

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 1, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 1, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ and THORNHILL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of January 19, 2010 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Mayor Hindman noted this would be the last official meeting in this Council Chamber, which was located in the Daniel Boone Building.

PRIDE Safety Program Award.

Mayor Hindman stated the winner of the PRIDE Safety Award was the Columbia/Boone County Department of Health and Human Services. The winning idea, which was chosen by the Executive Safety Committee, was submitted by a former employee in the Environmental Health Division. The idea was to distribute water bottles to City employees accompanied by a short safety message regarding the importance of proper hydration for continued good health.

The award was presented to Stephanie Browning and Gerry Worley of the Columbia/Boone County Department of Health and Human Services by Sarah Perry and George Hampton of the Risk Management Division.

Mayor Hindman recognized the two Grant Elementary classes that were in attendance and noted they were currently studying government.

SCHEDULED PUBLIC COMMENT

Homer Page – Disabilities Forum Project.

Homer Page, 503 N. Brookline Drive, commented that he understood snow removal was a difficult task, but anything that could be done would be appreciated by the disabled community. In terms of the Disabilities Forum Project, he explained the Public Communications Resource Advisory Committee had funded a project to enhance communications between the City and the disabilities community. He noted they had created

a web site to provide information to the disabilities community with regard to City of Columbia programs and activities affecting the disabled community. They also wanted to have four face to face forums with representatives of the City within the areas that provided direct services to disabled people. He asked the Council for its support and participation in making the Forum successful.

Monta Welch – Earth Hour.

Terri Williams stated she was present on behalf of Monta Welch and provided a handout. She explained the Columbia Climate Change Coalition was again requesting the City's participation in the International Day of Earth Hour 2010 being held on Saturday, March 27 from 8:30 p.m. to 9:30 p.m. During that time, participating cities around the world would turn off or dim lights or other non-essential electricity to show solidarity for less polluting energy sources and to reduce the human green house gas contribution. The Coalition was asking for the reissuance of the Mayor's Earth Hour Day proclamation for 2010, the monitoring and public reporting of electrical usage for that hour, the issuance of a statement about Earth Hour with an invitation for public participation to the press, the inclusion of an article requesting participation in the City Source, the encouragement of employee participation and various other items as listed in the handout.

PUBLIC HEARINGS

B8-10 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and indicated this was in response to additions to the CATSO Plan. Mr. Teddy pointed out that due to some objections to the original roadway segments, the Planning and Zoning Commission asked staff to provide alternatives. The legislation prepared would add the two segments identified as SB-7A and SB-8A. He noted these were conceptual lines indicating a strategy of providing greater roadway connectivity.

Mayor Hindman stated he believed one of the principles of CATSO was to develop an interconnected system. He understood the Planning and Zoning Commission did not recommend the bicycle and pedestrian paths because they felt it was not within its charge and suggested the Commission's charge be adjusted. He asked what needed to be done to include the bicycle and pedestrian paths. Mr. Teddy replied Council would need to direct staff to prepare the appropriate ordinance and suggested it be done as amendment to bicycle and pedestrian network element of the Plan.

Mr. Skala understood these paths were different as they were independent of the street since the street connection was not possible. Mr. Teddy stated that was correct and noted the roadway segments were so far off that they did not have a concept as to the type of bicycle and pedestrian facilities that would be located there.

Mayor Hindman opened the public hearing.

Cynthia Pepmiller stated she and her husband owned 6991 Sinclair Road, which was opposite the City park developed as part of the Cascades, and noted she was agreeable to the conceptual map. Her concern involved the failure to follow through on previous concepts

as she had been shown Route K would be diverted eastward to line up with Old Plank as a result of the Cascades and the City park and the fact they would now be adding more traffic conceptually. She reiterated she liked the City's Major Roadway Plan, but felt they needed to follow through on some of the roads.

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

Mr. Skala asked if there was exigency necessary to not follow through with what Ms. Pepmiller thought was a promise. Mayor Hindman replied he did not know anything with regard to a promise, but explained there was no schedule for building out the roadways on the CATSO Plan.

B8-10 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B9-10 Rezoning property located on the southwest corner of Broadway and West Boulevard (1000, 1002 and 1004 West Broadway and 3 West Boulevard South) from R-1 to C-P.

Mayor Hindman noted B9-10 had been withdrawn by the applicant.

B10-10 Rezoning property located on the southeast corner of John Garry Drive and East Southampton Drive (20 East Southampton Drive) from O-1 to C-P; setting forth conditions for approval.

The bill was given second reading by the Clerk.

Mayor Hindman explained the applicant had requested this item be tabled.

Ms. Nauser made a motion to table B10-10 to the February 15, 2010 Council meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B11-10 Authorizing the purchase of the Intermodal Facility Building located on Brown Station Road pursuant to the default terms of the Amended and Restated Ground Lease and Development Agreement with Intermodal Facility, L.L.C.; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report. He explained the operator had provided notice that they were pulling out, and under the terms of the 2003 agreement, the City could continue to pay the rent or buy the facility. The Railroad Advisory Board, the Water and Light Board and staff were recommending the City buy the facility. The revised purchase price, which included fees they were initially unaware of, was \$2,590,000.

