

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**MAY 3, 2010**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 3, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE and MCDAVID were present. Council Member STURTZ was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of April 19, 2010 were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Kespohl.

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

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

**SPECIAL ITEMS**

**R89-10      Transferring funds for the Citizens Police Review Board.**

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ellen LoCurto-Martinez, Chair of the Citizens Police Review Board, explained the cost to attend the conference would likely be closer to \$3,600 for two people instead of \$4,400.

Ms. Hoppe asked why it was important to have two people attend the conference. Ms. LoCurto-Martinez replied more sessions could be attended and more networking could be accomplished with two members attending instead of one.

Mr. Thornhill asked how the print cost was determined and if the amount requested was adequate. Ms. LoCurto-Martinez replied they needed to print more brochures to place them in more locations and would make the number work.

John Clark, 403 N. Ninth Street, commented that the Police Officers Association and Police Department had indicated NACOLE had the right standards in terms of building trust between citizens and police when the establishment of the Citizens Police Review Board was initially discussed, and as a result, he felt this should be funded. He also noted those that attended could help educate other board members.

Karl Skala, 5201 Gasconade Drive, stated this was a critical committee of volunteer members and believed this was a bargain in terms of professional development. He thought it would serve the City well to allow them to attend the conference.

Ms. Nauser commented that when the Council agreed to establish the Citizens Police Review Board, they had promised the public and Police Department that the members were

fully trained since this Board made decisions affecting the employment of police officers. As a result, she planned on supporting this request.

Ms. Hoppe stated she thought of this as a start up investment and believed the actual cost would be less than the \$3,600 allocated.

Mayor McDavid commented that he believed it was a time to be frugal and decrease expenses. He noted social services had been cut, user fees had increased, infrastructure had been delayed and all public safety positions had not been funded. He felt this request was excessive and noted many organizations were cutting travel budgets due to decreasing revenues.

Mayor McDavid made a motion to amend R89-10 by reducing the travel costs to \$2,200 to allow one member of the Citizens Police Review Board to attend the NACOLE Conference and by reducing the amount provided to print brochures to \$1,000. The motion was seconded by Mr. Thornhill.

Mr. Dudley asked where the funding would come from if the Citizens Police Review Board wanted to send other participants to the conference in the future. Mr. Kespohl replied that while he did not know the exact amount of funding, he thought funds would be available for one or two people to attend next year. Mayor McDavid noted this would be discussed as part of the budget process.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to amend R89-10 by reducing the travel costs to \$2,200 to allow one member of the Citizens Police Review Board to attend the NACOLE Conference and by reducing the amount provided to print brochures to \$1,000 was approved by voice vote with only Ms. Hoppe and Ms. Nauser voting against it.

The vote on R89-10, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

## **SCHEDULED PUBLIC COMMENT**

None

## **PUBLIC HEARINGS**

### **(C) Authorizing construction of the Providence Pedestrian Crossing Project north of Park Street, across from Douglass High School.**

Item C was read by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

Phil Steinhaus, 201 Switzler Street, stated he was CEO of the Columbia Housing Authority (CHA) and explained the CHA Board voted unanimously to support this project as it would provide a great improvement to the gateway of Columbia aesthetically and in terms of pedestrian traffic and safety in the area and accessibility for people with disabilities, seniors and people with strollers. This was a very pedestrian neighborhood with 300 children living in public housing in the neighborhood. With Douglass High School, the Blind Boone Center, Douglass Park, the Head Start Center, bus stops and the mini-mart, people were crossing

Providence for various reasons. He noted the existing pedestrian overpass was not effective and this proposal respected the pedestrian nature of the neighborhood. He believed the design was creative and he liked the addition of the island at Park Avenue as well.

Ian Thomas, 2616 Hillshire Drive, stated he was the Executive Director of the PedNet Coalition and explained their mission was to promote active transportation through the creation of walkable, bicycle friendly and wheelchair accessible infrastructure throughout Columbia. He believed this project created a safe, convenient and inviting pedestrian access to the neighborhood and represented a fundamental change in transportation planning as it moved away from the creation of high speed traffic arteries through the center of the City to a more cooperative system in terms of pedestrians. He also noted he would encourage extending this approach on Providence from Broadway to Hickman High School because there were no pedestrian crosswalks at any of those intersections. He explained the PedNet Coalition could contribute grant funds to enhance or extend the project.

John Clark, 403 N. Ninth Street, stated he was on the North Central Columbia Neighborhood Association Board and noted they had been waiting for this for a long time. He thought this fit the City in a variety of ways and was a great way to facilitate non-motorized transportation as Providence Road was a major link.

