mr. Thornhill asked for clarification on the green space issue discussed by Mr. Kespohl. Mr. Schneider replied he thought Council should consider remanding this back to the Planning and Zoning Commission. Although they had not changed anything in the plan, there was a relative change by the substantial change in the Richland Road Partnership proposal. He could not address the green space issue as the engineering had not been completed.

Mr. Kespohl asked if he thought this should go back to the Planning and Zoning Commission. Mr. Schneider replied yes, if her request was one Council would consider on some scale.

Mr. Sturtz asked if he wanted to withdraw this request until Tract 1 from the other developer came forward. Mr. Schneider replied he thought it made more sense for Council to vote on it in some manner tonight.

Ms. Hoppe suggested this be remanded to the Planning and Zoning Commission because the East Area Plan had been completed since the Commission had initially reviewed this request.

Mr. Kespohl made a motion to remand B322-09 to the Planning and Zoning Commission for its review and recommendation. The motion was seconded by Mr. Thornhill.

Mayor McDavid commented that commercial development on this site was not a part of the East Area Plan and there would not be adequate infrastructure until Highway 740 was completed. He felt this rezoning was premature and noted he would vote against the motion and the rezoning.

Mr. Sturtz stated he agreed as there was at least 2-3 years before this needed to come before Council. In addition, he thought it would make more sense to review this with the property to the east.

The motion made by Mr. Kespohl and seconded by Mr. Thornhill to remand B322-09 to the Planning and Zoning Commission for its review and recommendation was defeated by voice vote with only Mr. Kespohl, Ms. Nauser and Mr. Thornhill voting in favor of the motion.

The vote on B322-09 was recorded as follows: VOTING YES: NO ONE. VOTING NO: THORNHILL, KEPSPHOL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. Bill declared defeated.

B266-10A Amending Chapter 12A of the City Code to establish regulations governing stored stockpiles of soil.

The bill was given third reading by the Clerk.

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

Mayor McDavid commented that he wanted to ensure they were not creating unexpected issues, such as an increased cost to citizens that wanted to build a house. He wanted reassurance this was needed. Mr. Teddy explained anyone that felt the regulations were too onerous could ask the Board of Adjustment for relief through a variance. There appeared to be some basis for these measures for the basic protections of adjacent property. In addition, extensions of time could be requested for a legitimate need.

Ms. Nauser made a motion to amend B266-10A per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Kespohl understood the land disturbance ordinance indicated a dirt stockpile had to be seeded if it was not moved within 30 days. Mr. Teddy explained the ordinance did not specifically address stockpiles. The ordinance stated no erodable surface could be left for more than 30 days. Mr. Kespohl understood that if a dirt pile sat undisturbed for more 30 days, it was subject to removal. Mr. Teddy pointed out it was be subject to stabilization through seeding. Mr. Kespohl understood there was also another ordinance indicating vegetation had to be mowed if more than twelve inches tall and felt that applied to the dirt pile as well. He believed the City already had ordinances in place to handle these issues, and that those ordinances just needed to be applied.

Ms. Nauser noted she had been dealing with nuisance dirt piles for five years now and there was no mechanism to require these dirt piles go away. One had been in existence for four years and another for 2-3 years. The dirt pile had been the view from a back porch of a neighbor for that length of time and would remain until that lot was sold. In addition, it would likely be the last lot sold in the subdivision, which was why the dirt pile was placed there. The intent was to address issues of dirt piles of developing subdivisions being placed next to existing homes as they decreased property values and made it difficult to sell homes. She thought they needed to offer protection for people faced with this problem. She understood

the need for dirt piles, but felt three years with the potential for an extension would not provide much of a hardship to any developer.

The vote on B266-10A, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: THORNHILL, KESPOHL, DUDLEY. Bill declared enacted, reading as follows:

B273-10 Rezoning property located at the northwest corner of El Cortez Drive and Providence Outer Road (219 El Cortez Drive) from R-1 to R-2.

The bill was given third reading by the Clerk.

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

Mr. Sturtz stated he did not feel that the R-1 restriction of three unrelated adults was very sophisticated as the restriction was the same regardless of the size of the house. Mr. Teddy understood there had been lengthy discussions in the past with regard to how to manage the issue of college students cohabitating in large numbers.

Ms. Nauser asked if the properties on Madrid Lane were duplexes. Mr. Teddy described the properties that were zoned R-1 and R-2 using a map on the overhead.