Ms. Hoppe asked for an explanation on the retained earnings account. Mr. Watkins replied the electric utility had been able to resell power produced or bought on the market. The justification was the potential need for a substantial amount of money if they had an ice storm or other need. He believed they had significant retained earnings that could be reinvested in the railroad, water and light utilities.

Mr. Skala understood this could be a real asset in terms of economic development for the area.

Mr. Wade believed this made sense economically in terms of the well being of the City.

Mr. Wade made a motion to amend B11-10 by changing the dollar amount to \$2,590,000. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B11-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B18-10 Appropriating federal forfeiture funds for the purchase of equipment for the narcotics unit within the Police Department.

The bill was given second reading by the Clerk.

Mr. Watkins and Chief Burton provided a staff report.

Ms. Hoppe asked if better operation costs referred to the replacement vehicle getting better gas mileage. Chief Burton replied it actually referred to the fact the vehicle was so old that it was starting to cost too much in terms of maintenance. He noted they would look at the most economic vehicle that would still fit their needs.

B18-10 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B19-10 Amending Chapter 5 of the City Code as it relates to chickens.

The bill was given second reading by the Clerk.

Ms. Browning provided a staff report and noted this ordinance would include a limit of six hens per tract. Roosters would not be allowed. It included standards for hen houses and pens. The minimum distance from property lines was 10 feet and the minimum distance from adjacent dwellings was 25 feet. The ordinance also addressed potential nuisances, such as odor and noise. The estimated cost of a general complaint was about \$30. Complicated complaints involving search warrants and court would cost more.

Ms. Nauser asked if the City had any other ordinances pertaining to animals that were this in-depth. Ms. Browning replied the animal control ordinance included provisions involving the manner in which animals were to be kept, to include adequate access to food, shelter and water, but it was not to the same degree as this ordinance.

Ms. Nauser stated she believed a licensing fee would be reasonable and asked why it was not included in the ordinance. Ms. Browning replied the benefit of a license would be that it would help with enforcement, but very few people licensed their pets properly.

Ms. Nauser understood chickens could potentially increase the number of predators, such as raccoons, coyotes, foxes, etc., and asked if animal control handled calls with regard to those types of animals. Ms. Browning replied they would remove those types of animals from peoples' homes, but wildlife was more of a Department of Conservation issue than a Health Department issue.

Ms. Nauser commented that the introduction of a chicken might cause a dog that did not bark to bark, and asked how that would be handled in terms of a nuisance. Ms. Browning replied that if a dog was outdoors and barking excessively for any cause, they would respond to the complaint.

Mr. Skala asked who would enforce the nuisance regulations. Ms. Browning replied the initial call and investigation would be with the Animal Control Division. Public health nuisances, such as manure in the yard, would be handled by the Environment Health Division.

Mr. Skala asked who was responsible for paying the costs associated with a violation. Ms. Browning replied it would be handled the same as situations with barking dogs. If a summons was issued with the case going to court, the fines and fees did not go back to the Health Department, so their costs would not be alleviated. She hoped there would not be too many complaints.

Mr. Sturtz asked if she knew of the number of complaints in other towns with this type of ordinance, such as Madison. Ms. Browning replied she understood the number was small in Madison and in other communities.

Mr. Thornhill asked if a fenced backyard would be an acceptable containment for chickens. Ms. Browning replied the intention was for the enclosure to be the chicken coop and not the entire backyard.

Ms. Hoppe understood the ordinance indicated an enclosed chicken fence would consist of sturdy wire fencing asked why a solid wood fence was not sufficient. Ms. Browning replied she thought it could be, but that it would need to be covered with some kind of wire or aviary netting.

Ms. Hoppe asked why the limit of six was chosen and how it compared to other communities. Ms. Browning replied 4-8 chickens seemed fairly common in more urbanized areas and explained more requirements and larger setbacks were involved with larger numbers of chickens. If the goal was to have fresh eggs to feed the family, she believed six chickens were sufficient.

Ms. Nauser asked how other communities handled people trying to sell eggs and wondered what would happen when chickens were no longer producing eggs. Ms. Browning replied she did not really see anything relating to this in other ordinances, except for statements indicating they were for non-commercial purposes, but nothing would prohibit someone from giving eggs to their neighbors. In addition, there was nothing that would prohibit anyone from slaughtering a chicken in the backyard.

Ms. Nauser asked where people that no longer wanted chickens would take them and where Animal Control would take any chickens they collected. Ms. Browning replied Animal Control would likely only be involved with chickens running loose and they had some ideas of places the chickens could be taken for a reasonable fee. She thought they would need to have resources available for people, so unwanted or abandoned chickens would not be a problem.

Adam Saunders, 214 St. Joseph Street, asked those in the audience in support of this ordinance to stand and approximately 80-90 people stood. He stated he was the President of the Columbia Center for Urban Agriculture (CCUA), whose mission was demonstrate the viability of urban food production, educate the public on production methods, support local producers and advocate for policy change. Pending approval of this ordinance, they had two workshops scheduled where they would review the ordinance and discuss everything hen raisers needed to know, to include coop design and food storage. They wanted to serve as a

resource in terms of information, support and logistics to include assisting with unwanted hens. He commented that there were many reasons to be in favor of this ordinance to include food security.