Jack Waters, 1314 Troon, stated he owned the property at the southwest corner of the Park and Providence intersection and supported the general concept and overall objective of the design. He asked that the small median proposed in the center of the Park Avenue and Providence Road intersection be reconsidered. He understood it was added to allow safe passage to pedestrians traveling between the Blind Boone Center and the Break Time Gas Station at Ash and Providence and believed the goal was worthy, but wanted to propose an alternative strategy that would be less of an impediment to vehicular traffic. The median, as proposed, would eliminate three of the eight turns available to traffic as well as all cross traffic. Limited access was not good for any business dependent on access and should be considered as a last resort if better solutions were not available. He was not sure adding a small non-signalized median in the middle of the intersection would move people safely across Providence Road as he believed it would encourage diagonal foot traffic. He suggested the larger median, which would utilize the crosswalk signal, be extended further south near the Blind Boone Center. He also suggested a timed pedestrian signal be added to the Ash and Providence intersection.

Michael Pryor stated he was a member of the CHA Tenant Association and noted he supported this project as it would improve a gateway to Columbia, improve pedestrian and traffic safety and provide accessibility for persons with disabilities, seniors and those with strollers. He suggested the lighting be improved at the crossings.

Anna Koulabali commented that she wanted to endorse the importance of seniors and disabled persons being able to cross Providence. She hoped that a careful study was done so crossings were placed at locations with the highest traffic patterns. She also had concerns regarding the speed limit and hoped it would be re-evaluated. She noted other areas where she had negative experiences and those included the Stadium and Ash as it was difficult to see and had many obstacles even with small improvements. She also endorsed removing the Providence Road bridge.

Bill Easley, 705 Cook, stated he did not believe there would be anything to gain by tearing down the walkway and suggested it be worked on for those in electric wheelchairs. He asked for the City to not waste money with the removal of the pedestrian overpass. He commented that he had not been hit crossing and had not heard of any other accident there.

John Ott, 212 Bingham Road, stated he supported this project, but thought it was important to follow up on Mr. Waters' comment regarding vehicular traffic and a balance between vehicular access to a commercial area while allowing people to cross safely. He suggested a countdown light at Ash and Providence as well. He thought the downtown area on the west side of Providence should also be given consideration because vehicle restrictions might cause there to be little interest in developing commercial areas to their fullest potential.

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

Mr. Thornhill stated he was glad people felt this was an important beatification project as well as a project for a long neglected safety problem for this stretch of road.

Mayor McDavid asked if the raised island at Park Avenue could be moved north or south or split. Mr. Glascock replied it was currently a two-way stop without a signal and the proposed design would eliminate through-traffic and the left turns on Park going west. Moving the island north or south would not do anything because the intent was to restrict traffic.

Ms. Hoppe understood this was a safety measure for car traffic as well so vehicles could not cross Providence without a signal. Mr. Glascock stated that was correct.

Mr. Thornhill asked for the cost comparison between the construction of the median and a countdown timer. Mr. Glascock replied they would have to talk to MoDOT about the countdown timer because it would be on their signal. He did not think the cost would be much different, but the problem was getting people to walk down and use the timer instead of crossing at Park.

Ms. Nauser asked if they could add a left turn lane to go west on Park. Mr. Glascock replied the safe haven for pedestrians would be eliminated if that was done.

Mr. Dudley asked if more pedestrians were expected to use the island as a safe place to stand. Mr. Glascock replied he expected pedestrians to use the crosswalk or safety island as they were two separate components.

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

**B86-10      Approving the 2010 Southeast Regional Park Master Plan – A. Perry Philips Park and Gans Creek Recreation Area.**

The bill was given second reading by the Clerk.

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

Ms. Nauser asked if the extra nine acres was added into the final draft. Mr. Hood replied yes and noted it was 9-10 acres in size. The buffer along Gans Creek was almost 100 acres with this addition.

Mayor McDavid opened the public hearing.

Jan Weaver, 412 ½ W. Walnut, stated she was speaking on behalf of Friends of Rock Bridge Memorial State Park and noted they strongly endorsed this Plan. They appreciated the expansion of the buffer on Gans Creek to protect the stream and endorsed the removal of the horse area due to the potential impact to the water quality of the stream.

Susan Flader, 917 Edgewood Avenue, stated she was speaking on behalf of the Missouri Parks Association and commented that they were pleased with the Plan. She urged approval of the Plan with the buffer.

David Bedan stated he was speaking on behalf of the Columbia Audubon Society and noted they supported the proposed Plan, which included the removal of the equestrian area and the addition of the buffer along the creek. He believed horse riding was a legitimate use of public land and provided wholesome family recreation, but pointed out horses had the potential of tremendously impacting the environment and the Columbia Audubon Society was concerned about its impact on the Gans Creek Wild Area.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and noted they supported this Plan.

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

Ms. Hoppe thanked staff for their work on this project as there had been a lot of public input and interest. The one controversial issue involved whether horses should be allowed. She believed a survey would determine if there was a need for that use in the community, but it was clear this was not an appropriate location for it.

Mayor McDavid thought this would be a wonderful asset to the community.

Mr. Thornhill stated this showed how great the Parks and Recreation Department staff was and how good a design could be when the public was involved and provided input.

Ms. Hoppe commented that having areas like this allowed people to enjoy living in the City as opposed to wanting their own acreage.

