

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 21, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 21, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL and DUDLEY 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 June 7, 2010 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to add Report 54-10 to 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 Mr. Kesphol and a second by Ms. Hoppe.

SPECIAL ITEMS

Government Finance Officers Association: Distinguished Budget Presentation Award for FY Beginning October 1, 2009.

Mayor McDavid explained the Government Finance Officers Association had presented the City of Columbia with a Distinguished Budget Presentation Award for Fiscal Year 2010. This had been the thirteenth year in a row the City had received the award. He congratulated Finance Director Lori Fleming and her staff for achieving this designation.

SCHEDULED PUBLIC COMMENT

Mitchell Richards: Downtown Cameras and Police Issues.

Mitchell Richards, 5108 Buckeye Drive, stated he was representing Keep Columbia Free and explained the policy changes made by Chief Burton, specifically the monthly reporting and the recording of all SWAT raids, were important. He encouraged the Council to show its agreement with the policy changes by making those changes more permanent through ordinances.

Mr. Richards understood the Council would be voting on the purchase and use of iris scanners funded by federal government grants in conjunction with the Boone County Sheriff's Department. He believed iris and license plate scanners were examples of biometric technology being funded with money the federal government seized through asset forfeitures. They were installing a biometric system of information and population surveillance, and it would not reduce crime or make people safe. It would only condition people to accept the omni-presence of cameras. He commented that the drug wars and SWAT raids were the result of 30 years of the federal government intruding upon local law enforcement, and if this

continued, local law enforcement would be further outsourced to the federal government. As a result, he did not believe the community should be surprised by the presence of paramilitary raids. He asked the Council to not accept the money and to not allow iris scanners, cameras or license plate readers.

Eapen Thampy: Federal grants disbursed to Columbia through DOJ equitable sharing programs.

Eapen Thampy, 121 S. Tenth Street, provided his business card and commented that law enforcement policies were not necessarily controlled by what was happening in Columbia, because it was also controlled by what happened in offices in Washington D.C. He noted money was being taken from Missouri citizens and being provided to local law enforcement, and as a result, local law enforcement did not just serve the community's priorities. It also served the priorities of the federal government. He suggested the Council initiate requests for federal grants or funds instead of the Police Department because he did not believe the decision for iris scanners, etc. should be tied to unelected officials that did not have to defend their position.

PUBLIC HEARINGS

B127-10 Approving the Engineer's Final Report for the Sanitary Sewer District No. 159 (State Route K) sewer construction project; levying special assessments.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

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

B127-10 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of sidewalks along the south side of Business Loop 70 from Jackson Street to Jefferson Street.

Item A was read by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Sturtz commented that vision statement number 13 indicated Columbia was seeking to create an integrated transportation system that would help drivers, walkers and bikers. He felt this should be kept in mind with every street project.

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

(B) Construction of street and storm sewer improvements on Stadium Boulevard from Broadway to Interstate 70, Bernadette Drive from Fairview Road to Beverly Drive, Fairview Road from Worley Street to Bernadette Drive and Worley Street from Bernadette Drive to the Columbia Mall traffic signal.

Item B was read by the Clerk.

Mr. Watkins provided a staff report and noted this project would be funded for with a MoDOT grant and funds generated by three TDD's in the area to repay the City for a low interest loan. The project would be completed in phases, so construction would likely last 3-4 years. He pointed out this project required a new interchange at Scott Boulevard to really fix the problems, but there was no funding for that at this time.

Sabin Yanez of Cook, Flatt and Strobel Engineers provided a history of the Stadium Boulevard project and explained the purpose of the project was to increase capacity, improve safety, improve travel time through the corridor, upgrade access points and improve pedestrian access. He noted the project would involve a diverging diamond interchange at I-70 similar to the one that had been built in Springfield, Missouri. It would include additional lanes along Stadium Boulevard, additional turning lanes along side streets and an updated signal technology, which would help with fuel costs and improve safety. He explained many comments had been received and listed some of the concerns brought forward. He also provided a tentative construction schedule for the project.

Mayor McDavid opened the public hearing.

Ed Brent, 100 West Briarwood, understood the plan was to add a raised median at West Briarwood, which would prevent left turns in and out of West Briarwood making it difficult to go west on Broadway from West Briarwood or to turn onto West Briarwood when going west on Broadway. This would be an inconvenience for residents of the area. He felt the risk there was minimal since it was really only the people living there that were making the left turns. He noted he was also concerned with the traffic noise getting louder due to the expansion of Stadium and suggested a sound barrier along Stadium at the back of the houses on Briarwood be installed.

Ian Thomas, 2616 Hillshire Drive, stated he was the Executive Director of the PedNet Coalition and agreed this was a needed project due to the congestion and safety issues of the corridor, but he believed the project should be balanced in terms of sustainability. He asked the Council to reinstate the sidewalks on Broadway and Stadium that were deleted from the project and stated he believed the street design standard ordinance should be followed so bicycle and pedestrian infrastructure was incorporated into the project. He noted many of the vision impact statements showed strong community support in making Columbia a multi-modal community, and believed those should have been listed on the memo to Council. He understood the cost savings from cutting the sidewalks was minimal as the cost was only \$85,000. He asked the Council to ensure this project remains a multi-modal project as there were many personal and societal benefits in terms of health, environmental impacts and economic benefits.