John Hall, 3906 Creekfront Way, explained the purpose of this request was to allow one individual to be able to maintain the property. He believed this was a unique situation and noted the property was surrounded by R-4, R-2, O-1 and R-3 zoning districts. In addition, parking was located on the outer road toward R-3 zoning and the home was large and located in a rental area. He noted the almost 3,500 square foot home was hard to maintain without the appropriate rent and listed some upgrades that were needed for safety purposes and energy efficiency. He asked Council to approve this rezoning request.

Kristen Dickenson, an attorney with offices at 2800 Forum Boulevard, Suite 3, stated she was representing Dale Maxville, the owner and landlord of the adjacent property, and noted her client opposed the change in rezoning from R-1 to R-2. She explained El Cortez was a quaint street of one-family dwelling homes. She commented that E. El Cortez, Monterey Drive, Alhambra Drive and Madrid Lane were R-1 single-family dwellings. She noted there had already been problems with the tenants of the subject property with regard to noise, cleanliness, etc, and there would be more cars, trash and traffic if rezoned to R-2. She felt this rezoning change would eventually force the adults, children and elderly residents from the area and would change the character of the neighborhood. She pointed out the Planning and Zoning Commission denied this request because they believed it would set a bad precedent and would cause them to receive many similar requests. She commented that the property was not well maintained now and an additional tenant would add to the use and mess of the property.

Dale Maxville, 2743 Russell Boulevard, St. Louis, Missouri, explained he purchased this home in 2005 and another home on Alhambra in 2003, and as a landlord, his priority was to put families into these homes since that was the aesthetic of the neighborhood. He thought the Council should consider the potential impact on the neighborhood of adding another person and the fact this property had not been well maintained as he believed the effect of another person would increase problems. He noted the entire north side of El Cortez was zoned R-1 and asked the Council to maintain the character of the neighborhood.

Mr. Kespohl asked who owned the home at the corner. Mr. Hall replied it was originally under contract dependent on the outcome of the rezoning request, but due to a foreclosure situation, he went ahead and purchased the property and was now the current owner.

Mr. Maxville stated the gravel parking lot on the east side was not well maintained and did not fit in with the neighborhood.

Mr. Sturtz understood Mr. Maxville had long-standing complaints with regard to noise and trash, and he asked if he had approached the Office of Neighborhood Services or the Police Department to file complaints. Mr. Maxville replied he had not. Ms. Dickenson noted someone had been contacted because the documents provided showed there were too many tenants in the home at one time. Ms. Hoppe understood there were six people in the home at that time. Mr. Maxville stated it was hard to determine an exact number. He understood there were at least three, and at times there were more. Ms. Hoppe understood Neighborhood Services had found six people in the residence.

Mr. Kespohl asked if parking was allowed on El Cortez Drive. Mr. Maxville replied no.

John Seacrough stated he was a previous tenant of Mr. Hall and had lived in a few blocks away from the property in question with two other young professionals. During his tenancy, Mr. Hall had been invested in the home as he had remodeled many rooms of the home and made many energy efficiency upgrades. He believed the situation with the home on El Cortez was a unique situation compared to the home he resided in as it was dramatically larger and would require rent from more tenants to make any necessary improvements. He noted that during his tenancy, Mr. Hall had always made his expectations of tenants very clear and any problem was resolved immediately. He asked the Council to vote in favor of the rezoning as it would allow Mr. Hall to improve the property.

Mr. Sturtz commented that he believed this was modest proposal and would favor the R-2 rezoning due to its location near a surface road and higher density areas. He did not believe a fourth tenant would create more problems. In addition, there were avenues for any issues to be addressed. He did not feel this would set a precedent as was the concern of the Planning and Zoning Commission.

Ms. Hoppe stated she appreciated the fact the Planning and Zoning Commission wanted to be cautious, but believed this was a unique situation in its location, the fact the lot was too small for a duplex and the fact the look of the neighborhood would remain the same. In addition, they wanted to encourage energy efficient upgrades and improvements of property. She stated she would support the rezoning request.

Mr. Thornhill agreed with Mr. Sturtz in that they needed to look at the three person limitation for rental properties. He did not believe adding one person was an issue, and since it could not be redeveloped into a duplex, he was in favor of the request.

Mr. Dudley did not believe many families would rent a home of that size and that its location off of Providence would not add traffic to El Cortez. In addition, he understood Mr. Hall would improve the side parking area.