Ms. Hoppe asked if people could be referred to the CCUA to learn how to properly raise chickens. Mr. Saunders replied yes and explained the CCUA website had helpful tips and a schedule of workshops. In addition, they could provide assistance upon request.

Ellen Thomas, 2616 Hillshire Drive, commented that as a pediatrician, she was enthusiastic about the role of backyard hens in providing superior nutrition through eggs and low input vegetable gardening. She looked into the risk of infectious diseases, such as mites, salmonella, histoplasmosis and avian flu, from having hens in neighborhoods and did not believe that risk outweighed the benefits. She pointed out smaller backyard flocks created less of a risk than large scale chicken operations.

Mr. Skala asked if histoplasmosis was contagious. Ms. Thomas replied it was not.

Greg Baka, 314 West Boulevard, understood one concern was the amount of manure and explained three chickens made as much manure as one cat. In addition, bird manure was everywhere, and adding a few chickens throughout the town would not make a huge impact. He understood another concern was that Animal Control would be overburdened, and noted a lot of other cities had allowed chickens over the last few years and there were very few complaints. He explained another complaint was that this would lower property values and stated he could not find anything to substantiate that claim. He asked the Council to vote in favor of the ordinance.

Carol VanGorp stated she was the CEO of the Columbia Board of Realtors with offices at 2309 I-70 NW and noted she was not in support of this ordinance. She commented that property value was a concern for over 500 realtors in the area. She explained that Missouri law required a seller's disclosure and they saw this as an adverse material fact which had to be disclosed in the environmental impact portion of the seller's disclosure. She understood many were enthusiastic about this, but wondered how many homeowners were willing to put up the extra amount of money to clean up the debris left behind from a chicken coop. She stated they were concerned about noise, the property value, cats being transmitters of histoplasmosis, the lack of a no kill clause, and etc., and asked the Council to think about the homeowners in their wards.

Mr. Sturtz asked if a seller would have to disclose if there were barking dogs next door. Ms. VanGorp replied no and explained barking dogs were not viewed as an adverse material fact because they did not affect the health of the residents.

Mr. Sturtz asked who defined the hens as an adverse material fact. Ms. VanGorp replied Missouri law helped to determine if something was an adverse material fact. She did not know the exact wording, but it involved anything pertaining to the health, safety and well-being of any potential buyer of the property.

Ms. Hoppe understood only homes with chickens next door would need to disclose that information, and not all homes being sold. Ms. VanGorp stated they believed having chickens next door would have to be disclosed.

Ms. Hoppe asked for clarification regarding whether she was representing the Board of Directors or 500 realtors. Ms. VanGorp explained two surveys had been conducted and over

95 percent were against the ordinance. Ms. Hoppe asked for the response rate on the surveys. Ms. VanGorp replied the response rate was about 40 percent.

Jim Loveless, 2404 Topaz, stated he was the President of the Central Missouri Humane Society (CMHS) Board of Directors and noted the CMHS did not support or oppose the ordinance and were only providing their thoughts on the ordinance. They commended the Council and staff for specifically addressing the impact on pets by stating the enclosures must protect from predators including dogs and cats, and that no dog or cat would be considered a dangerous or aggressive animal if it killed a chicken that had gotten loose. He noted the CMHS would not accept chickens from the public and since its 2010 contract with the City specifically exempted domestic livestock, they would not accept them from Animal Control either. He commented that CMHS looked forward to sharing information with Columbia citizens regarding the care of chickens and would assist in finding homes for unwanted chickens, but reiterated that they would not keep them.

Ms. Hoppe noted the ordinance indicated a dog or cat that killed a chicken would not be considered vicious if the chicken was off of the chicken owner's property versus any chicken running loose whether on the owner's property or not and asked for Mr. Loveless to speak to that issue. Mr. Loveless replied he could not speak to the specifics of the ordinance as he did not have it in front of him, but noted they appreciated the fact a dog or cat would not be considered vicious if it killed a chicken that had escaped from where it belonged.

Ann Koenig, 2 E. Ridgley, commented that she and her husband were raised on farms and believed that good hard work was good for children. She also thought having chickens in the backyard would give kids an appealing outdoor option and that the raising and caring for chickens could be a family activity that everyone would learn from and enjoy.

Karen Seeger, 1751 E. Riviera, stated that several years ago, one of her neighbors had chickens, and while the yard was fenced, the chickens got out of the yard and roamed the street. She was not sure the current ordinance addressed this issue as it only described an enclosure and a requirement of aviary netting. She believed the chickens would find a way to get out and would be irritating to neighbors. She asked the Council to vote against the ordinance.

Mayor Hindman asked if cats roamed her neighborhood. Ms. Seeger replied yes and noted they were annoying as well.

Kip Kendrick, 1601 Windsor Street, stated a lot of progressive communities had taken on and had passed this issue and believed access to local foods was important for many reasons. He agreed not everyone would follow the ordinance, but noted that could be said about any ordinance. He commented that he was the President of the Benton-Stephens Neighborhood and would be happy to address any complaints in that area with the property owners and would provide residents with information regarding the CUA. He understood the apprehensions, but felt it would be successful.