Mr. Kespohl asked which sidewalks had been removed from the project. Mr. Thomas replied the sidewalks on Broadway between Stadium and Briarwood and the sidewalks on Stadium south of Broadway.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing the Columbia Mall Transportation Development District (TDD) and General Growth Properties, the primary owner of the Columbia Mall. This TDD was formed at the request of the City and was providing a large share of the local funds for this project, and as a result, he believed its requirements and requests should be honored. The parking lot striping

and internal traffic patterns for the Mall should not be a part of this project as it was private property and not suitable to many of its tenants. In addition, a traffic signal at the intersection of Knipp and Bernadette that had been shown on all prior proposals and was removed from this plan should be reinstated. He understood the traffic engineers did not object to the signal, and that it had been deleted due to cost concerns. He suggested the signal be shown on the plan, and if the funding was not available when it needed to be installed, it could then be deleted. He noted funding for the signal could be provided in a number of ways.

Phyllis Brandt, 107 West Briarwood, stated her backyard bordered Stadium and explained that the last time traffic lanes were added to Stadium, those living on Briarwood had lost the use of their backyards due to the noise from the traffic on Stadium since the traffic lanes were almost level with the backyards. She suggested sound barrier walls be erected so residents could regain the use of their backyards. She commented that the yield sign on Stadium for those wanting to turn onto Broadway was constantly ignored as people did not yield or slow down. As a result, those pulling out onto Broadway were always close to being rear ended since they could not see around the corner. She felt a stop sign was needed instead of a yield sign. She also asked that left turns in and out of Briarwood not be restricted as it would be inconvenient and potentially cause problems for the children at the daycare at the other end of Briarwood. She suggested the money saved by removing the median at West Briarwood be used for sound barrier walls.

Mr. Sturtz asked Mr. Yanez if he had looked into mitigating the sound impacts of this project for neighboring residents. Mr. Yanez replied he had not as it had not been part of the scope of work. Mr. Sturtz asked if direction would need to come from Council to look into it. Mr. Yanez replied it would need to come from Council or staff.

Robert Hollis, an attorney with offices at 1103 E. Broadway, stated he was representing the Holiday Inn Executive Center and Columbia Expo Center and provided a handout showing the Knipp/Bernadette intersection. He explained his client felt a traffic signal at Knipp and Bernadette was necessary and that the City's traffic engineer was not opposed to a traffic signal at that intersection. As a result, he asked Council to revisit the issue. He noted up to 1,200 people attend conventions at the Holiday Inn at any one time, and when a convention ended, most people headed toward I-70 using the Knipp intersection to I-70 Drive Southwest or Stadium. They did not know Hutchens existed as part of the transportation network. He understood Hutchens would be the only point of egress to I-70 with the proposed plan, which would cause confusion, frustration and potential safety concerns. He noted the Knipp and Bernadette intersection would be designed and constructed for the traffic signal, so the only change to the proposed plan that would be needed was the installation of the traffic signal. He asked those in the audience in support of the traffic signal to stand and approximately eight people stood.

Barbara Allen, 111 West Briarwood, commented that her backyard abutted Stadium and the noise level had increased to the point the backyards could not really be used. She noted there were many options for sound barriers and understood Mr. Dudley was passing around photos of some of those barriers. She understood funds were available for sound barriers if the noise level was at a certain point, and noted the website for that information was included in the documents being passed around by Mr. Dudley. She stated another

issue she had was the fact there was also an East Briarwood and this caused confusion for the mailman and other delivery people. She had asked the City to enlarge “East” and “West” on the street signs, but had never heard back and nothing was ever done. She explained she was also concerned about the potential for limited access to Broadway with restrictions on left turns. She understood Stadium would not be six lanes, but that there would be an extra lane exiting Stadium onto Broadway. She felt the traffic was already fast at about 40 mph off Stadium onto Broadway, and although she did not know how to resolve the issue, she thought the median needed to be revisited.

Kelly O’Brien stated she was the President of Parish Council at Lady of Lourdes and was speaking on behalf of Columbia Catholic School and the Parish. She explained the Parish and School were very supportive of the proposed project and the improvements it would bring in terms of safety and congestion. While they recognized no construction would occur directly in front the Church and School, they were concerned with the increased traffic volumes on Bernadette Drive as more drivers would use Bernadette to avoid the construction impacts elsewhere. There were 620 students, which translated into 350 families, and more than 50 staff members at the School. All were responsible for their own transportation, which made the daily drop off and pick up times very busy and congested. She asked the City to install flashing school zone speed limit signs on Bernadette approaching the School from each direction. She also asked the City to consider a police presence to direct traffic during the drop off and pick up periods if situations became unbearable during construction. They encouraged the possibility of most of the work being done at night and hoped construction on the Bernadette/Stadium and Worley/Stadium intersections would not be done at the same time. She noted they were prepared to alter their routines as the work was done and would communicate construction information and mitigation measures to their members. They would also encourage carpooling and new driving patterns.