Ms. Nauser stated she had not received any complaints from this area, which included rental and owner-occupied homes. She noted there were avenues through the Office of Neighborhood Services if the tenants were a problem. She also did not believe the number of

tenants was correlated to tenants causing problems. It was more dependent on the type of tenants. She planned to support the request because she did not feel it would take away from the character of the area.

The vote on B273-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B278-10 Appropriating funds to be received from the Missouri Department of Natural Resources – Energize Missouri Homes for the neighborhood challenge program.

The bill was given third reading by the Clerk.

Mr. Watkins provided a staff report and noted they were recommending this bill be withdrawn.

Ms. Hoppe asked for the specific Sunshine Law concerns. Mr. Boeckmann replied one issue pertained to records requests as the entity wanted information to be kept confidential that the City could not keep confidential due to the Sunshine Law. Another issue was that the entity would not abide by all of the conditions of the grant as there was a dispute regarding what might be intellectual property.

Mr. Kespoehl understood the City was asked not to comply with the Sunshine Law. Mr. Johnsen explained they could not find a way to pass the grant and Sunshine Law requirements through to the contract with OPOWER. He noted the City of Springfield had the same problems and had come to the same conclusion as Columbia.

Ms. Nauser made a motion to withdraw B278-10. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B282-10 Amending Chapter 27 of the City Code as it relates to electric industrial service rates.

The bill was given second reading by the Clerk.

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

Mayor McDavid asked if this would increase charges to the City as it was a customer as well. Mr. Johnsen replied he did not believe it would and noted he did not intend for that to happen.

B282-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B283-10 Amending Chapter 27 of the City Code as it relates to the Solar One utility program.

The bill was given second reading by the Clerk.

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

Mayor McDavid understood the City was buying solar power at 43 cents per kilowatt hour and a contract had been presented, which would make it 5.5 cents per kilowatt hour in the future and asked how that was possible. He wondered if it was heavily subsidized or if tax credits were involved. Mr. Johnsen replied the Solar One program was not heavily

subsidized. Mayor McDavid understood it was due to a new contract. Mr. Johnsen stated that was correct. The City was in the development phase of getting developed solar energy sites, and as that happened, the price would go down. The contract to be considered by Council at the next meeting involved tax incentives and subsidies. Mayor McDavid understood the City would not have any trouble meeting its renewable energy mandate if those incentives and subsidies continued. Mr. Johnsen stated that was correct.

B283-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B287-10 Amending Chapter 14 of the City Code to prohibit parking within ten feet of any mailbox.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill suggested this item be tabled since there were some enforcement issues and potential unintended consequences with the way this bill was currently written. He understood staff had suggestions for achieving the goal without creating additional problems.

Mr. Thornhill made a motion to table B287-10 to the January 18, 2011 Council Meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

CONSENT AGENDA

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

- B279-10 Appropriating funds for construction of the Stadium Boulevard right-in/right-out driveway project.**
- B280-10 Accepting conveyances for sewer, access to storm water facilities, temporary construction, underground utility, utility and sidewalk purposes.**
- B281-10 Accepting Stormwater Management/BMP Facilities Covenants.**
- B284-10 Accepting conveyances for utility purposes.**
- B285-10 Appropriating funds for the replacement of the upstairs flooring at The ARC.**
- B288-10 Authorizing an agreement with Boone County for Joint Communications clerical services.**
- B289-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the HIV Prevention Project; appropriating funds.**
- B290-10 Appropriating funds received from Broadway Lodging, LLC to reimburse City for expenses incurred in reviewing TIF application.**
- B291-10 Appropriating grant funds from the Missouri Historical Records Grant Program for a preservation assessment and planning project.**

- R239-10 Setting a public hearing: construction of sidewalks and a pedway located within Arbor Pointe Subdivision along Waco Road and Arbor Pointe Parkway.

- R241-10 Setting a public hearing: construction of the Darwin and Axie Hindman Discovery Garden at Stephens Lake Park.

- R242-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for Aid to Local Public Health Agencies (Core Functions).

- R243-10 Authorizing an Adopt A Spot agreement.

- R244-10 Designating U.S. Bank National Association as a depository of City funds.

- R245-10 Authorizing the City Manager to make FY 2011 Certifications and Assurances for Federal Transit Administration assistance programs.