Cindy Sheltmire, 1908 Tremont Court, stated she supported a green movement, but had concerns about chickens as a realtor and property owner in terms of property values. She agreed this would need to be disclosed during the sale of a property because some people might see it as an adverse material fact. She commented that she researched the internet and found several articles in opposition of chickens and noted her biggest concern

other than property values was the lack of a mechanism for enforcement. She understood chickens were being compared to pets, but noted that most pets were not discarded after they no longer produced eggs.

Mr. Skala asked if she had considered chickens might be considered an advantage to some people. Ms. Sheltmire replied it was subjective, and while some might find it advantageous, others might not. She believed it would have to be disclosed for the buyers to decide. She noted the mechanism for destroying a chicken had not been addressed either and encouraged the Council to table this item until concerns could be addressed.

Dean Yarwood, 304 Mumford Drive, commented that he did not believe it was desirable to have chicken manure running down one's yard after a rainfall and felt feed would be dropped and would attract rodents. He also believed this ordinance would turn neighbors against neighbors since it would be complaint driven. With regard to fresh eggs, he noted those could be purchased at the farmers market and through farmers living close to the City. He understood livestock, to include chickens, was disallowed when Columbia emerged into an urban community and thought the reason they were disallowed should have been researched.

Dave Denton stated he was a certified residential specialist with Century 21 with offices at 3200 Penn Terrace and noted sales were very sensitive. He commented that property values had fallen in the past two months and sellers were taking far less than their asking prices, so it was a bad time to decrease property values. Although the people in this room had good intentions, he felt many of those that did not attend the meeting would not agree with this ordinance.

John Nichols, 704 N. William Street, stated he believed this was a civil liberties issue as having access to fresh food was important. He thought the City as a whole should have the ability to raise chickens and that it should be up to individuals, landlords and neighborhood associations to determine if it was allowed. If this passed, he noted he would look to buy in a neighborhood that allowed chickens. He asked the Council to pass this ordinance.

John Clark, 403 N. Ninth Street, commented that this was a citizen driven and created initiative and felt the Council should take that into consideration. In addition, he believed there were adequate controls within the City with regard to the comments made by opponents and pointed out many homeowners associations had restrictive covenants that would not allow chickens. He thought this was a reasonable proposal and asked the Council to support it.

Bill McKelvey, 100 Aldeah Drive, urged the Council to adopt the ordinance in the interest of having access to food as it was a human rights issue. Since many residents relied on food assistance and due to the growing trend of local food production, the chicken ordinance would allow residents to be able to be more self-sufficient and have access to higher quality food sources.

Jill Lucht, 100 Aldeah Drive, commented that the realtors were assuming many supporters of this ordinance were renters instead of homeowners, and asked those attending who were in support of the ordinance and owned their own home to stand. Approximately

30-40 people stood and she believed that showed homeowners in the City were supportive of the ordinance.

Pat Fowler, 606 N. Sixth Street, stated she had participated in two community groups where they had discussed ways to change outcomes for low income families. She was a middle income person and looked forward to her neighbors having the opportunity to garden, compost and raise hens if it helped their families achieve healthier outcomes. She also thought this was an important tool in helping low income families. She urged the Council to approve the ordinance.

Jessica Smith stated she was a graduate student at the University of Missouri in Agricultural Economics, and while she would not be raising chickens, she had four years of experience as an animal extension agent working with farmers in West Africa and Namibia and would be happy to lend her skills in working with residents. With regard to unwanted chickens, she suggested people put their chickens for sale or trade on craigslist.

Mary Stillwell, 207 Alexander, provided a handout of about 450 signatures in favor of an urban hen ordinance and noted that she personally supported the ordinance.

Mayor Hindman stated he favored this ordinance and believed most concerns were based on the fear of the unknown. He felt the concept of families raising gardens and hens for eggs and a healthy diet was something they should encourage. In addition, he believed the number of households that would have chickens would be small, especially when compared to the number of households that had other animals. He commented that dogs actually imposed significantly more health issues to humans than chickens and cats were currently allowed to roam neighborhoods, while chickens would not be allowed to do so. He thought those that wanted to raise chickens needed to do so in a responsible way and believed the proposed ordinance outlined the way. He understood nothing was perfect, but believed this was another way to showcase Columbia as tolerable and sharing.

Mr. Skala stated he was inclined to support the ordinance. Chickens had been described as a nuisance, but he believed the people's behavior had the potential of creating the nuisance. The comment made regarding this being an educational and bonding experience for children and families was compelling to him. He understood there was a program in Cleveland, Ohio involving primarily community gardens that provided a mechanism for the poor to assist their families. The local food initiative had a security and safety component, but also had an economic development component. He described a program in Northern Iowa, which had a 14:1 return on investment. He thought they needed to provide this opportunity to the citizens of the community.

Mr. Sturtz believed this was an exciting opportunity for the community and commended those who participated in this grassroots effort as it was also part of a national effort. He felt the proposed ordinance was reasonable as it addressed many of the concerns, to include odor and noise issues. He commented that he believed some of the comments made by realtors were alarmist and would support this initiative.