Andrew Beverly, the President of Landmark Bank with offices at 801 E. Broadway, explained Landmark Bank had a branch at the corner of Stadium and Ash, which served more customers than any other branch location. The proposed plan included a raised median along Ash Street, and the possibility of eliminating access to the bank was of great concern to him. He understood the proposed median would prohibit left turns into the bank driveway and into the Michael’s driveway. For a bank that prided itself on convenience, this would be very inconvenient for their customers as it would take people coming from Stadium three blocks out of the way. He asked Council to consider allowing the bank to use its driveway to make it easier for customers to get in and out of that location.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was representing the Kroenke Group, the owners of the Michael’s store and the Shoppes at Stadium, and noted that most people did not want to see this project derailed or delayed. He asked the Council to allow the planning to go forward while allowing some tweaks to be made for the adjacent property owners. He explained they supported the request of Landmark Bank for improved access and understood the representatives of the Courtyard Apartments were present for essentially the same reason. He reiterated his request to Council to proceed while allowing for potential changes to the plan in terms of access, etc.

Helen Griffin, 3730 Old Ridge Road, stated she and her husband owned a commercial building at 103 Buckner Street, which ran parallel to Stadium between Ash Street and the Crossroads Shopping Center. The proposed plan would negatively impact their property in terms of ingress and egress. She noted the retail business operating at this location was dependent upon the public having comfortable access to its business, and the present proposal would jeopardize this. She believed the value of the property would be negatively affected as well. She explained she and others had provided some suggestions to Mr. Yanez and hoped consideration would be given to those suggestions.

Ron Delaite stated he was a real estate broker with Buyers Agent Real Estate and noted he was speaking on behalf of the Griffins with regard to the building at 103 Buckner Street. He explained he had submitted a letter to the engineering company regarding the ingress/egress issue and had since provided that letter to the Council by e-mail. The only public access in and out of the building had been from Buckner Street to Ash Street and the proposed plan would make Buckner Street a one way street from Ash going south. This would allow access from a public road to 103 Buckner Street, but there would be no public access to get back to a public road without crossing a privately owned parking lot. He understood the plan was to put an entrance from Stadium into the Crossroads Center parking lot, but this would require those on Buckner to drive across the Crossroads Center parking lot, so there would not be public access to a public road from Buckner.

Dana Jensen, the Director of Operations for Hardee's, stated they operated the restaurant at Worley and Stadium and read a letter that had been sent to the City with regard to the Stadium improvements. The proposal was to close the first of their two entryways along Worley Street and to place a raised median along the Worley frontage causing the remaining Worley entrance to be a right-in only entrance. Worley Street traffic heading toward Stadium would have to anticipate a left turn on Tiger Lane before getting to the restaurant and enter the site from Tiger Lane as well. Traffic exiting the site and returning to Stadium would have to exit at the same Tiger Lane entry and make a left turn on to Worley. This entry point would not function properly with the existing layout in terms of the drive-thru and these improvements would have a devastating effect on business. He asked that the design for the improvements along Worley Street allow for the retention of both the left and right turn movements in and out of the restaurant.

Roger Myatt, 115 West Briarwood, agreed with his neighbors in terms of the noise issue and thought the noise levels at certain times of the day were at a decibel that could cause permanent hearing loss. He noted the last modification to Stadium south of Broadway had a negatively impacted their property values and suggested Council eliminate the portion of the project south of Broadway until the noise and property value issues were resolved. He agreed the traffic accident issues at Bernadette and Stadium needed to be addressed, but he did not believe those accidents were a result of traffic flow. He thought they were a result of driver behavior. He also believed the option for future amendments should be allowed if the Council decided to proceed with the project tonight. While he agreed the traffic situation around the commercial areas could be improved, he did not believe the property values and the quality of life of the surrounding residential neighborhoods should be impacted.

Joe Alder, 511 Parkade Boulevard, commented that as a person interested in public safety in Columbia, he had some concerns about this project. If there was an automated traffic signal system on Stadium to move large volumes of traffic in bunches, he believed large amounts of traffic would be on the on-ramps at Stadium for the east and west bound lanes of I-70. He understood a best case scenario was that MoDOT would build a third lane on I-70 from the West Boulevard intersection out the Sorrell's exit, and although there was not funding for it, he agreed any extension of the on and off ramps would improve public safety. He noted he was concerned with the fact I-70 Drive Southwest would be modified to a right in/right out only because he thought it should be improved instead, and provided adding a third lane to Hutchens Drive, extending Fairview Road north to I-70 Drive Southwest and creating a dual left turn lane at Stadium as examples. He stated he was not sure the double diamond proposal was a good idea as there would only be 430 feet between the diamonds, which was not a lot of room for maneuvering, and suggested the Council require it to be modified to a traditional overpass if it did not work. He understood the intersection of Bernadette and Stadium would include three left turn lanes and noted he did not know how that would work if there was an accident. He also understood the diverging diamond proposal would not allow traffic to cross Stadium from one ramp to the next if needed. He recommended they avoid major construction during the holiday shopping season, bad winter weather and football and basketball games, and noted he had provided a letter to Mayor McDavid and Mr. Thornhill regarding this issue as well.

Paul Love, 100 Sondra, understood this plan did not meet the 20 year projected traffic count and was concerned this was a less than optimal solution with a limited lifetime design. In addition, many changes were being requested. He commented that they could not give everyone 100 percent access, and if they made a lot of changes, it would not solve any of the problems. He thought that should be considered due to the amount of money and disruption involved.