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

NEW BUSINESS

- R246-10 Authorizing an agreement with Sustainable Farms & Communities, Inc. for Attraction Development Funding under the Tourism Development Program for construction of the Columbia Pavilion and Education Center.

The resolution was read by the Clerk.

Ms. Steiner provided a staff report.

Mr. Kespohl noted the deadline of 2013 was not in the ordinance. Ms. Steiner explained it was in the contract.

The vote on R246-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R247-10 Adopting the 2010 Red Flag Rule – City of Columbia Identity Theft Prevention Program.

The resolution was read by the Clerk.

Ms. Hertwig-Hopkins provided a staff report.

Mayor McDavid asked if this would make data secure. Ms. Hertwig-Hopkins replied it would make it more secure and felt it already had since its initial adoption in 2008.

The vote on R247-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- PR248-10 Establishing revised Community Development Block Grant funding guidelines.
- B292-10 Authorizing an annexation agreement with Larry F. and Barbara A. Welch.
- B293-10 Approving the Final Plat of Weston Point, Plat No. 1, a minor Replat of Lot 2 of Tom and Jeff's Most Excellent Adventure Plat 1 located on the south side of Weston Drive, between Braden Drive and Whitney Court; authorizing a performance contract.
- B294-10 Approving Begley Subdivision located on the southeast corner of Vandiver Drive and Vanwood Way, east of Range Line Street (1100 Vandiver Drive).
- B295-10 Accepting a grant of easement for water and electric purposes.
- B296-10 Vacating a drainage easement located on Lot 80 within Rockbridge Subdivision Block II (3600 Valencia Drive).
- B297-10 Authorizing Supplemental Municipal Agreement #1 with the Missouri Highways and Transportation Commission for maintenance of Route 763 from Big Bear Boulevard to Prathersville Road.
- B298-10 Authorizing the City Manager to apply to the United States Department of Transportation Federal Aviation Administration for airport capital assistance grants.
- B299-10 Authorizing a gas pipeline easement and a gas regulator station easement to Union Electric Company, d/b/a AmerenUE.
- B300-10 Accepting conveyances for utility purposes.
- B301-10 Authorizing construction of the Darwin and Axie Hindman Discovery Garden at Stephens Lake Park; calling for bids through the Purchasing Division; appropriating funds.
- B302-10 Appropriating CDBG funds for improvement projects at Again Street Park and Brown Station Park.
- B303-10 Accepting and appropriating donated funds from Perlow-Stevens Gallery for the Parks and Recreation Department CARE Gallery Program.
- B304-10 Authorizing an agreement for Right of First Refusal with Union Electric Company, d/b/a Ameren Missouri, relating to the purchase of property located at 210 Orr Street.
- B305-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Missouri Community-Based Home Visiting Program; amending the FY 2011 Annual Budget to delete a Family Support Worker position and add a Social Services Specialist position to the Public Health and Human Services Department, Human Services Division; amending the FY 2011 Pay and Classification Plans; appropriating funds.
- B306-10 Amending and reestablishing the Tax Savings Plan for the Employees of the City of Columbia.
- B307-10 Adopting the Choice Plus Plan, the Choice Plus \$1,500 Plan, the Choice Plus \$1,500 High Deductible Health Plan and the Dental Plan for the City of Columbia.
- B308-10 Reimposing a sales tax of one-eighth of one percent for the purpose of providing funding for local parks.

B309-10 Accepting grants from the Missouri Office of Homeland Security for the Columbia Bomb Squad Robot Upgrade Project; authorizing a grant agreement; appropriating funds.

B310-10 Authorizing a solar photovoltaic renewable energy equipment lease agreement with Free Power Company, Inc.

REPORTS AND PETITIONS

REP128-10 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins noted this report was provided for informational purposes.

Mr. Sturtz noticed a \$200,000 transfer due to a higher than expected bid on the County House Branch - GetAbout project and asked for clarification. Mr. Glascock replied this was typical for the GetAbout program since all of the money was in one fund. Money was transferred as projects were bid. Mr. Sturtz asked if this meant another project would need to be trimmed. Mr. Glascock replied he understood the bids had been good, so they were actually ahead in terms of money.

Mr. Sturtz stated he was excited about the Providence Crossing project, south of the Business Loop and asked if there was a time table on it. Mr. Glascock replied these projects had been taking eight months to get through the process after receipt of the final plans. Mr. Sturtz asked if the plans were still about a year out. Mr. Glascock replied he thought they had the plans, but still needed to meet the Federal Highway and MoDOT requirements and reviews.