B86-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

## **OLD BUSINESS**

### **B270-09 Rezoning property located east of Bowling Street, south of I-70 and north of Business Loop 70 (1619 and 1717 Mores Boulevard) from R-1 to M-1.**

The bill was read by the Clerk.

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

Ms. Hoppe made a motion to table B270-09 to the May 17, 2010 Council Meeting. The motion was seconded by Mr. Kespohl approved unanimously by voice vote.

### **B58-10 Rezoning property located on the south side of the Grindstone Parkway and Grindstone Plaza Drive intersection from A-1 to C-P.**

The bill was given third reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report and noted an amendment sheet had been prepared, which would authorize an amendment to the development agreement between the City and THF Grindstone Plaza Development, LLC to allow a full access

signalized intersection at Grindstone Parkway and Grindstone Plaza Drive instead of a right-in, right-out and left-in only access. MoDOT and City traffic engineers had given tentative approval to the traffic study justifying the traffic signal. Although the concept of the traffic signal had been approved, the specifics of the design had not been approved by MoDOT. Two conceptual layouts, which were not binding, had been submitted by the applicant to illustrate how a roadway might work through the site and the four-way intersection.

Ms. Hoppe wondered if it might be appropriate to hold off on the amendment until after public comment had been received in this situation. Mayor McDavid understood they could approve the amendment, and if the issue failed, the amendment would fail as well. He thought it would be cleaner if they debated the rezoning after approving the amendment since the rezoning request was for a full access stop light.

Mr. Kesphol made a motion to amend B58-10 per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Bruce Beckett, 111 S. Ninth Street, stated he was the attorney for Red Oak Investment and they were seeking a rezoning from A-1 to C-P. The proposed statement of intent resulted from a long process of discussions and communications with neighbors, neighborhood associations and City staff, and included the four-way fully signalized intersection at the east entrance into this property. He noted no neighbor or interested party had spoken in opposition to this at the public hearings or public information meetings. He understood the reason the Planning and Zoning Commission had voted to deny this was due to the existing development agreement and an objection to adding another signalized intersection on Grindstone Parkway, which would slow traffic. There was misinformation in that Red Oak Investment had signed the development agreement involving the three-quarter intersection and that was not true. It was signed by THF Grindstone Plaza Development. With regard to Grindstone Parkway, he noted it was a MoDOT road and MoDOT had approved the signalized intersection. He did not feel it was appropriate to use the zoning process to block the signalized intersection.

Dustin Reikman, 1830 Craig Park Court, St. Louis, Missouri, stated he was a traffic engineer with Crawford, Bunte, Brammeier and noted the traffic study had been approved by MoDOT and City engineering staff. The proposed signal would work well for a service level of B upon full build-out of the 200,000 square feet of retail and for 20 years given the growth rate provided by City staff. He noted 65 percent of the population was on the west side of this site, so there would clearly be a demand by shoppers to go west. Left turns were currently restricted off of Grindstone Plaza Drive, but people were still doing it routinely by going around the island and making unexpected movements. A signal would accommodate that safety concern.

David Brodsky, 903 West Ash, provided a handout and stated he was speaking as an individual and not on behalf of the Planning and Zoning Commission. He understood the traffic impact study showed a light was necessary at this site, but he did not believe that was true. While the study showed how the signal would function in the future, it did not justify the signal. He understood MoDOT had approved the signal, but noted they were also requiring a public roadway on the south end, and in order for the public roadway to be constructed, the Planning and Zoning Commission and City Council would have to accept it. He commented

that he did not believe the Planning and Zoning Commission was opposed to the zoning. He thought they were opposed to the traffic signal and alignment of the proposed roadway. The approximate length of the roadway from Providence to Old 63 was 12,600 feet and there would be ten signals along that roadway with this signal. MoDOT recommended a half-mile to a mile and allowed a quarter-mile to a half-mile, but this was slightly under a quarter-mile. He noted Grindstone from Providence to Rock Quarry had an average of 1,000 feet of spacing between signals. He provided Stadium near the Columbia Mall as a comparison and noted they were in the process of spending millions of dollars to fix the roadway due to its signal spacing. He commented that as the east side of town developed, the population to the west would have to travel east, and clogging any of these roadways was harmful to long-term viability of the community. The Planning and Zoning Commission recommended having the roadway to the west versus the east and to allow for a two phase development. He noted good long range planning and traffic problems were of great concern to the citizens.

Ms. Hoppe understood Mr. Brodsky was proposing the development be allowed, but that it be phased in until the road was extended further south. She asked if that was fair to this developer to be at the mercy of the landowner to the south. Mr. Brodsky replied this applicant has had an interest in this property for over 40 years, and its value today was in large part due to the multi-million dollar investment the public had made in the roadway. He wondered if it was fair for this applicant to extract that value by degrading the traffic way or if they should wait until they could extract that value without degrading the public's investment.