Greg Ahrens, 1504 Sylvan Lane, stated shoulders should not be relied upon in place of sidewalks and sidewalk construction should be included in the project. He understood Council had a tough decision in terms of this project and was unsure it would work as he believed there should be fewer lanes on Stadium and additional streets around it for people to use.

Albert Prouty, 111 N. Stadium, Apt. A, explained he had ridden on the shoulders of Stadium many times with his power chair, and while the pavement was smooth, there was a lot of rock, cement, mulch and debris there, so it was still a rough ride. He hoped sidewalks similar to those on 763 could be installed on Stadium as well. If only one sidewalk could be constructed, he suggested it be on the west side as there were no sidewalks from Ash to Bernadette, so it was difficult to get through. With six lanes of traffic, he suggested more time be allowed for pedestrians and those in wheelchairs to cross.

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

Mayor McDavid noted this was a worthwhile project designed to increase traffic flow by 40 percent, but also believed the concerns raised needed to be addressed. He listed the Buckner Street access, the Ash Street access, the intersection at Bernadette and Knipp, noise on Stadium, the median on Broadway at Briarwood, the Mall parking lot, the sidewalks

on Broadway, the issues of Columbia Catholic, the median on Worley by Hardee's and the right turn from Stadium to Broadway going east as potential items needing to be addressed and noted he was not comfortable approving the project with contingencies.

Mayor McDavid made a motion to table Item B to the July 19, 2010 Council Meeting to allow time for staff to address the concerns raised tonight. The motion was seconded by Mr. Kespohl.

Ms. Nauser asked if there were any time constraints in terms the funding. Mr. Watkins replied the right-in/right-out to the Crossroads Shopping Center would need to be constructed by Christmas, but he thought they could move ahead with planning for that piece.

Mr. Kespohl asked if he was referring to the right-in/right-out off of Broadway. Mr. Watkins replied it would be off of Stadium to the Crossroads Shopping Center.

Mr. Sturtz understood Mayor McDavid was asking staff to look into the issues instead of expanding the scope of services of the consultant. Mayor McDavid explained he was asking that ten issues brought up tonight be addressed.

Ms. Hoppe asked if the timing of construction issues had been included in his list. Mayor McDavid replied he thought this should be tabled so all of the concerns raised could be addressed.

Mr. Thornhill asked about the commitment at this point. He wondered whether staff was being requested to look into the issues or to resolve them. Mr. Watkins replied he thought Council should hear the cost and impact of each solution from staff, and they could then decide how to proceed. Mayor McDavid understood some of these issues might not be fixable, but believed a strong effort should be made.

Mr. Dudley asked if the sidewalks on south Stadium had been included in the list. Mayor McDavid replied yes.

The motion made by Mayor McDavid and seconded by Mr. Kespohl to table Item B to the July 19, 2010 Council Meeting was approved unanimously by voice vote.

(C) Construction of a 24-inch water transmission main from the intersection of Nifong Boulevard and Ponderosa Street to the Hillsdale Pump Station.

Item C was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz asked for the length and width of this stretch in terms of right-of-way. Mr. Schmitz replied it ran from Ponderosa and Nifong to I-70 Drive Northeast, and since it would be a 24-inch main, he thought the work zone would be about 12 feet wide. He noted a 24-inch main was already being installed on the Maguire bridges in an effort to minimize the impact.

Mr. Sturtz asked how many structures would need to be demolished for the proposed alignment. Mr. Schmitz replied none.

Mayor McDavid opened the public hearing.

Steve Wendling, 3210 S. Providence, stated he was speaking on behalf of Doris Overton, the widow of Jack Overton, with regard to the northern part of this extension. When the Richland Heights Mobile Home Community was originally platted, the Council and residents of Woodridge had been concerned with the ecological effects to Hominy Branch

and screening. As a result, Council required Mr. Overton to erect a 12-foot privacy fence and 71 juniper trees on ten foot centers for the length of the project at a cost in excess of \$55,000. Ms. Overton wanted some assurance that the trees and fence would not be damaged due to the length and width of the project. Mr. Schmitz stated he would commit to minimizing the damage wherever they could. He noted this route had been selected due to it's proximity to the power line so the same corridor could be used. Mr. Wendling asked that Ms. Overton not be responsible if the trees or fence were damage.

Bill Rajewski stated he was with Perry Legend Collision Center and understood the path would go down Maguire and Lemone Industrial. He wondered why the corridor to the south from the water tower had not been used as there was a 20 foot easement for utilities along the west side of Lemone Industrial. Mr. Schmitz replied staff had looked at six different paths and believed this path provided the least impact and would be the easiest to construct. He pointed out the City tried to stay out of the MoDOT corridor as it was difficult to construct and maintain. In addition, they tried to minimize the depth of mains due to issues with mains being too deep to repair when broken.

Mr. Rajewski commented that now that they had additional egress and ingress, this would restrict the flow of traffic again. Mr. Schmitz pointed out the portion shown with the dotted line was currently being installed so the traffic impact would be minimal.

Leroy Sharp, 3103 Timberhill Trail, asked if the line would come through his subdivision. He understood it would be laid in the right-of-way of the highway. Mr. Schmitz stated it would be at the eastern edge of the right-of-way or the western edge of the property lines, and since the properties faced east, it would be at the rear of those homes.

