

**MINUTES  
CITY COUNCIL MEETING – COLUMBIA, MISSOURI  
OCTOBER 4, 2010**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 4, 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 September 20, 2010 were approved unanimously by voice vote on a motion by Mr. Sturtz and a second by Mr. Dudley.

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

The agenda was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**SCHEDULED PUBLIC COMMENT**

**Reverend Clyde Ruffin – James T. Scott headstone.**

Clyde Ruffin explained he was the Pastor of Second Missionary Baptist Church and Chair of the James T. Scott Monument Committee and provided historic information on the criminal lynching of James T. Scott. He noted Mr. Scott had not been provided the basic civil right of equal justice under the law, innocence until proven guilty and a trial by a jury of his peers. Mr. Scott was buried in the Columbia Cemetery in the segregated black section, and although there was a small marker where it was assumed his grave was located, he had been without a headstone for 87 years. On September 14, 2010, members of Second Baptist Church, local and state officials and a diverse group of citizens formed the James T. Scott Monument Committee to coordinate a grassroots initiative to place an appropriate headstone on Mr. Scott's grave. They believed this headstone would bring a layer of dignity to the circumstances of his death and would recognize him as a citizen of the City, a husband, a father, a son and an employee. They hoped this project would bring a semblance of reconciliation, justice and peace. He noted there would be a special benefit event at Second Baptist Church on November 7, 2010 at 6:00 p.m. to solicit funds in support of this project.

**Dan Cullimore – North Central Columbia Neighborhood concerns regarding sewer and storm water.**

**Pat Fowler – City sewer and storm water ordinances and procedures.**

Mayor McDavid noted Mr. Cullimore and Ms. Fowler had notified the City they would not be speaking tonight.

**Edward Berg – Sunshine request on taser deployment.**

Ed Berg, 1215 South Fairview, provided a handout and asked the Council to authorize and order the Columbia Police Department to waive the costs for government documents as to the use of the taser. He noted the list of items he had requested was in the handout. He wanted documents pertaining to how tasers were actually used by officers when making an arrest, the rules and limits on the use of tasers and any oversight policies. He explained the Sunshine Act was intended to make government open to citizens with regard to meetings, documents and deliberation, and in order to ensure documents were not kept from people, a provision was included indicating documents could be furnished without charge or at a reduced charge when the public body determined the waiver or reduction in fee was in the public interest because it was likely to contribute significantly to the public understanding of the operations and activities of the public government body. He felt the documents he had requested would educate and make people aware of how tasers were used in Columbia prior to the November 2 election when the issue would be before the public. He understood the City had a policy which stated it was City practice to consistently collect fees to recover costs while keeping fees and costs as low as possible. He asked the Council to authorize the Police Department to provide him these documents and to rescind the restriction on providing documents that were in the public interest and would educate the public free of charge.

Paul Sturtz recalled documents being provided free of charge about one year ago by a motion of Mayor Hindman and the approval of the Council. Mr. Berg stated those were arrest records and incident reports. Other documents had been requested but had never been provided. He noted he wanted updated documents and the documents he had not received. He also suggested the documents be placed on the City's website instead of being provided on a CD so the public could easily access them.

**PUBLIC HEARINGS**

**(A) Construction of the Hunt Court PCCE #13 Sewer Improvement Project along Hunt Court and Pershing Road.**

Item A was read by the clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe asked for the total amount of money available in the annual private sewer elimination fund for the year. Mr. Glascock replied he did not have that information at this time. Ms. Hoppe asked if funding was provided on a first come/first served basis or if there was a priority list with criteria. Mr. Glascock replied a lot of them were funded on a first come/first served basis.

Mr. Sturtz assumed this project was jumping ahead of other private common collector projects on the list. Mr. Glascock stated this was an easier project since it was small and the easements were being given to the City. Mr. Sturtz asked for the process to get a project to the top of the list. Mr. Glascock replied simpler projects where the easements were being provided for free helped as condemnations for easements held up the process.