Ms. Hoppe stated many cities were allowing modest chicken raising throughout the nation and noted the advantages, such as healthy foods for low income people, had been discussed by many tonight. She felt the ordinance had been crafted carefully and conservatively and was glad to know Columbia had resources available for people to learn

about responsible chicken raising. She believed problems would be the exception. She pointed out they allowed bow hunting within the City and this would provide an opportunity for people to gather as well. In terms of property value, she believed this would attract those who wanted to live in a community with families interested in nature, so it might not be a deterrent. She commented that she also believed a strong community was one that blended the modern with the best of the old fashioned, which this accomplished.

Ms. Nauser stated she was not opposed to people having healthy choices, but felt livestock should remain in the country versus the city. She noted she was concerned with the lack of licensing and enforceability and finding owners of stray chickens because if all animal owners were responsible, there would be no need for the Humane Society. She was also concerned with predators associated with chickens coming into the community.

Mr. Wade stated he opposed the ordinance and his main concern involved the budget as Columbia's resources were stretched thin with no indication of a change in the near future. He believed this ordinance would have a fiscal impact on the Health Department and overburden staff in terms of developing, promulgating and enforcing rules and responding to complaints regarding chickens. He did not believe this change in the ordinance was appropriate at this time.

Ms. Hoppe made a motion to amend B19-10 by adding "wooden fencing" to Section 5-93(e) so it read "...shall consist of sturdy wire or wooden fencing..." The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe made a motion to amend B19-10 so Section 5-98 – Chickens at large read "No dog or cat which kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal." The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Thornhill wondered if they should provide dimensions for the enclosure referred to in Section 5-93(a) so someone could not claim the entire fenced backyard as the chicken enclosure. Mr. Sturtz did not believe that could be done due to the 10 foot setback requirement. Mr. Thornhill understood, but noted it could still be a large enclosure. Mr. Wade suggested they proceed with the ordinance as they could make changes in the future.

B19-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: SKALA, HOPPE, HINDMAN, STURTZ. VOTING NO: WADE, NAUSER, THORNHILL. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B12-10** **Accepting conveyances for utility purposes.**
- B13-10** **Confirming the names of certain park property, golf courses, recreation areas, nature areas and trails in the City of Columbia.**
- B14-10** **Authorizing a transportation enhancement funds supplemental agreement with the Missouri Highways and Transportation Commission relating to the extension of the Hinkson Creek Trail (Phase 2) from Grindstone Park to Stephens Lake Park.**

- B15-10 Appropriating funds for Share the Light Program.
- B16-10 Appropriating funds for annual maintenance of the *Martin Luther King, Jr. Memorial* at Battle Garden.
- B17-10 Accepting a grant from the Missouri Safety Center to conduct DWI enforcement activities; appropriating funds.
- R13-10 Setting a public hearing: declaring the necessity for construction of a traffic calming speed hump on Rain Forest Parkway between Providence Road and Zebra Drive.
- R14-10 Setting a public hearing: construction of Discovery Parkway from the U.S. 63 Interchange to New Haven Road.
- R15-10 Setting a public hearing: consider an amendment to the FY 2009 Action Plan for HOME funds.
- R16-10 Accepting the donation of three AlcoSensor IV Breath Instruments from Central Missouri State University – Missouri Safety Center to be used by the Police Department.
- R17-10 Authorizing Amendment No. 2 to the Resource Management Agreement with The Energy Authority, Inc.

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

NEW BUSINESS

- R18-10 Authorizing an agreement with Environmental Rate Consultants, Inc. for professional services for the Columbia Storm Water Utility Cost of Service Study.

The resolution was read by the Clerk.

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

Ms. Hoppe understood there were two methods of analysis for impervious surface and asked for clarification on those. Mr. Glascock replied one method took all impervious areas on the lot into account and the other method used the residential equivalency unit as the count regardless of house size.

Ms. Hoppe referred to 6.d and 6.e of Exhibit B of the agreement and asked for clarification regarding the identifying required minimum level of services. Mr. Glascock replied they would look at what they planned to do in the next five years and what it would take to fund it. Ms. Hoppe understood it did not mean the minimum amount would be done. Mr. Glascock replied the CIP could include whatever Council wanted, and they would determine what it would take to fund it. It would also look at what might be needed in stormwater operations.

Mr. Sturtz understood this study would not include the work necessary to calculate the impervious areas. Mr. Glascock replied that was not in this agreement. He understood that could be calculated using GIS. Mr. Skala understood it was being done as part of the NRI as well. Mr. Glascock stated the NRI could do it.

Ms. Hoppe asked for clarification regarding 9.a of Exhibit B. Mr. Glascock replied they would work with the legal staff to ensure they could proceed with raising rates without having to go back to voters each time.

Ms. Hoppe understood the consultant would prepare a draft report to discuss with staff and asked when City commissions would be involved. Mr. Watkins replied a new committee was being formed to help work on this issue. Ms. Hoppe asked if that committee should be involved in the review of the first draft of the report. Mr. Watkins replied the first draft typically had errors that staff could address. Mr. Skala thought this committee should be involved as early on in the process as possible and suggested it be right after the staff review of the first draft. Mr. Wade thought the first revision should be done by staff and the consultant prior to providing it to other groups. Mayor Hindman noted there were also costs associated with using consultants which needed to be considered.