Chris Knudson stated he was with Carfax on Maguire and noted he thought the project would cross the new bridges, go around Maguire and then to Lemone. Mr. Schmitz explained that was an alternative that had been considered, but it did not end up being the preferred route.

Mr. Knudson stated Carfax had a fiber optic line from Maguire, west to the old Wiltel Building. In addition, CenturyTel went straight down Maguire. He hoped there was good scheduling and planning because they would be out of business if the internet lines were cut. He noted he was also concerned about the new ingress/egress being blocked as well. He hoped the road would be paved when it was completed because FedEx was tearing up the road. Mr. Schmitz explained certain locations would be bored. In addition, they did not intend to cut any fiber.

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

Ms. Hoppe noted she believed Engineering Surveys & Services had done good job at looking objectively at the criteria and options in an effort to find an option with the least impact to existing buildings and the natural environment.

Mr. Dudley asked if the route could turn east across the vacant lot. Mr. Schmitz replied they were already committed to the portion shown by the dotted line.

Mr. Thornhill asked if something needed to be done to ensure Ms. Overton the fence and trees would not be destroyed. Mr. Schmitz replied they would keep all of the trees they could and would even replace any trees they had to remove.

Ms. Hoppe made a motion directing staff to proceed with the final plans and specifications for this project. The motion was seconded by Mr. Kesphohl and approved unanimously by voice vote.

OLD BUSINESS

B125-10 Amending Chapter 22 of the Code of Ordinances to establish sanitary sewer extension permit requirements.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B125-10 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B126-10 Amending Chapter 24 of the Code of Ordinances as it relates to downtown sidewalk and street closure permits.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked what temporary meant with regard to Section 24-71(a). Mr. Nichols replied he thought that section had been used for major events. He understood it was an obstruction of people passing through, such as parade. Ms. Hoppe asked if it would be considered several hours in a day. Mr. Nichols replied he thought that was correct. He noted Section 24-41 was used when a right-of-use was issued related to a building permit, such as work in the sidewalk or a driveway.

Ms. Hoppe referred to the checklist and understood the Director the Public Works could require plans from a professional engineer, but that it was not always required. Mr. Nichols explained that if the street was encroached upon, a traffic control plan would be necessary. It would not be required for a closure that occurred on a sidewalk. The Public Works Director would determine the necessity based upon the type of closure, the location and how it would relate to other streets and driveways. If one was needed, it would be required to be done by a professional engineer.

Mr. Sturtz believed there were different approaches being used for different sidewalk projects in the downtown and gave Commerce Bank and the project on Broadway between Eighth and Ninth Streets as examples. He wondered how the changes to the ordinance would prevent closures with an impact of almost a year. Mr. Nichols replied there would be broader communication of the closures. If the closure exceeded 30 days, the request would need to come to Council.

Mr. Sturtz asked how a closure of 2 to 3 weeks would be handled. Mr. Nichols replied notification would be required for shorter closures. In addition, complaints would be tracked. He thought the checklist would help the process. He noted the routing of permit applications would include the SBD for comment.

Ms. Hoppe understood the checklist indicated the business owners along the sidewalk frontage must be notified, but the ordinance indicated that owners along the sidewalk

frontage block must be notified. She suggested “block” be included on the checklist as well. Mr. Nichols stated that would be done.

Carrie Gartner, 11 S. Tenth Street, explained the SBD had worked with City staff on this proposed ordinance. She stated they did not have any changes, but wanted to reemphasize the fact the SBD would be part of the notification process because they had ways to get a hold of the property and business owners and customers. She believed the extra communication would help prevent the problems that had been seen in the past.

Ms. Hoppe made a motion to amend B126-10 by changing Section 24-41(b) so it would read “No person shall close a public sidewalk in connection with a construction project without first obtaining a permit under this division if the sidewalk is to be closed for thirty (30) days or less. If the sidewalk is to be closed for more than thirty (30) days, Article IV should be followed.” The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Ms. Hoppe made a motion to amend B126-10 by changing Section 24-71(a) by adding “for a closing not exceeding thirty (30) days” after “...division 2” and before “such person shall make application....” The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

B126-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B131-10 Amending Chapter 12 of the City Code as it relates to the Human Rights Enhancement Program.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B131-10 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B136-10 Authorizing an amendment to the redevelopment agreement with Tiger Columns, L.L.C.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz asked if this extension would be sufficient given the economy or if this would need to be revisited in a few months for another extension. Mr. Watkins replied not sure.

Erick Creach, an attorney with offices at 1103 E. Broadway, explained his clients had diligently sought financing, but due to the economy and the uniqueness of obtaining financing associated with a TIF development, the process was taking longer than anticipated. He was confident financing could be achieved by the extended deadline.

Paul Love, 100 Sondra, recalled this TIF for the Tiger Hotel had been controversial, and due to the economy, he wondered if a six month extension would be enough. If they had not secured any funding at this time, he wondered if the extension should be provided. He also wondered if there was enough financial sense in maintaining a TIF if the banks would not support it.

Mr. Sturtz asked if there were costs associated with maintaining the TIF. Mr. Watkins replied there were no costs to the City. Mayor McDavid understood the TIF would expire if financing was not found without any risk to the City.

Ms. Hoppe noted the report indicated the developer expected to obtain the necessary financing with acceptable financing terms, and due to his reputation, she believed he was trying.