Mayor McDavid opened the public hearing.

Dan Huckins, 1300 Hunt Court, stated he filed the paperwork to have this sewer project done a couple of years ago. He explained his line was approximately 200 feet in length and only a few people in Columbia that could snake that distance. He noted the sewer backed up into his and his neighbors' basements and was a re-occurring issue for them. He believed this project would help considerably.

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

Ms. Hoppe understood this project was needed as were many other sewer projects. She wanted to ensure funding was available preferred criteria be developed as she did not believe the first come/first served basis was logical or rational. Mr. Glascock pointed out situations with house flooding were a priority.

Mr. Dudley noted there were a lot of sewers in Ward 4 needing attention.

Mr. Kespohl made a motion directing staff to proceed with final plans, specifications and the construction of the Hunt Court PCCE #13 sewer improvement project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

## **OLD BUSINESS**

### **B205-10 Authorizing the acquisition of land and easements for construction of non-motorized intersection improvements at Providence Road and Business Loop 70.**

The bill was read by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Glascock noted the property had not been staked as the staff report had indicated, but staff had met on-site with Ms. Lynch to discuss the easement on the property.

Mayor McDavid asked if the project could be completed without doing anything on the north side. Mr. Glascock replied yes, but noted he would then have to do other things that might have a higher impact on traffic.

Mayor McDavid stated he did not understand how improvements to the northwest corner would impact pedestrian traffic from Hickman High School. Mr. Glascock explained that if someone crossed at that location, they would not be able to get off of the road. Mayor McDavid understood this proposal would impact parking spaces on the property. Mr. Glascock stated it would require a temporary easement and parking would be displaced during construction and potentially afterwards as well.

Beatrice Smith stated she and David Dunafo were co-owners of the tract at the southwest corner where Taco Bell was located, and noted the basic infrastructure problem at that corner of flooding during hard rains was not being addressed. In addition, she pointed out she had not been contacted and asked the Council to direct staff to provide property owners the basic decency of notifying them when their property was being discussed. She wanted to know if this would diminish the possible value of her property. She explained a preliminary discussion of the project occurred in April 2008, but nothing had been stated since then. She understood the practice was to first bring something to Council, and to then notify the property owners, which she felt was imperious treatment of taxpayers. She explained she learned of this agenda item three days ago because a friend happened to see it in the Council minutes and noted she did not have time to comb City records to determine if

something belonging to her was being discussed. She reiterated her suggestion to direct staff to notify property owners when their property was being discussed by Council.

Mr. Sturtz asked staff to address the issues brought up by Ms. Smith. Mr. Glascock explained a public hearing for this project had been held on February 2, 2009 and certified letters were sent to the property owners at that time. He noted his staff had indicated everyone had been contacted, so he was not sure why Ms. Smith had not received notification.

Sharon Lynch, 2708 Lacewood Drive, thanked the Council for tabling this item and noted she had since met with Wendy Lister and Richard Stone with regard to this project and had received answers to all of her questions. She understood a temporary easement was needed only while work was being done in that area, and that the work would not take over two weeks. The plan was to provide pedestrians a place to get off of the highway when crossing east to west or south to north, but in viewing pedestrian traffic, she understood most pedestrians from Hickman crossed over to the Taco Bell parking lot to the edge of the driveway and then crossed Business Loop 70 to McDonalds. She understood the plans were not yet complete and could change depending on the bids and easements received. She also understood the project for the long-term was to include bicycle access and a sidewalk for Providence and the Business Loop. She asked Council to table this issue indefinitely and to not take temporary easement of the property.

Greg Ahrens, 1504 Sylvan Lane, stated he had attended an informational meeting a few years ago and the consultant for the project had indicated the students were cooperative and interested in the project and the idea of crossing at the crosswalks. He felt this project needed to ultimately proceed. He also commended the Hickman students for doing a better job of crossing at the existing crosswalks.