Mr. Wade believed this was badly needed as the stormwater utility was not currently doing the job.

Mayor Hindman asked them to find a way to allow the City to treat this as a rate based utility.

The vote on R18-10 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. 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.

- B20-10** **Approving the Final Plat of Ridgeway Cottages Plat 1, a Replat of Lots 36 and 37, Smithton Addition; granting variances from the Subdivision Regulations; setting forth a condition for approval.**
- B21-10** **Vacating utility easements located on Lots 1 and 2 within Howe Business Park; accepting a conveyance for electric utility purposes.**
- B22-10** **Amending Chapter 22 of the City Code as it relates to sewer rates and charges.**
- B23-10** **Amending Chapter 2 of the City Code to establish the Storm Water Advisory Commission.**
- B24-10** **Authorizing construction of Sewer District No. 163 (Ballenger Lane and Aztec Boulevard); calling for bids through the Purchasing Division.**
- B25-10** **Authorizing the acquisition of easements for construction of Sewer District No. 163 (Ballenger Lane and Aztec Boulevard).**
- B26-10** **Authorizing construction of the North Grindstone Outfall Extension Sewer – Phase II; calling for bids through the Purchasing Division.**
- B27-10** **Authorizing the acquisition of easements for the North Grindstone Outfall Extension Sewer – Phase II.**
- B28-10** **Authorizing construction of a sidewalk along the north side of Walnut Street between William Street and Old Highway 63; calling for bids through the Purchasing Division.**

- B29-10 Authorizing the acquisition of easements for construction of a sidewalk along the north side of Walnut Street between William Street and Old Highway 63.
- B30-10 Authorizing a right of use permit with the County of Boone for placement and maintenance of a pedestrian ramp with a handrail within a portion of right-of-way located at 613 Ash Street.
- B31-10 Accepting conveyances for utility, sewer, access to storm water facilities and scenic conservation bikeway/walkway purposes.
- B32-10 Accepting Stormwater Management/BMP Facilities Covenants.
- B33-10 Amending Chapter 27 of the City Code relating to water rates at Columbia Regional Airport.
- B34-10 Authorizing agreements with Ameren Energy Generating Company and Ameren Energy Marketing Company relating to the purchase of a twenty-five percent (25%) share of the Columbia Energy Center; appropriating funds.
- B35-10 Authorizing an agreement with the Columbia School District for a playground improvement project at Derby Ridge Elementary School.
- B36-10 Appropriating fire equipment sale proceed funds.
- B37-10 Accepting a donation from the Columbia Cosmopolitan Luncheon Club for the purchase and training of a canine for the Police Department; appropriating donated and asset forfeiture funds.
- B38-10 Amending Chapter 2 of the City Code as it relates to notice of public meetings.
- B39-10 Amending Chapter 16 of the City Code as it relates to noise and noise in the downtown area.
- B40-10 Authorizing the Police Chief and Fire Chief to execute a memorandum of understanding with the Federal Bureau of Investigation and a number of Missouri agencies for a multi-jurisdictional response to improvised explosive devices.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Cost of Providing Shuttle Service to MU Games.

Mayor Hindman understood the Council's suggestion could not be implemented.

(C) Katy Place Trail Alternate Alignment.

Mr. Glascock noted staff provided an alternative because the current alignment went through three parking lots at the Katy Place Apartments. In addition, the alternative involved the use of City land.

Mr. Wade asked how much of the wooded area would be disturbed. Mr. Glascock replied the disturbed area would double. Mr. Wade understood it would involve about 20 feet. Mr. Glascock stated that was correct.

Ms. Nauser recalled opposition with regard to the removal of trees in the area during a contentious rezoning or plan approval request.

Mr. Wade understood the problem of the trail going through the parking lots, but felt the alternative provided would be very destructive to a nice wooded area.

Mayor Hindman did not believe a 20-foot swath was necessary because the running path did not have to be next to the concrete path. He also thought it would be helpful for it to be staked out so they could see the impact to the area. He understood an old road used to go through the woods and the path kind of followed that old road.

Mr. Skala agreed it would be a good idea to stake it out as long as the public was made aware of the fact they were only gathering information.

Mr. Wade commented that the problem with doing this was that the wooded area would become fragmented and could have a deterioration effect. He wondered if there might be a less intrusive way to create a route there and noted the area adjacent to the property line was usually well disturbed.

Ms. Nauser asked how this project would be funded. Mr. Glascock replied it would be funded by the GetAbout program. Ms. Nauser understood this project was originally estimated to cost \$187,000 and if there was a substantial amount of money left in the GetAbout program. Mr. Glascock replied there was not. Ms. Nauser asked where the difference would come from. Mr. Glascock replied they would have to find the funds through the GetAbout program.

Mayor Hindman asked for the cost of the trail if they went through the parking lots. Mr. Glascock replied \$187,000.

(D) Creasy Springs Road Signage.

Mayor Hindman asked if the accidents occurred where the signs would be located. Mr. Thornhill replied he understood the accidents were scattered throughout the curve. Mayor Hindman wondered if signage should be placed throughout the entire curve.