Ms. Nauser pointed out the developer had also put up a considerable amount of money to go through the TIF process. Mr. Watkins agreed noting the developer had put up more than \$30,000 in legal fees. He also pointed out it did not cost the City anything to provide him an additional six months.

B136-10 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B123-10** **Voluntary annexation of property located at 350 East Old Plank Road; establishing permanent R-1 zoning.**
- B124-10** **Vacating an undesignated easement along a portion of the south side of Cliff Drive.**
- B128-10** **Accepting conveyances for sidewalk, access to storm water facilities and sewer purposes.**
- B129-10** **Accepting Stormwater Management/BMP Facilities Covenants.**
- B130-10** **Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Wyndham Ridge, Plat 1; approving the Engineer's Final Report.**
- B132-10** **Accepting a donation from the Downtown Optimist Club of Columbia for the Parks and Recreation Department C.A.R.E. Program; appropriating funds.**
- B133-10** **Accepting a donation from the Sunrise Optimist Club for Police Cadet Program expenses; appropriating funds.**
- B134-10** **Appropriating Local Energy Assurance Planning Stimulus Recovery Grant Funds from the U.S. Department of Energy.**
- B135-10** **Accepting the FY 2009 Missouri Homeland Security Regional Response System Sustainment Grant; authorizing a grant agreement; appropriating funds.**
- R115-10** **Setting a public hearing: consider proposed changes to the Columbia Transit bus routes.**
- R116-10** **Setting a public hearing: consider the FY 2011 Capital Improvement Project Plan for the City of Columbia, Missouri.**
- R117-10** **Authorizing an agreement with the Missouri Department of Health and Senior Services for Arbovirus Mosquito Surveillance.**

- R118-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for Child Care Asthma Quality Improvement.
- R119-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program.
- R120-10 Authorizing an agreement with Central Methodist University to provide health clinic experience for nursing students.
- R121-10 Approving the by-laws of the Bourn Avenue Neighborhood Association.
- R122-10 Approving the by-laws of the West Ash Neighborhood Association.
- R123-10 Designating Central Missouri Community Action and Show-Me Central Habitat for Humanity as Community Housing Development Organizations (CHDO); authorizing CHDO agreements.
- R124-10 Authorizing an amendment to the agreement with the Columbia Chamber of Commerce relating to the remodeling of the Walton Building.
- R125-10 Authorizing a cooperative agreement with Boone County for the use of IRIS Biometric Hardware and Software in the Police Department.
- R126-10 Amending the Application Guidelines for the Attraction Development Fund; authorizing an agreement with Central States Rail Associates, Inc. for tourism development funds.
- R127-10 Authorizing a passenger services agreement with Central States Rail Associates, Inc. for the use of Columbia Terminal Railroad (COLT) property for a railroad passenger excursion train.

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

NEW BUSINESS

- R128-10 Authorizing a project partnership agreement with the Department of the Army for the design and construction of the Hinkson Creek Streambank Stabilization Project.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked what would be done with the stabilization. Mr. Schmitz replied that due to the significant soil erosion, they would create some hard surfaces to keep the erosion from coming back again. There was a sanitary sewer that crossed in close proximity and the erosion had been going on for several years. They understood there was only about two feet of cover on the main.

Ms. Hoppe asked if vegetation would cover the work done. Mr. Schmitz replied he was not sure what the plan was for re-vegetation.

Mr. Dudley understood the road in this area flooded extensively during heavy rains and asked if that would be considered. Mr. Schmitz replied he believed the design would have zero change on flood capability. This project was only to re-establish the creek bed and stop the erosion.

The vote on R128-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE.
Resolution declared adopted, reading as follows:

R129-10 Renaming Rockhill Park to the Clyde Wilson Memorial Park.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Bonnie Bourne, President of East Campus Neighborhood Association, stated that they strongly supported this renaming in honor of Mr. Wilson’s significant contributions to the City over the years. She believed his record stood for itself and that he had made his mark as a role model, advisor, mentor and supporter of many projects. She was grateful for his contributions and felt that this would be a great testimony to his influence as a citizen of Columbia.

Ms. Hoppe thanked the neighbors and Parks and Recreation Commission for making this recommendation to honor someone who had spent a lifetime contributing to the City and sharing his time and talents.

The vote on R129-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. 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.

- B137-10 Approving a revision to the Pride/Phoenix Soccer Park C-P Development Plan located northwest of the intersection of Brown School Road and Roger I. Wilson Memorial Drive (5023 Roger I. Wilson Memorial Drive); granting a variance relating to sidewalk construction.**
- B138-10 Approving the Final Plat of Bellwood, Plat No. 3 located on the west side of Reedsport Ridge, north of West Broadway and west of Strawn Road (Route ZZ); authorizing a performance contract.**
- B139-10 Vacating drainage easements located within the Vistas at Old Hawthorne Plat 3; accepting a conveyance for drainage purposes.**
- B140-10 Vacating sidewalk easements located within Copperstone Plats 1, 2, 3 and 4; accepting conveyances for sidewalk purposes.**
- B141-10 Calling for bids for construction of the East Side Sidewalk Reconstruction Project, Phase 2, to include the reconstruction of sidewalks along both sides of Broadway between William Street and Short Street, and along both sides of College Avenue between Paquin Street and Windsor Street.**
- B142-10 Authorizing application for FY 2011 transit planning, operating and capital assistance grants.**
- B143-10 Accepting conveyances for utility purposes.**
- B144-10 Amending Chapter 2 of the City Code as it relates to the membership and duties of the Downtown Columbia Leadership Council.**

- B145-10** Accepting and appropriating donated funds for a garden to be planted at Steinberg Playground in Columbia Cosmopolitan Recreation Area and for the Memorial Tree and Bench Programs.
- B146-10** Accepting and appropriating donated funds from Pepsi for youth programs in the Parks and Recreation Department.
- B147-10** Accepting and appropriating donated funds from Friends of Paquin for adapted community recreation programs in the Parks and Recreation Department.