Mr. Thornhill asked Mr. Brodsky for his thoughts on the volume of traffic that would be introduced on Nifong and how the traffic might evacuate given his scenario. Mr. Brodsky replied people coming out of the development would travel south to Old Nifong where he would like to see a signal, and if they needed to travel west on the Parkway, they could circle around to the existing signalized intersection at Green Meadows.

Vicky Riback Wilson, 3201 Blackberry Lane, commented that she was not speaking on behalf of the neighborhood association, but noted she had attended all of the meetings. The development agreement with the development on the north side of this property indicated there would be right-in and right-out turns and that the traffic flow on Grindstone would be protected. She felt there was an obligation to ensure development agreements were monitored and enforced, particularly if the neighborhood was engaged. She understood situations could change over time, but in this case, they were being asked to change a development agreement before the original development was even completed and on speculation about what might happen in the future. The development on the south side was contemplated from the beginning per testimony before the Planning and Zoning Commission, and the right-out only lanes were agreed to because of traffic flow. At some point, they needed to determine what was merited and whether they were changing a development agreement on speculation on what might happen or if the land could be developed while honoring the agreements until such time as the traffic situation for the other development merited a change. She asked the Council to consider the changing of the development agreement separately from the land use.

Mayor McDavid understood the configuration of the right-out would only allow traffic to go east while two-thirds of the people lived to the west and asked if it was logical for that

many cars to be directed to an area where there was no turn-around. Ms. Wilson replied that was a troubling issue, but traffic was already backing up on Grindstone at certain times of day with the existing lights. She urged them to move slowly in changing the development agreement.

Craig Van Matre, 1103 East Broadway, stated he was the attorney representing the property owners to the north, THF Grindstone Plaza and THF Red Oak. Another entity with Red Oak in its name owned the Kohl's Department Store and he believed that caused confusion at the Planning and Zoning Commission meeting. He explained he had requested a change to the development agreement in order to reflect the change in circumstances with the development on the south side and the fact that it was dangerous for people who wanted to go east to turn left out of his client's development. He noted the land to the south had infrastructure and was ready to be developed. If the Council denied the stop light, it would likely be minimally developed if it was developed at all. In addition, development would likely be driven further out of town. He pointed out they had evidence before them indicating there was no reason to not have a stop light at this intersection. They only had anecdotal comments of not wanting traffic to slow down on the Parkway. He noted the road was not intended to be a highway. It was intended to be a major arterial that carried a lot of traffic. He commented that changes in circumstances dictated changes to agreements, which was why the change was being requested.

Ms. Hoppe stated she thought the real issue was whether the traffic signal should be allowed. She was not on the Council when the development to the north was approved and when the AC plan was completed, but she had reviewed the minutes. In that review, she believed there had been a planning process, which should not be changed without a lot of consideration, to keep traffic moving on AC. She referred to portions of the 2003 minutes and noted Council Member Loveless had understood the roadway was designed to move high volumes of traffic at a rapid speed between the south part of Columbia and U.S. Highway 63 and was concerned about this road being used to serve local commercial traffic. Ms. Hoppe pointed out the main entrance for the development to the north was deliberately planned to not be on AC. It was planned for Green Meadows. She referred to other Council Meeting minutes that included similar comments. Due to this information, she did not believe a traffic light should be allowed for the development to the south. In addition, she did not think they should rely on MoDOT to push the City's long-range planning. She believed the phased development was consistent with the long-range plan.

Mayor McDavid commented that he wished Grindstone had been a limited access road with exchanges, but that was not how it was designed. He noted the best use for this land was commercial and that was not being disputed. Access to the property was the issue being disputed. The options were whether to allow a full access stop light at Grindstone Plaza or force access west through the Edwards property to Nifong Boulevard. He believed there would be some unintended consequences if this was rejected because they would be encouraging development toward Nifong. They would force traffic to the south onto Nifong and then west to the stop light where there would be 2-3 lanes of traffic, since two-thirds of the people would be going west. He wondered if that was any better than a full access stop light at Grindstone Plaza and noted they had evidence from a traffic study and a traffic

engineer with MoDOT and the City indicating the best option was a full access stop light at Grindstone Plaza.

Mr. Glascock commented that traffic needed to be viewed as a system. People would be going south, but people would also want to cross Grindstone to get to Wal-Mart and would have to make a right and then a left on to Gray Oak causing weaving movements on Grindstone and slowing traffic even more. He noted he was on the design team with MoDOT and a full access signal was always intended to go somewhere in the area.

Mr. Dudley noted that he was initially against the signal as he did not want to restrict the traffic flow on AC, but after reading the reports, he was in support of the signal because it would make it easier for people to get around. In addition, two entrances/exits would be needed on the property at some point, and he felt that could be considered when the plan was finalized.

Ms. Hoppe asked if MoDOT analyzed alternative ways to serve this traffic or if they were just asked if a stop light could be placed there. Mr. Glascock replied it was known access breaks would be taken into account when the road was designed. The reason they did not use Old Nifong was because it was near a residential area. This was an unbuilt area and was the path of least resistance. He noted the traffic projected over the next 20 years was there the day it was opened and the problem was not in the middle. The problem was at the two ends at Highway 63 and Providence, and the ability for traffic to get on those roads.