Mr. Skala understood this was complicated due to the multi-jurisdictional aspect of the road. Mayor Hindman thought an agreement could be reached and believed the signage would be a good investment since the road would not be re-constructed for some time.

(E) Snow Removal Operations Update.

Ms. Nauser stated she always received many e-mails after snow events with comments indicating the City was not looking for alternatives and pointed out they were always looking for new and better ways to address the situation. Cinders were being used due to the budget because they were readily available, but they were looking for viable alternatives.

Mayor Hindman commented that he thought they should stop using cinders. He showed pictures of areas with cinders on the overhead and believed the situation was unacceptable. He stated he was in favor developing a policy where they would no longer use cinders.

Mr. Thornhill asked if staff could provide a cost estimate for snow removal without the use of cinders. Mr. Glascock replied staff was working on an estimate of using straight salt, but if salt was to be used on residential streets as well, the costs would likely double.

Mr. Skala commented that there could be some environmental or health costs associated with the use of cinders. Mr. Glascock noted the plant was testing the cinders and he would provide a report.

Ms. Nauser asked what they would cut in order to change the snow removal policy as the money would need to come from another source. In addition, she believed there would be negative side effects of any chemical they used, to include salt. Mayor Hindman understood, but believed they should consider the cost to the homeowner as well.

Mr. Glascock pointed out they were evaluating the cost and use of straight salt.

Mr. Skala asked if sand was an alternative. Mr. Glascock replied it was, but it would need to be purchased. Mr. Skala asked about beet juice. Mr. Glascock replied the beet juice was a wetting agent like calcium to activate the salt when it was cold. He noted it was brown and would require different equipment. Mr. Watkins stated it was a replacement for calcium.

Mr. Watkins stated staff would provide a report regarding this issue.

(F) Curbside Recycling Bin Pilot Project.

Mr. Skala asked for the name of the two pilot neighborhoods. Mr. Thornhill replied they were Parkade and Vanderveen.

Mr. Sturtz asked if the size of the bins could be varied. Mr. Glascock replied they only purchased one size for the pilot project, but thought they could consider the use of different sizes if they expanded the program.

Mr. Thornhill asked if those participating in the pilot project would still be able to get blue bags if they had more product than the bin would hold. Mr. Glascock replied they would still be able to get the blue bags.

(G) Vegetation Management.

Mr. Wade commented that he might have more questions after reviewing the report more thoroughly as he was concerned about the tree trimming policy not addressing canopies above power lines. He wondered if the community would be willing to accept more risk in order to protect the canopy.

Mayor Hindman noted Tallahassee, Florida had chosen to allow the canopy to remain and suggested staff look at its program. Mr. Wade thought it would be good to know their experiences.

Mr. Schmitz understood Council was asking staff to investigate Tallahassee's program. Mayor Hindman stated that was correct. Mr. Wade suggested they look at any community with a tree trimming policy that provided some protection to canopies.

(H) COLT Rehabilitation Project.

Mayor Hindman stated he believed any planning done needed to take a parallel trail into consideration. Mr. Skala agreed as it was an important trail.

Mr. Wade wondered if they would ever get done because the five years only involved a mile. Mr. Schmitz stated they would never be done as it would always be an on-going issue.

(I) 2010 Southeast Regional Park Master Plan Update (A. Perry Philips Park and Gans Creek Recreation Area).

Mr. Skala asked if the horse trail was still being considered. Mr. Hood replied the equestrian area was not included in the proposal staff was currently presenting. He explained the one area of substantial controversy was the 17 acre equestrian area at the south end of the park, and as a result staff decided the 17 acres would be set aside as additional natural area.

Mr. Skala understood Rock Bridge State Park had some provisions for horse trails. Mr. Hood stated he understood horses were allowed on the trails in the Gans Creek Wild Area of Rock Bridge State Park. Ms. Hoppe stated it was moderately used at this time and a big concern of the Friends of Rock Bridge State Park and naturalists was that an intensive horse area outside of the Park would make the use of the area inside the Park inappropriately intensive.

Ms. Hoppe commented that she believed there was a need and desire for an equestrian area, but felt this area was too sensitive. She suggested they try to determine another location for a future ballot issue.

Ms. Hoppe made a motion directing staff to refer this plan to the Parks and Recreation Commission and the Planning and Zoning Commission for review. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(J) Proposed Agreement with Osher Lifelong Learning.

Mayor Hindman made a motion directing staff to draft an ordinance to enter into a MOU with Osher Lifelong Learning. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(K) Parks & Recreation Citizen Survey.

Mr. Thornhill commented that Mr. Hood's and Ms. Hoppe's comments regarding an equestrian area showed they probably needed feedback so they could update their plans.

Mr. Thornhill made a motion directing staff to proceed with this citizen survey. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(L) HPC Demolition Permit Application Review.

Mayor Hindman noted this report was provided for informational purposes.

(M) Bicycle and Pedestrian Commission Report: Sidewalk Snow Removal.

Mr. Wade made a motion directing staff to work with the Bicycle/Pedestrian Commission and Disabilities Commission in an effort to move these ideas forward. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman displayed some photographs on the overhead showing snow on sidewalks and noted they were impassable for anyone walking, bicycling or in a wheelchair. The sidewalk was next to a street and plows piled the snow on top of the sidewalks. He noted he did not have a solution, but thought they needed to come up with a way for major routes to be addressed.