REPORTS AND PETITIONS

REP47-10 Intra-Departmental Transfer of Funds Requests.

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

REP48-10 Animal Licensing.

Ms. Browning provided a staff report.

Mayor McDavid asked Ms. Browning if she thought it was unnecessary to authorize a fee. Ms. Browning replied she believed the fee would help, but felt the Finance Department should be consulted as there had been accountability accounting issues in the past. She thought some veterinarians were charging convenience fees on their own without the benefit of the ordinance, but others had indicated that it would be better to have a universally accepted convenience fee.

Ms. Nauser asked if people were refusing to get licenses or if they were not being asked. Ms. Browning replied she thought they were not asked most of the time.

Ms. Nauser stated she liked the incentive recommended in the report of a free ride home. Ms. Browning noted it was customer friendly as well.

Mayor McDavid made a motion directing staff to prepare legislation to move forward with recommendations one and two of the report. The motion was seconded by Ms. Hoppe.

Ms. Nauser stated she like the on-line recommendation as well as it was more convenient.

Mayor McDavid asked Ms. Browning for her concerns regarding the third recommendation. Ms. Browning replied they would need to work with the Business License Office as there could be some staffing issues.

Mayor McDavid suggested they vote on the motion to pursue recommendations one and two while asking for recommendation three to be studied further to determine if feasible.

The motion made by Mayor McDavid and seconded by Ms. Hoppe directing staff to prepare legislation to move forward with recommendations one and two was approved unanimously by voice vote.

REP49-10 Report from Board of Health – Animal Control Ordinance Revisions.

Mr. Watkins and Ms. Browning provided a staff report.

Mayor McDavid made a motion directing staff to prepare ordinances in cooperation with the Board of Health and to present the background information and public hearing information when the ordinances were presented. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP50-10 Parking Problems on Fairview and Coats.

Mr. Watkins provided a staff report.

Mr. Sturtz made a motion directing staff to bring forward an ordinance restricting parking on Fairview Avenue and Coats Street. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP51-10 Installation and Permitting of a Wind Turbine for the Production of Energy on Private Property.

Mr. Watkins provided a staff report and noted this wind turbine was being permitted, but they wanted to bring it to Council's attention in case they felt it should be referred to the Planning and Zoning Commission for standards to be developed.

Mayor McDavid thought it should be referred to the Planning and Zoning Commission so the research was done in terms of what other communities were doing with respect to this issue.

Mayor McDavid made a motion to refer this issue to the Planning and Zoning Commission for review and recommendation. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

REP52-10 Parking on Waugh Street and Locust Street.

Mr. Watkins provided a staff report.

Mayor McDavid made a motion directing staff to prepare an ordinance restricting parking on Waugh and Locust Streets. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP53-10 Report on the City of Tallahassee's Vegetation Management Program.

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

Mayor McDavid asked why there was a need to look into changing the City's current policy. Mr. Schmitz replied he had been asked by Council to look Tallahassee as it had a unique vegetation management plan to determine if it might work for Columbia.

Mayor McDavid understood this was provided for informational purposes.

Ms. Hoppe stated she thought a similar process of aggressively trimming faster growing trees and being more reserved in cutting slower growing trees could be implemented as it might improve the aesthetics without impacting the function of the system. Mr. Schmitz understood this was already being done.

REP54-10 Street Closure Request.

Mr. Watkins explained this was a request to close the block north of Broadway on Ninth Street for a festival.

Mr. Dudley stated he was concerned with the open container waiver and preferred not to approve that portion of the request. Mr. Watkins noted the open container waiver had been approved for all prior Summerfest events in the block that was closed off.

Mayor McDavid understood it would take a change in policy to ban alcoholic sales for these festivals as it had been previously allowed.

Mayor McDavid made a motion to accept the street closure and to waive the open container ordinance as requested. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon his request, Ms. Hoppe made a motion to allow Mr. Sturtz to abstain from voting on the vacancy for the Cultural Affairs Standing Committee on Public Art due to a conflict of interest. Mr. Sturtz noted on the Disclosure of Interest form that one of the applicants for this vacancy was his wife. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

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

BOARD OF HEALTH

Stearley, Harold, 2070 E. Northwood Drive, Boone County, Term to expire August 31, 2010