REP129-10 Transit Ridership Report.

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

Mr. Sturtz asked which routes had a decrease in ridership. Mr. Glascock replied he did not know which specific routes had the decrease, but noted they were working to improve ridership in general.

Mr. Thornhill congratulated staff for doing a great job with regard to overhauling the route system and with the funding challenges they had.

Ms. Hoppe stated she hoped the system would continue improving each year. She thanked the Public Transportation Advisory Commission for its work and encouraged them to come forward with suggestions for improvement.

Mr. Sturtz asked if there were ways to show the federal government the dramatic rise on some of the routes in an effort to obtain more buses. Mr. Glascock replied the FTA kept track of ridership and the City had won awards in the past. Mr. Sturtz asked if that meant they might receive a new bus for the gold route. Mr. Glascock replied City already received it fair share of funding.

REP130-10 Fifth and Walnut Parking Garage Artist Glass.

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

Mr. Thornhill asked who would absorb the cost. Mr. Glascock replied the general contractor.

Mr. Sturtz understood there was a request for more money to manage the construction process through December a few months ago and asked if they would have to pay more if the project was not completed by then. Mr. Glascock replied that was strictly for the consultant that designed the tower and oversaw the project. It was not for the contractor building it.

REP131-10 Columbia Transit Bus Color Schemes.

Mr. Watkins provided a staff report.

Mr. Thornhill asked what effect this would have on advertising. Mr. Glascock replied the paint scheme would have no effect on the cost of the new buses or the advertising. It would continue as it had with the ads over the paint.

Ms. Hoppe stated she misunderstood the fact they would eventually change all of the buses to this color scheme. She thought the color scheme would only change for the few buses that served the University and was concerned about its affect on Columbia College and Stephens College as they would be left out. Mr. Glascock explained the buses were not normally assigned to a specific route and were rotated through the fleet, so one paint scheme would be best in terms of managing the fleet.

Mayor McDavid understood there would be five black and gold buses and he assumed those would start on the University routes as it would be a number of years before all of the buses were replaced. Mr. Glascock stated he thought the buses were large enough for those routes, but would have to review the advertising contract in terms of whether one route was acceptable or if it had to circulate around the entire City.

Mr. Sturtz stated he had the same misunderstanding as Ms. Hoppe and did not realize they were voting for a new color scheme for all of buses within the system. He was not sure he could support this as it seemed to make Columbia a one company town.

Mr. Thornhill asked for the percentage of the fleet the new black and gold buses would represent and how often they were replaced. Mr. Glascock replied it would be about ten percent of the fleet and the replacement of the fleet was dependent on government subsidies. He thought it would take at least ten years to phase out all of the current buses. Mr. Watkins pointed out buses were not typically replaced without transit match funds. Mr. Thornhill understood this meant they would have a few years to determine how the new color scheme would be received. Mr. Glascock noted the interior also had to match the exterior paint scheme.

Mr. Sturtz commented that he believed that once they started phasing in the new color scheme, it would not be feasible to stop and change to another color.

Mr. Dudley suggested there be a mix of color schemes so all of the colleges were represented.

Mayor McDavid noted Columbia was a college town, and the college with 30,000 students defined the City. He thought it would be embraced by many people and pointed out the University was a big economic driver in the community.

Mr. Kespohl thought they should ask themselves what Columbia would be without the University of Missouri.

Mr. Sturtz stated he thought the City's appreciation for the University could be shown in other ways.

Ms. Hoppe commented that she liked the design scheme of Option A the best. Mr. Kespohl agreed with Ms. Hoppe.

Ms. Nauser made a motion to accept the design scheme shown in Option B. The motion was seconded by Mayor McDavid and approved by voice vote with only Ms. Hoppe voting no.

REP132-10 Columbia Regional WWTP Facility Phase 1 Improvement Project – Revised Request for Extended Work Hours.

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

Mr. Dudley asked for the level of noise that would be generated. Mr. Glascock replied he did not think it was a very noisy operation, but he did not know the exact noise level. Mr. Dudley stated the residents to the north had complained about the smell and hoped noise would not pose another problem for them or other nearby residents. Mr. Glascock stated he did not think the sound would be a problem because the work would be done in a very deep hole.

REP 133-10 Heibel March Building Proposal Review – Parks and Recreation Commission.

Mr. Watkins provided a staff report.