Mr. Sturtz thought it was unfortunate there were questions regarding public notice in terms of this project as he was anxious for its completion. He suggested the issue be tabled so they could be assured public notice had been provided.

Mr. Sturtz made a motion to table B205-10 to the October 18, 2010 Council Meeting. The motion was seconded by Ms. Hoppe.

Ms. Hoppe commented that if there were stormwater issues, it might be cheaper to address those with these improvements versus at a later date. Mr. Glascock explained there was not any money for stormwater improvements and GetAbout money could not be used for stormwater improvements. In addition, this project involved a State route so it would have to be designed and approved by MoDOT. Ms. Hoppe felt it was important to talk to the owners to determine if there were possible partnership opportunities.

Mayor McDavid asked staff to provide details as to whether it was imperative for the improvements to the northwest corner of the intersection to be included in the project when this came back to Council.

Mr. Kespohl asked if the plan was to have a sidewalk all of the way down the Business Loop. Mr. Glascock replied yes, at some point. Mr. Kespohl asked if there was a long range plan for that. Mr. Glascock replied the sidewalks would be installed as the electric lines were placed underground. Mr. Kespohl asked which side of the street the sidewalk would be

installed. Mr. Glascock replied both sides if funding was available. Mr. Sturtz recalled 2013 as the year they were aiming to underground the lines.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe to table B205-10 to the October 18, 2010 Council Meeting was approved unanimously by voice vote.

**B242-10 Rezoning property located on the southwest corner of Broadway and West Boulevard (1000, 1002 and 1004 West Broadway, 3 West Boulevard South) from R-1 to C-P.**

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Watkins noted a valid protest petition had been received and a super-majority would be required for approval. Mr. Teddy explained the Planning and Zoning Commission recommended approval after much deliberation. He also explained the current owners were not interested in developing the site as they intended to sell it.

Mayor McDavid understood the proposal in front of them was for a 4,000 square foot footprint, but the staff report recommended a maximum footprint of 3,000 square feet. Mr. Teddy explained the proposal for Council consideration was the recommendation of the Planning and Zoning Commission, and they recommended a 4,000 square foot footprint.

Ms. Hoppe asked if staff recommended a 3,000 square foot footprint in an effort to keep traffic at its current level. Mr. Teddy replied yes, and explained they had determined the three existing homes totaled 3,700 square feet and the frame shop was about 2,700 square feet, so a 6,000 gross floor area was somewhat equivalent to the existing development. Mr. Sturtz understood the frame shop was 2,300 square feet. Mr. Teddy stated it had been identified differently in different documents as it depended on how the building was measured.

Ms. Hoppe understood the Planning and Zoning Commission had not discussed the fact the staff recommendation of 3,000 square feet was traffic related. Mr. Teddy noted it had not been expressed in the minutes, but the planner delivering the staff report had provided the rationale for the recommendation.

Ms. Hoppe understood some cities had adopted form based zoning alternatives for in-fill development in historic areas, and asked Mr. Teddy if that was possible. Mr. Teddy replied he was not certain as to how he could work it into a specific proposal on a specific property. It was more of a general approach when there were difficulties with in-fill sites. It involved having prescriptive standards in the ordinance so the public understood what the development would look like in terms of quality. Ms. Hoppe noted the need for modernization of the City's zoning laws had been previously discussed and asked how quickly the City could adopt temporary alternative form based zoning codes for areas like this. Mr. Teddy replied he thought it would be a six month to one year process.

Ms. Hoppe understood the Historic Sunset neighborhood had only received notice of the changes and the Planning and Zoning Commission hearing just before Labor Day when the hearing was scheduled for the week after Labor Day. In addition, they had not been notified of the change in the staff recommendation. Mr. Teddy explained they did not want early notifications to be about the staff's recommendation. The staff recommendation was made available the Friday before the Planning and Zoning Commission meeting. He agreed

the process could be better managed, and explained the applicant had not known staff was recommending a lesser figure either, so they made a change late in the process as well. He pointed out all of the changes made were more restrictive.