Ms. Hoppe referred to the 2003 Planning and Zoning Commission minutes and noted a traffic engineer had testified that the then Planning and Development Director, Roy Dudark, had indicated MoDOT was not enthralled with the idea of a signal and had decided that Grindstone Parkway would not be built with the intention of installing an additional signal because they preferred signals on secondary streets, and that this made good planning sense. She believed MoDOT did not want signals on AC in 2003.

Mr. Thornhill asked if that was a result of the traffic count being at the 20 year projection the day it was opened. He thought a stop light at a side street might have worked then. Mr. Glascock explained there were no side streets for stop lights at this time. He noted he recently spoke with Matt Myers, the traffic engineer for MoDOT, and he was in agreement of the signal being planned and needing to be there.

Ms. Nauser commented that they were considering the zoning at this time, and this issue would be discussed when the plan came forward for approval. She noted it could be 5-10 years before the property was developed and the traffic flow could change by then.

Ms. Hoppe stated she did not believe they should change the development agreement because it could be premature since the plan had not been brought forward. Ms. Nauser understood it would stay a three-quarters intersection until a traffic study was done with consideration of the new site. Mr. Brodsky commented that the reason the traffic issue needed to be discussed tonight was because the last page of the statement of intent dealt solely with the traffic signal. If that language was not in the statement of intent, this discussion would not be necessary.

Mr. Thornhill understood many of the concessions were based on the traffic signal. Mr. Beckett stated they had agreed to put a major collector street through the property, and that could not be done without the intersection. He listed some of the buffer and building

concessions and stated those could not be done without good access. Ms. Hoppe commented that she was at most of those meetings and noted she did not recall any quid pro quo discussion with the neighbors about that. She stated Mr. Beckett proposed a good development, and while some things were fine tuned, she did not recall discussion about not providing the other items if the traffic light was not approved. Mr. Beckett noted the signalized intersection had been a part of the statement of intent since day one.

The vote on B58-10, as amended, was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, MCDAVID. VOTING NO: HOPPE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**R73-10      Accepting the donation of automatic license plate recognition equipment from the Boone County Sheriff's Department through a COPS Technology Grant to be used by the Police Department in two patrol cars.**

The resolution was read by the Clerk.

Mr. Watkins and Chief Burton provided a staff report.

Ms. Nauser asked where the information went, how long was it kept and who was in charge of it. Lieutenant Richenberger replied the Boone County Sheriff's Department would be the repository. The City would have access to the information scanned for 30 days.

Ms. Nauser understood that policy could be changed at any time. Chief Burton stated he would come back to the Council if substantive changes were made to the policy or how they used the equipment.

Ms. Hoppe asked if that policy was already established with the County. Chief Burton replied they had discussed Council concerns with the Boone County Sheriff's Department and were all in agreement. Lieutenant Richenberger pointed out the County's policy was 60 days, but the City's would be 30 days. Mr. Kespohl understood the City data would be purged after 30 days, but the County data would not be purged until after 60 days. Chief Burton stated that was correct.

Ms. Nauser asked who would have access to that data. She wondered if other law enforcement agencies would have access. Chief Burton replied they would share it with another law enforcement agency if they needed it for a valid law enforcement purpose.

Ms. Hoppe commented that the policy, to include the 30 days, was not a part of the resolution and asked where it was written and how it could be changed. Chief Burton replied the final policy would include definitions, the responsible party for purging the information, how long the data was kept, etc. They thought it would be premature to finalize the policy if they did not receive the equipment, but would have the appropriate policy in place before using the equipment, if approved by Council.

Mr. Dudley asked how long the data was kept if an officer called in a license plate number. Chief Burton replied he was not sure. If it involved a special investigation, it could be indefinitely. He thought it would depend on the context in which the information was gathered.

Ms. Hoppe asked how many license plates would be read per day. Lieutenant Richenberger replied they collected approximately 1,000 per vehicle per eight hour shift. Ms. Nauser asked if that was with a beat officer. Lieutenant Richenberger replied it was with the Street Crimes Unit and they were not assigned to a beat.

Chief Burton explained he intended to identify hot spots within the City, so it would not be randomly roaming around the City.

Mr. Dudley asked if it kept track of how many times it saw the same license plate. Chief Burton replied it would record it each time if it went by the same car multiple times.

Ms. Hoppe asked if the location of the vehicle was recorded and stored. Lieutenant Richenberger replied it recorded GPS coordinates.

Dan Viets, an attorney with offices at 15 N. Tenth Street, stated he was representing the ACLU of Mid-Missouri and the Board of Directors had serious concerns regarding this project as it was one of a series of increasing intrusions on the public's right to privacy. He felt this was a radical departure from typical law enforcement techniques and noted the two devices would record the whereabouts of over two million vehicles in the community each year. These were free, but there were costs involved in maintaining and replacing them. In addition, there could be an expansion of use if deemed desirable, which would have associated costs. The ACLU of Mid-Missouri did not believe the devices should be accepted or used without further study and education. With regard to retention, the data was subject to requests under the State's open records law regardless of the length of time it was retained, and the person it was provided to might retain it indefinitely.