Ms. Hoppe stated she had seen people in wheelchairs and pedestrians on the streets in some areas during the dark due to impassable sidewalks. She suggested people unable to shovel their sidewalks hire companies to do the work when needed.

(N) Parks and Recreation Commission Review – Conley Road Rezoning.

Mayor Hindman noted this report was provided for informational purposes.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Tom Rippetto, 23 N. Ninth Street, commented that he had learned to live next door to The Blue Note, but was concerned with expanding the noise ordinance in the downtown as it sent the wrong message. He stated that changing the ordinance would resolve the issue at Shiloh, but that this was a shortsighted view of the situation. He understood the SBD had offered a number of comments with regard to some valid concerns that aligned with some of his own concerns, but those had not been taken into consideration. He did not believe the ordinance took the balance between the bars and other businesses and residents in the downtown area into consideration. He noted noise was an environmental and health issue and needed to be considered for mixed use areas. In addition, it had an economic impact as not all people with businesses downtown left downtown during the times the bars opened up. He encouraged the Council to reconsider the ordinance.

Mr. Thornhill stated he had been contacted with regard to a need for additional lighting on Brown School Road between Rangeline and Derby Ridge and understood it was actually a Boone Electric service area. He asked staff to provide a report regarding whether this request for lighting was valid.

Mayor Hindman understood there had recently been a problem with a business that did not even have a business license. He felt one purpose of a business license was for the public to know who owned a business and understood this information was not provided on-line. He suggested they consider making all business license information available on-line.

Mayor Hindman understood there was an increase in non-emergency 911 calls and suggested a 311 on-line system for messages to be sent to the appropriate location.

Mr. Skala commented that the lady that spoke with regard to the Major Roadway Plan earlier in the evening had suggested there might have been some changes and asked for a report regarding whether it had been changed and how it had been changed.

Mr. Skala thanked whoever was responsible for fixing the potholes on Clark Lane as he understood it was a multi-jurisdictional area.

Mr. Skala asked for the status of the crosswalk on Keene Street.

Mr. Skala commented that the City had participated in Earth Hour the last two years and noted he would be inclined to renew their commitment for Earth Hour. Mayor Hindman stated he would be willing to endorse it, but did not believe the City was in the position to proceed with everything they were requesting. Mr. Skala agreed.

Ms. Hoppe suggested the City do what might be reasonable in terms of promoting Earth Hour.

Mr. Skala stated he would be holding a Neighborhood Safety Summit and Town Hall Meeting on February 11 from 6:30 p.m. to 8:30 p.m. at the Blue Ridge Elementary School cafeteria on Woodland Drive.

Mr. Wade recalled receiving a report in response to a Council request with regard to defining the roles and responsibilities of neighborhood associations and the relationship of proposals involving planning and development, and thought Council had requested further development of the ordinance with the possibility of a handbook modeled after one from Madison, Wisconsin. He asked about the status of that request. Mr. Watkins stated he would look into it.

Mr. Wade noted some people with disabilities had complained about the handicap access design of the sidewalk at the southeast corner of Eighth and Broadway as it was designed differently than the other handicap access points downtown and asked how it could be corrected.

Mr. Watkins pointed out it was already in the process of being rebuilt as it was part of the Eighth Street work that would begin in the spring or summer. He noted they were trying to work with property owners on that side of Broadway with regard to replacing the water line and reaching a 50/50 agreement for replacing the sidewalk.

Mr. Wade stated he frequently received complaints about the quality of service and lack of sensitivity from Mediacom. In addition, the City and School District had put a considerable amount of money into their respective television channels and Mediacom now made it difficult for people to access those public service channels. He suggested they reinstate the Cable Television Task Force that had been in place a few years ago to identify citizen and City displeasure with Mediacom and to propose actions they might be able to take to bring some change to Mediacom's business practices in Columbia.

Mr. Skala stated he shared Mr. Wade's frustration regarding Mediacom and agreed getting the Task Force together was a reasonable idea.

Mayor Hindman asked staff to determine who was on that Task Force and to ask them to meet again.

Ms. Hoppe understood there was no municipal ordinance in place for receiving stolen property, such as street signs. Mr. Boeckmann thought this issue had come up several years ago and that he had drafted an ordinance. Ms. Hoppe asked if he could revive it and bring it back as a report.

Ms. Hoppe understood William Street would be changed to a one-way street during the construction involving Boone Hospital, and as a result, traffic would be redirected for a period of six months. She commented that Ann Street, Cliff Street and University Street created a problematic intersection and asked staff to review the situation to determine if there were any safety situations and solutions in terms of striping, signage or a round-a-bout.

Mayor Hindman commented that the University of Missouri Student Senate had passed a resolution requesting a crosswalk be installed at College and Wilson and asked staff to provide a status regarding that crosswalk. Mr. Watkins noted staff had provided the Council a study from the University involving the crosswalk. Mayor Hindman did not recall receiving the report. Mr. Watkins stated he would send it again.

The meeting adjourned at 11:44 p.m.

Respectfully submitted,

Sheela Amin
City Clerk