Ms. Nauser asked if the footprint would be equivalent to the footprint of the D&H Drug Store across the street. Mr. Teddy replied the D&H Drug Store had a 5,000 square foot footprint.

Ms. Nauser asked if the number of parking spaces required would be less since it would be a multi-use building with residential and commercial uses. Mr. Teddy replied no. He noted the Planning and Zoning Commission recommendation was to not allow any variances to the parking requirements.

Ms. Hoppe understood the first floor had to be a commercial use, but the second floor was not required to be a residential use, and asked if that was correct. Mr. Teddy replied that was correct.

Mr. Sturtz understood it was difficult to know the number of parking spaces that would be required without a site plan, but that an additional six spaces would be required for an 8,000 square foot building, and asked if the number of spaces required would be less for a 6,000 square foot building. Mr. Teddy replied the first floor, if commercial and 4,000 square feet, would require 20 parking spaces, and the residential, if assuming four apartments, would require at least six more parking spaces.

Ms. Hoppe understood adult bookstores were prohibited and asked if adult entertainment needed to be added as well as that was identified on other C-P zoning ordinances. Mr. Teddy replied the City ordinance had a conditional use process for adult entertainment, so it was not permitted.

Mark Nichols, 1305 London Drive, explained he and his business partner, Patty Mierzwa, owned the properties at 3 West Boulevard South and 1000, 1002 and 1004 West Broadway, which included the Great Hang-Ups business, and noted they were requesting to be allowed to re-plot the four properties into one parcel and for the zoning of the properties to be changed from R-1 to C-P. He commented that they had received unanimous approval from the Planning and Zoning Commission with the condition that there would be no parking or stormwater variances requested, and that had been added to the statement of intent. With regard to the concern of commercial uses being allowed on the top floor, he pointed out restriction number five on the statement of intent indicated retail/commercial uses would only be allowed on the main level of building and residential dwelling units would be permitted on the upper level. He explained they wanted to rezone the property in order to legitimize its current use and that if the homes on Broadway were to be removed, access points to any parking areas could be moved further back from the intersection for any further development. He stated they had met with concerned neighbors and had tried to incorporate some of their ideas to help alleviate concerns, and listed some of the items. He pointed out this change would only generate fourteen additional trips in the morning hours and the evening hours trips would remain the same when using the City's formula. Although the intent was to sell the property, he explained he and Ms. Mierzwa had a vested interest in the future of the corner as they had both lived in the area for over 25 years.

Mr. Sturtz asked for his response on the staff recommendation to reduce the footprint to 3,000 square feet. Mr. Nichols replied they felt they needed 4,000 square feet for someone to develop the area and explained it was not much more than the existing combined footprint of the buildings there now. Mr. Sturtz understood his biggest goal was to legitimize the current use and felt that could be done with 3,000 square feet. Mr. Nichols stated he believed 1,000 feet per floor made a big difference in terms of rent income.

Ms. Hoppe understood Mr. Nichols was not challenging the staff assessment that a footprint of 3,000 square feet would generate less traffic and help alleviate some traffic concerns. Mr. Nichols stated he did not feel an additional 1,000 square feet would generate much more traffic.

Ms. Hoppe understood Mr. Nichols intended for the top floor to be residential only and asked if he would object to changing restriction number five on the statement of intent so the second sentence read “residential dwelling units shall only be permitted on the upper level.” Mr. Nichols replied he would not have a problem with that change.

Mitchell Moore, 1210 West Broadway, stated he and his family had lived in this area for 40 years and explained he liked this proposal as it would be a significant upgrade since the two houses on the south side of Broadway were deteriorated. He noted the 5,000 square foot footprint of the D&H Drug Store had been on a lot similar in size until they had purchased the adjoining lot. He understood the City was considering a right turn lane in the area and believed it would help traffic. In addition, he understood there were concerns regarding an inadequate private sewer, and noted it was on the City’s list to be replaced. Although these improvements would likely take several years to complete, he believed it would be several years before the lot was built upon. He asked the Council to approve the rezoning request.