John Schultz, 1301 W. Colchester, commented that he felt this was like a police officer going down the street, asking for identification and writing it down in a notebook along with the time and location. He saw the value of license plate readers, but believed retention in a database went too far.

Mr. Thornhill commented that an officer could run a plate at any time and it was unknown how long that data was kept, so the difference was the number of plates that would be scanned and not how long the information was retained. He did not feel that was a valid issue and thought this technology would help the Police Department.

Ms. Nauser stated she did not have an issue with scanning a license plate. Her issue was with retention of the data as they would have the whereabouts of innocent people for 60 days. She did not feel someone's privacy should stop when leaving their house. She commented that a year ago, the Missouri Highway Patrol listed people that were dangerous based on political and religious beliefs causing a director to lose his job. She was concerned with the information being retained indefinitely by someone and felt the information should not be kept if there was not a hit on a license plate. She noted the retention period of 60 days could change as well.

Mr. Boeckmann pointed out the length of record retention could not be decided by the Council or the County. It was decided by the Local Records Retention Board headed by the Secretary of State. He did not believe there was a schedule for this particular situation, but surveillance cameras had a 60 day retention period. Ms. Hoppe asked if that meant it was required to be kept for 60 days. Mr. Boeckmann replied that was the minimum retention schedule.

Ms. Hoppe understood the main value of the license plate readers was to detect invalid license plates, people with arrest warrants and stolen cars, and asked if it would still be valuable if they just followed up on hits and did not retain the data. Chief Burton replied they would still have the ability to scan and respond at the time of scanning, but was not sure

they could purge the data without violating the law. Mr. Boeckmann pointed out the records retention statute did not require a record be made. He asked if it would be possible to scan license plates and not make a record unless there was a hit. Lieutenant Richenberger replied it was possible, but felt they would be limiting the value of the tool in terms of investigations of crimes, if they did that. Chief Burton stated the sole purpose of keeping the data was to research the information if there was a crime. He noted they did not plan to look at it for any other reason. Lieutenant Richenberger pointed out the information stored was an image of the license plate. It did not store information on the person.

Ms. Nauser noted she was an avid supporter of the Police Department, but the data collection of citizens that had not broken the law concerned her.

Mayor McDavid viewed this as a law enforcement tool, and because it was the result of a grant, it would not cost anything the first year. He noted there would be four license plate scanners in Boone County. The only question was whether two would be used by the Columbia Police Department. Scanning plates was a long standing police activity and this technology only made the activity more productive. He wanted people who might be driving a stolen car or with outstanding warrants to think Columbia was a bad place for them to do business.

Mr. Kespohl asked what was stored besides the license plate number and the GPS coordinates. He wondered if the name was stored. Chief Burton replied the name could be reviewed and kept if they investigated a hit. Mr. Kespohl understood there was no data to identify anyone other than the license plate number. Chief Burton stated that was correct.

Mayor McDavid stated he viewed this as a pilot study, which would help determine the effectiveness of the scanner and how long the data needed to be kept.

Ms. Hoppe commented that she was concerned about the retention of data that could be used to determine the whereabouts of people and the fact it would be subject to the sunshine law.

Ms. Hoppe made a motion amend R73-10 with a statement indicating that no data would be retained. This would still allow it to be useful in finding hits. The motion was seconded by Ms. Nauser and defeated by voice vote with only Ms. Nauser and Ms. Hoppe voting in favor of it.

The vote on R73-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, MCDAVID. VOTING NO: NAUSER, HOPPE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

**B87-10 Authorizing an agreement with Columbia Catholic High School to allow for the grading of a portion of the A. Perry Philips Park for storm water management purposes; authorizing execution of a drainage easement.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B87-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: NAUSER (Ms. Nauser stepped out during the discussion for B87-10 and did not return until after the official vote was taken); STURTZ. Bill declared enacted, reading as follows:

**B90-10 Amending Chapter 10 of the City Code as it relates to the membership of the Public Communications Resource Advisory Committee.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe commented that she believed this was a reasonable compromise in that it provided ward representation while having the ability to fill vacancies.

B90-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B91-10 Pertaining to the operation of the Columbia Fire Department and conditions of employment of the Columbia Fire Department personnel.**

The bill was given second reading by the Clerk.

Mr. Watkins and Chief Markgraf provided a staff report.

B91-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**B92-10 Amending the Classification Plan; amending the FY 2010 Annual Budget to delete a Firefighter I position from the Fire Department, Emergency Services Division and add a Fire Lieutenant/Assistant Fire Marshal position in the Fire Marshal's Division.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill asked if this would affect protection services. Chief Markgraf replied it would not, and explained he felt it would improve emergency services in the long run as they would now have someone consistently reading plans, meeting with developers and offering suggestions.