Ms. Hoppe stated she was surprised the Parks and Recreation Commission recommended three contradicting actions. Mr. Hood explained the Commission had been divided in its opinions and a majority did not agree to any one action.

Mr. Sturtz asked if HUD had stated it was possible for the City to sell the building. Mr. Watkins replied they had not received a definitive response from HUD.

REP 134-10 Rezoning Request by College and Walnut LLC, Parks and Recreation Commission Comments.

Mr. Watkins provided a staff report and explained this was informational.

REP135-10 Sutter Industrial Site Pricing.

Mr. Watkins provided a staff report.

Mayor McDavid asked if a motion could be made and a work session be held regarding the other outstanding issues. Mr. Watkins replied that was what he would prefer.

Ms. Nauser asked how long the application process would take. Mr. Watkins replied he thought it was ready to submit and would take 3-6 months to review.

Ms. Nauser made a motion to accept the staff recommendation regarding the minimum size and price. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP136-10 Draft Proposal – Land Acquisition Process.

Mr. Watkins provided a staff report.

Mr. Sturtz commented that he believed a more independent group of people was needed for this Land Preservation Committee and felt they would want more than three at-large citizens with varying expertise. He also felt the Council could determine the components needed for the committee without the Parks and Recreation Commission's review.

Mayor McDavid asked if he was suggesting 5-6 at-large members and stipulating the level of interest of those members. Mr. Sturtz replied he believed that would be helpful. He also felt a slightly larger group was needed so it could encompass a member from the Planning and Zoning Commission and the Environment and Energy Commission.

Ms. Hoppe recalled suggesting a member of the Planning and Zoning Commission be on this committee during discussions at a work session, so she was surprised that had not been included. Mr. Hood explained the report included the same suggestions as had been provided to Council in draft form earlier. He understood Council had made some suggestions at the work session, but thought it would be appropriate for those comments to be made at this Council Meeting. He agreed the Council needed to approve the ultimate process. Staff was trying to obtain guidance in terms of whether this needed to go to the Parks and Recreation Commission and/or other commissions for input before the Council made a final decision.

Mr. Watkins cautioned the Council against establishing a very large group because quick decisions might need to be made, and larger groups tended to not be functional. Mr. Sturtz asked if eight members seemed reasonable. Mr. Watkins suggested an odd number, such as seven. Mayor McDavid noted they could have less Parks and Recreation Commission members and add a Planning and Zoning Commission member and an Environment and Energy Commission member as well as a few at-large members. Mr. Sturtz wondered if they would be able to obtain scientific and development perspectives. Mr. Dudley suggested they make those requirements for the at-large members. Mr. Watkins suggested the Council allow as much flexibility as possible in making these appointments and suggested Council make the commission representative appointments instead of allowing the commissions to choose the person.

Mr. Sturtz suggested a seven member committee with one definite Parks and Recreation Commission member and one definite Planning and Zoning Commission member. The other members would be at-large members for Council consideration.

Mayor McDavid asked if a draft could be provided for the next meeting. Mr. Hood replied yes.

REP137-10 Ridgeway Cottages Sewer Project.

Mr. Watkins provided a staff report. He suggested the funding shortfall come from the sewer utility fund and that construction of the sewer be tied to the actual construction of the cottages.

Mr. Sturtz asked if the applicant would be required to get financing to present to the City before moving ahead. Mr. Watkins replied he thought the developer needed to move forward with the cottages. Mr. Sturtz understood the City would then be committed to

building the sewer once financing was approved. Mr. Watkins stated he thought it would be premature to build the sewer now.

Mr. Glascock commented that if Council was okay with using sewer funds for this project, a public hearing would be held requesting Council approval, and the sewer would be constructed once the developer had funding for the cottages.

Mr. Thornhill made a motion directing staff to use sewer utility funds for the remaining cost of the sewer and to hold a public hearing on the project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP138-10 IBM Stormwater Variance.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Dudley noted he had been contacted by constituents regarding door mail and asked if there was any kind of regulation on stopping door mail as it was a concern for people on vacation. Mr. Boeckmann replied he did not believe there was any regulation.

Ms. Hoppe stated she was aware of the problem and was interested in finding out if there were regulations other communities used. Mr. Boeckmann commented that he was not sure it could be regulated, but thought they could prohibit it.

Mr. Dudley asked for legislation to be prepared to require the Pledge of Allegiance to be done prior to each Council work session and meeting. Mayor McDavid asked if that meant they would do it twice on some days. Mr. Dudley stated he was suggesting it be done only for separate work sessions.