Blaine Alberty stated he was one of the owners of D&H Drug Store and noted he supported this rezoning proposal.

CJ Strawn, 1312 S. Fairview Road, explained she was the realtor for this property, but was present to read a letter from Richard Lawless, who resided at 5 West Boulevard South and wanted to express his support for the rezoning changes for the southwest corner of West Boulevard and Broadway. The letter indicated his property would be the most affected and that the subject property was not large enough to have a negative impact on traffic or the character of the neighborhood if rezoned. Ms. Strawn stated a 4,000 square foot building would fit on the lot while still allowing them to meet the current parking requirements and to provide an easement for a right turn lane if needed. In an effort to address neighborhood concerns, the statement of intent addressed sewer, stormwater and traffic. She believed this rezoning would allow a good development for the community.

Kee Groshong, 201 West Boulevard South, stated he and his wife owned property at 1004 Sunset Lane and 3 and 5 Hillside, and noted they supported this rezoning request. He believed this property was functionally obsolete in its current state and the only real opportunity for redevelopment was through this rezoning. He understood a developer would still be required to come forward with a proposal for the Council to consider if the rezoning was approved. He also understood there were traffic, parking, sewer and stormwater concerns, but any proposal would be required to meet current ordinances and building codes, so those issues would be addressed. He felt this was a reasonable request for this property

at this time and hoped the Council approved the Planning and Zoning Commission recommendation.

Mary Achor, 1007 Sunset Lane, explained the neighborhood was concerned due to the lack of a development plan, the lack of a traffic study, the need for the private sewer and stormwater issues to be addressed and the lack of a corridor study. A development plan would provide guarantees and allowed for accurate calculations. She believed examples of outstanding in-fill development or form based zoning needed to be provided as well. In addition, the private sewers needed to be replaced before any rezoning was approved, and she understood those were not scheduled for repair for another two years. Also, the storm sewers had not yet been addressed. She felt the statement of intent was too vague and provided only limited protection to the neighborhood, and believed a development plan would help resolve many issues. She understood a right turn lane on Broadway for traffic going to West Boulevard might prohibit a left turn on West Boulevard from Great Hang-Ups causing motorists to take Hillside and Sunset Lane to access Broadway and West Boulevard, and displayed photos of some of the traffic problems in the area.

Karl Skala, 5201 Gasconade Drive, read a September 6, 2010 letter from Bonnie Buecsher, who resided at 101 West Boulevard South. The letter indicated she was opposed to this rezoning request as there were numerous, pertinent unresolved issues, and those included the existing sewer problems, the anticipated traffic flow, the size of the proposed building, parking, the type of commercial businesses that would be allowed, the allowable hours of operation, and the potential issues with noise and lights. She did not understand why the City was considering a C-P rezoning request as the Planning and Zoning Commission and staff had recommended denial of the same request for zoning earlier this year, and the situation had not changed significantly from that request. There was still no exact statement of intent, definite parking plan or plan for the footprint of the building. The owners allowed these four properties to become run down and now wanted the City to allow them to sell these properties at a profit by granting a right turn lane easement off of West Broadway and without any consideration of the effects of this rezoning on the neighbors, commuters or customers of the proposed businesses. She asked the Council to deny the C-P zoning request.

Susan McGowin, 1121 Sunset Lane, showed a video which displayed the stormwater problems in front of her house and in the neighborhood.

Mr. Kespohl asked if the video depicted stormwater problems on Sunset Lane. Ms. McGowin replied yes and explained this was about half of a block from the West Boulevard corner.