B92-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

**B80-10 Approving the Final Plat of The Villas at Old Hawthorne Plat 3, a Replat of Lot 120 A, B and C, Lot 121 A, B and C and Lot 122 A, B and C of The Villas at Old Hawthorne Plat 1 and a portion of Lot 5 of Old Hawthorne Plat 1, located on the north side of State Route WW, east of Cedar Grove Road; authorizing a performance contract.**

**B81-10 Approving the Final Plat of Thornbrook, Plat No. 5-A, a Replat of Lot 142 Thornbrook Plat 5, located at the intersection of Thornbrook Ridge and Scott Boulevard.**

**B82-10 Authorizing a cooperative agreement with Boone County relating to 2009 revenue sharing funds for the Waco Road intersection with Brown Station Road improvement project; appropriating funds.**

- B83-10 Accepting conveyances for sewer, temporary construction, agreement for temporary access, street and storm water facilities and access purposes.
- B84-10 Accepting Stormwater Management/BMP Facilities Covenants.
- B85-10 Accepting a conveyance for utility purposes.
- B88-10 Accepting a donation from Jim and Billie Silvey for the purchase of a motorcycle for the Police Department; appropriating funds.
- B89-10 Accepting an Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.
- R80-10 Setting a public hearing: construction of sidewalk and waterline improvements along the south side of Broadway, from Eighth Street to Ninth Street.
- R81-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Summer Food Service Program for Children.
- R82-10 Authorizing an artist's commission agreement with Kate Gray relating to the Traffic Box Art Program.
- R83-10 Authorizing an agreement with the Maplewood Barn Community Theatre for planned arts education and programming services.
- R84-10 Authorizing an agreement with The Curators of the University of Missouri to allow use of University property for the Fourth of July Celebration and Fireworks Display.
- R85-10 Authorizing Supplemental Agreement No. 1 with HDR Engineering, Inc. for engineering services relating to the design of Hominy Trail Phase I (West Section) from U.S. Highway 63 to Lansing Avenue.
- R86-10 Authorizing Supplemental Agreement No. 1 with HDR Engineering, Inc. for engineering services relating to the design of Hominy Trail Phase II (East Section) from Lansing Avenue to I-70.
- R87-10 Authorizing an amendment to the lease and memorandum of understanding with the Missouri Department of Conservation relating to the lease of property in the Gans Creek Recreation Area and the H.J. Waters and C.B. Moss Memorial Wildlife Area.
- R88-10 Authorizing an agreement with the Memorial Day Weekend - Salute to Veterans Corporation for an air show to be held at Columbia Regional Airport May 26 - 31, 2010; authorizing the City Manager to provide support services for the Memorial Day activities planned by that organization; and authorizing a parachute jump onto Broadway.

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

**NEW BUSINESS**

- R90-10 Establishing a Source Water Protection Plan Task Force to develop a Source Water Protection Plan for the City of Columbia's water supply.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe stated she believed this was a good idea with a good composition of members.

The vote on R90-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: STURTZ. 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.

- B93-10 Approving the Final Plat of Knipp-Boggs Subdivision Plat 2, a Replat of Lot 2 of Block 2 of Knipp-Boggs Subdivision located south of Donnelly Avenue, between Florence Avenue and Independence Street; authorizing a performance contract.
- B94-10 Approving the Final Plat of Building Services Subdivision located at 5909 North Paris Road; granting a variance to the Subdivision Regulations relating to sidewalk construction.
- B95-10 Vacating two sanitary sewer easements located within Lot 801 of Bluff Creek Estates Plat 8.
- B96-10 Amending Chapter 14 of the City Code to establish the speed limit on a portion of Peabody Road and to reduce the speed limit on portions of Green Meadows Road and Southampton Drive.
- B97-10 Authorizing a license agreement with the Missouri Highways and Transportation Commission for the Greenbriar Trail Connection under Providence Road.
- B98-10 Authorizing the acquisition of easements for construction of the Hinkson Creek Siphon Elimination Project.
- B99-10 Authorizing a lease agreement with Columbia – Knipp Properties, LLC for office space located at 105 East Ash Street for the Water and Light Department.
- B100-10 Accepting conveyances for utility purposes.
- B101-10 Amending Chapter 4 of the City Code as it relates to expungement of records pertaining to alcohol-related offenses by minors.
- B102-10 Amending Chapter 16 of the City Code as it relates to noise and noise in the downtown area.
- B103-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for American Recovery and Reinvestment Act (ARRA) Supplemental Funding Immunization Services; appropriating funds.
- B104-10 Accepting donations from the Travelers Protective Association of America and Bourn Feed & Supply to be used for the Police Department's K-9 Program; appropriating funds.

## REPORTS AND PETITIONS

- REP25-10 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins provided a staff report.

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

**REP26-10 GetAbout Construction Schedule.**

Mr. Watkins provided a staff report.