COMPREHENSIVE PLAN TASK FORCE

Rice, Glenn, 602 Redbud Lane, Ward 4

CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART

Elias, Paula, 201 South Garth, Ward 4, Term to expire July 1, 2013

LIBRARY DISTRICT BOARD

Breyfogle, Susan, 608 Woodridge Drive, Ward 3, Term to expire June 30, 2013

Gerding, Rosalie, 101 S. Fifth St., #1, Ward 1, Term to expire June 30, 2013

Richards, Thomas, 407 Russell Blvd., Ward 4, Term to expire June 30, 2013

PARKS AND RECREATION COMMISSION

Hutton, Linda, 2252 Country Lane, Ward 3, Term to expire May 31, 2013

PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE

Poore, Emily, 3206 Fox Trot Drive, Ward 2, Term to expire December 31, 2010

RAILROAD ADVISORY BOARD

Davis, Peter, 700 S. Greenwood, Ward 4, Term to expire July 15, 2014

Eiffert, Greg, 2401 Cimarron Drive, Ward 5, Term to expire July 15, 2014

Teel, Mike, 4709 Paris Road, Boone County, Term to expire July 15, 2014

STORM WATER ADVISORY COMMISSION

Daugherty, Erin, 3900 Eagle View Court, Ward 5, Term to expire June 30, 2011

Gephardt, Jay, 1123 Wilkes, Suite 450 (business), Ward 1, Term to expire June 30, 2012

Londeree, Ben, 2601 Chapel Wood Terrace, Ward 4, Term to expire June 30, 2011

Patterson, Lowell, 1917 Vassar Drive, Ward 4, Term to expire June 30, 2012

WATER AND LIGHT ADVISORY BOARD

Conway, John, 4902 Thornbrook Ridge, Ward 5, Term to expire June 30, 2014

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Paul Love, 100 Sondra, commented that Mr. Richards, who spoke earlier about the retinal scanners, was disturbed no action was taken on items discussed under Scheduled Public Comment because the issue had been on the Consent Agenda. Mr. Love did not know if he did not clarify the topic he would be speaking on when he filed to speak, but understood he was upset. He explained he told him he could request an item on the Consent Agenda be moved to Old Business or New Business for an opportunity for public discussion. He suggested this policy be made clearer.

Mayor McDavid asked for clarification on the policy for a member of the community to request an item be removed from the Consent Agenda. Mr. Boeckmann replied that at the time of the adjustment of the agenda, anyone could ask for an item on the Consent Agenda to be moved to Old Business or New Business. He pointed out that if Mr. Richards had intended to speak about an item on the Consent Agenda, he would not have been allowed to speak on it under Scheduled Public Comment. He would have had to ask for the item to be removed from the Consent Agenda and would have had to address Council when that item came up for discussion.

Ms. Hoppe felt if someone wanted to speak on an item on the Consent Agenda, the City Clerk should explain that the item could be removed from the Consent Agenda to that person. She asked if that was done when people notified her they wanted to speak. Ms. Amin explained the requests for scheduled public comment went through the City Manager's Office and pointed out the Council had received the request for scheduled public comment as part of the packet and it did not clarify the topic of discussion would be the iris scan.

Ms. Hoppe understood the Mayor could ask if anyone wanted an item removed from the Consent Agenda when the adjustment of the agenda was being discussed.

Ms. Nauser stated she recalled discussion with regard to discouraging the removal of an item from the Consent Agenda because people sometimes did not have the opportunity to respond. She noted the Council could be contacted in advance. She suggested the process be published in the paper with the agenda.

Ms. Hoppe noted there were two traffic lights in the middle of the sidewalk at the street that went to the Forum Theater that made it impossible for people in wheelchairs to get around without going into the street for some distance. She wondered if the sidewalk could be widened to allow for better access for those in wheelchairs and asked staff to review the situation. Mr. Watkins stated they would look into it.

Mayor McDavid made a motion for the Council to hold a closed meeting on Tuesday, July 6, 2010 at 6:15 p.m. in Conference Room 1A/1B of City Hall, 701. E. Broadway, Columbia, Missouri, to discuss a personnel matter as authorized by Section 610.021(3) and (13) of the Revised Statutes of Missouri (RSMo). The motion was seconded by Ms. Nauser

with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE.

Ms. Nauser noted she had received a letter from a homeowners association regarding a no parking issue on Woodrail Terrace. She provided the letter to Mr. Watkins and asked that staff review the situation as they were requesting the no parking sign be removed.

Mr. Thornhill stated he believed they should consider flashing lights or something similar for the Columbia Catholic School area before the Stadium street improvements began.

Mr. Watkins noted one set of lights had been preliminarily included in the budget for the upcoming year and Council would have the opportunity to tell staff where to place those lights.

Mr. Sturtz commented that some of his constituents that lived near Hickman and Sixth were concerned about the parking lot construction being done by the Columbia Public Schools as they felt the large impervious surface area would exacerbate stormwater problems. He asked if staff could pull together a meeting with the neighbors and the Columbia Public Schools to help with the situation.

Ms. Nauser noted a report on the complaints and compliments of the Police Department had been provided about a year ago and asked if that was a policy change they had put in writing. Mr. Watkins replied he did not believe it had been put in writing.

Ms. Nauser wondered if they wanted to make it and other policies more permanent. Ms. Hoppe pointed out the minutes of the previous meeting indicated Mr. Thornhill had asked staff to provide a report on the issue of making the policy changes suggested by Chief Burton more permanent.

The meeting adjourned at 10:33 p.m.

Respectfully submitted,

Sheela Amin
City Clerk