Mr. Sturtz asked the Planning and Zoning Commission to review the draft steep slopes ordinance and provide a recommendation to Council.

Mr. Sturtz asked for staff to prepare a report regarding the restriction of unrelated individuals in R-1 zoning districts. He suggested the restriction be three unrelated people up to 2,500 square feet and potentially one additional person for each additional 500 square feet, so that sprawl was not encouraged through low density in larger homes.

Ms. Hoppe thanked the Office of Neighborhood Services for their work during the rental amnesty period.

Ms. Hoppe asked if the City Channel still broadcasted City Council Meetings. Mr. Watkins replied it did. He explained there were some interfacing problems and asked her to let him know the location and provider of anyone having a problem so it could be addressed.

Ms. Hoppe wanted to encourage the Public Transportation Advisory Commission to tackle the concerns and ideas they had in terms of the City's bus system and to continue making suggestions to improve the system. In addition, she wanted them to let the Council know if they felt their charge was too narrow.

Ms. Hoppe commented that free advertising was given to some businesses, such as Wal-Mart and Hy-Vee, since their names were on the marquis on front of buses as destinations. She did not believe this should be allowed since they charged others to advertise on the buses. In addition, since there were multiple locations for those businesses, she did not feel they were location determinants any longer.

Ms. Hoppe made a motion to not use business names as the destination for the buses. She suggested street names be used instead.

Mayor McDavid asked if Stephens College or the University of Missouri could be used as destinations. Ms. Hoppe replied she did not consider those businesses.

Mr. Thornhill commented that he did not believe a business name as the destination was an advertisement. Ms. Hoppe noted businesses had complained to her in the past.

Mr. Kespohl understood the marquis had Conley Wal-Mart, so it provided a location. Ms. Hoppe stated the bus that went toward the west just said Wal-Mart.

Ms. Nauser recalled this discussion in the past and understood many people used those destinations to know where the bus was going since some people did not know the physical addresses of some of those businesses. She thought the change might burden some that relied upon the buses for transportation. Ms. Hoppe stated she did not agree.

The motion made by Ms. Hoppe to not use business names as the destination for the buses was seconded by Mr. Sturtz.

Upon his request, Mr. Kespohl made a motion to allow Mr. Dudley to abstain from voting on the motion regarding names on bus marquis due to a conflict of interest. Mr. Dudley noted on the Disclosure of Interest form that he was employed by Hy-Vee. The motion was seconded by Ms. Hoppe and approved by voice vote.

Mayor McDavid asked if Boone Hospital would be considered a business. Mr. Sturtz clarified he thought this should only apply to for-profit businesses. Ms. Hoppe agreed.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz to not use business names as the destination for the buses was defeated by voice vote with only Ms. Hoppe and Mr. Sturtz voting in favor of it and Mr. Dudley abstaining.

Ms. Nauser asked that Council receive a copy of the result of the process study being conducted with regard to the overpayment of prescription medications.

Mr. Thornhill commented that after working with residents of the affected area off of Creasy Springs, a petition was submitted with the overwhelming support for the connection of West Prairie Lane to Prairie Lane in the Vanderveen Subdivision.

Mr. Thornhill made a motion directing staff to provide a report with the cost estimate and recommended funding mechanism to connect West Prairie Lane to Prairie Lane in the Vanderveen Subdivision, and for the report to be provided by the January 18, 2011 Council Meeting. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mr. Kespohl commented that he had asked for an ordinance to place a stop sign at North William Street and Windsor a month or so ago and requested information on its status.

Mr. Kespohl asked if the City intended to go after the funds associated with the overpayment of prescription medications. Mr. Watkins replied they did. He explained the Police Department would be conducting an investigation. Once the investigation was complete, they would notify Council of any opportunities there were and the avenues to consider pursuing.

Mr. Kespohl asked if the dollar number in the paper was accurate. Mr. Watkins replied he was not sure and would need to check.

Mayor McDavid commented that if they were talking about a number of that magnitude, he thought they should go back a few more years. He did not think they should stop at 2009.

Mr. Watkins stated he wanted to ensure this was not a criminal act and to determine if the insurance company had any fault. He also wanted to determine the cause of the problem.

The meeting adjourned at 9:47 p.m.

Respectfully submitted,

Sheela Amin
City Clerk