Ms. Nauser asked if the projects that would be completed within the next 1-2 years were color coded as there were more than twenty projects on the diagram. Mr. Glascock replied they were not color coded and on-going projects were included as well.

Mr. Kespohl asked if the Walnut sidewalk through William was being funded with stimulus funds. Mr. Glascock replied yes and noted the Walnut sidewalk project from William to Old 63 would be funded with GetAbout Columbia funds. Mr. Kespohl asked if it would be done at the same time. Mr. Glascock replied no. Mr. Kespohl asked when this project would happen. Mr. Glascock replied hopefully this year. Mr. Watkins pointed out two different grants with two entirely different set of requirements were involved, so they had to be bid separately and shown as two different projects

Ms. Nauser made a motion to accept the report. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

**REP27-10 Park Naming Recommendations.**

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

Ms. Hoppe made a motion directing staff to draft an ordinance officially naming the three parks as recommended. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**REP28-10 Parks and Recreation Commission Review – Loughlin/1425 Hickory Rezoning.**

Mr. Watkins provided a staff report.

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

**REP29-10 Construction Street and Sidewalk Closure Permits.**

Mr. Watkins provided a staff report and noted guidance was needed from Council. He believed they needed a policy for short closures versus closures that might take a longer period of time. He also felt a definition was needed for “affected party.”

Ms. Hoppe understood the Special Business District Board recommendation was for notice to not only go to the abutting property and business owners, but to all property and business owners affected by the closures. She thought a change in the ordinance as well as the checklist was needed.

Mr. Glascock asked who the affected property and business owners might be for a sidewalk closure. He wondered if she thought it would be a block or the entire side of the street. Ms. Hoppe replied she thought it would only be a block. Mr. Glascock noted that one of the people that had complained about an alley closure would not have been notified per

that policy. Ms. Hoppe thought it would be helpful for staff to draft something for Council review and public comment.

Mr. Kespohl understood the Special Business District's conflict involved the businesses on Ninth Street up to Walnut who were upset at the closing of the sidewalk on Ninth Street at Ninth and Broadway.

Mayor McDavid made a motion directing staff to draft legislation for Council consideration. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**REP30-10 Request to eliminate a restrictive covenant on Plats 1 and 3, College Park South, located north of Campusview Drive, east of Carter Lane – 2<sup>nd</sup> report.**

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

Ms. Hoppe understood the traffic study indicated this would add some traffic to an already bad situation, but would not make a huge impact since it was already so bad. She asked if MoDOT was suggesting restricting the turn off of Carter Lane and across Providence in order to go south. Mr. Teddy replied it would not allow the left turn.

Ms. Hoppe stated she felt this was a great development and the density was in a good location, although the road system was not very good. She was happy the City was working with MoDOT to provide some resolution to the traffic situation.

Ms. Hoppe made a motion directing staff to prepare an ordinance eliminating the restrictive covenant for Council consideration. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Paul Love, 100 Sondra, commented that with regard to R84-10, which had been on the consent agenda, he thought they should consider using Stephens Lake Park instead of renting from the University for the Fourth of July Celebration. He understood part of the security for the event would be provided by University Police and that they had a problem with child porn being viewed in a patrol car, so he did not believe they should be used for security purposes. He asked the Council to reconsider the location or allow the City Police Department to provide security for the event instead of University Police.

Mr. Thornhill understood an officer had been approached and had resigned. Mr. Love stated he was not sure if it belonged to that officer or someone else.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she could not get in the door to the Council Chamber since there was not a door opener and thought it was a requirement of ADA since it was a public place.

Mr. Watkins noted a change order had been issued, but the work had not yet been done.

Greg Ahrens, 1504 Sylvan Lane, commented that the downtown sidewalks were obstructed annually by merchants during the sidewalk sale, and when he had complained in the past, the police did not do anything about the five foot path requirement. He asked Council to consider amending the ordinance or ensuring a path during the permit process.

Mayor McDavid asked if this was an enforcement issue. Mr. Watkins replied it was. Mayor McDavid thought they could work on it.

Ms. Nauser understood there was an issue with parking near Santana Lane and Santana Circle causing traffic issues and accidents.

Ms. Nauser made a motion directing staff to provide a report with potential solutions for the parking situation in the area of Santana Lane and Santana Circle and to arrange a meeting between the school and the business interests in the area, which she would attend, to ensure everyone had the opportunity to comment. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Ms. Hoppe noted Clyde Wilson, a former Mayor and three term Ward 6 Council Member, had passed away about a month ago, and the East Campus Neighborhood Association voted to recommend Rock Hill Park be renamed to Clyde Wilson Memorial Park.

Ms. Hoppe made a motion directing the Parks and Recreation Commission to consider renaming Rock Hill Park to Clyde Wilson Memorial Park. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Ms. Hoppe made a motion directing staff to provide a status report regarding the Natural Resources Inventory in terms of what was produced, who had access and when Council would have access to it. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The meeting adjourned at 10:01 p.m.

Respectfully submitted,

Sheela Amin

City Clerk