Julie Barry, 1009 Sunset Lane, read a letter on behalf of her neighbor Charlene Adkins, who resided at 1100 Sunset Lane. The letter indicated she was asking the Council to vote against the rezoning request. She believed older neighborhoods were gems and needed to be preserved. She did not feel this rezoning was appropriate because three of the properties in question were and had always been residential. Only one of the properties had been grandfathered for commercial use. She also understood the City had a long range master plan for this area to remain residential. She explained the Historic Sunset Lane Neighborhood Association opposed the rezoning request and accompanying statement of

intent as they wanted a concrete plan. This type of development would affect the quality of the neighborhood and had the potential to adversely affect on their property values. She did not believe this rezoning should occur without a detailed development plan, a corridor study, a traffic assessment, private common collector sewer replacement and the addressing of stormwater issues.

David Fields, 7 West Boulevard South, displayed a video showing the condition of the sewers and noted some of the sewers were over 80 years old.

Alan Havig stated he and his family had lived on Sunset Lane for 37 years and agreed this rezoning request should be denied.

Virginia Carpenter, 1013 Sunset Lane, commented that there was no commercial concern vital to this community that would trump the importance of maintaining and sustaining her neighborhood, the individual homes and their property values. The wants of one should not overrule the interests of many. If this rezoning was approved, she believed her neighborhood would be compromised rather than enhanced as there would be an increase in noise, traffic, parking, outside intrusions and crime. They wanted their residential microcosm to remain intact.

Margaret Ruvalcaba, 1116 West Broadway, stated she was concerned about the possible commercial encroachment down West Broadway and displayed a video. She noted Providence Road was once two lanes and a residential neighborhood, and was concerned Broadway would be affected similar to Providence Road if a corridor study was not completed.

Esteban Ruvalcaba, 1116 West Broadway, commented that he resided downstream from the proposed rezoning and noted he had a dry creek in the backyard. During a light rain, the creek was about five feet wide and 10-12 inches deep, and during a heavy rain, the creek came close to the foundation of the house and sometimes encroached into the basement. If this property was rezoned and no more than fifteen percent was kept permeable, the amount of water run-off to his property would increase causing his basement to flood all of the time. He suggested something be done with regard to the run-off issues before granting this rezoning.

Jenny Pfannanstiel, 1116 Sunset Lane, stated Sunset Lane was a close-knit neighborhood that needed to be valued as a place of transcendence. The water run-off in the area had caused her basement to flood on numerous occasions, and although she could not sleep at her home since she was allergic to mold, she planned to resolve the mold problem so she could sleep in her home on Sunset Lane again. She asked the Council to safeguard the neighborhoods that existed as they proceeded planning for new urbanism. She did not believe two years for planning and for the sewers to be repaired was long in terms helping their neighborhood, which had been there much longer.

Cookie Hagan, 1107 Sunset Lane, stated she was President of the Historic Sunset Lane Neighborhood Association and explained they had been required to do new protest letters and petitions for this application. In addition, the Planning and Development Department did not hold public meetings for discussion. She wondered why the Planning and Development Department changed their recommendation from denial to approval, had increased the recommended gross floor area and had changed its alternate recommendation

from O-P to C-P. She displayed video which showed the concerns of neighbors with regard to the process involved in this rezoning request. She commented that if a development plan was not required, the Council should consider form based zoning that locked in important details. She asked for this request to be denied, or tabled for discussion and to allow them to restrict retail uses.

Mr. Thornhill suggested they table this due to the lack of a site plan and the other concerns involved.

Mr. Thornhill made a motion to table B242-10. The motion was seconded by Mr. Dudley.

Mr. Dudley stated he agreed a site plan was needed.

Ms. Nauser commented that she believed they needed to separate the zoning issue from the development plan approval. They had to determine if the zoning was correct for the area because development plans could change. In reviewing this request, she felt there had been adequate protections in the statement of intent and believed the only way the stormwater problems would be resolved was if there was new development. If it remained residential, the stormwater ordinance would not be triggered. She thought they needed to move away from making a zoning determination based on how a development would look, but noted she would support the tabling of this issue.

Mayor McDavid stated he was not supportive of tabling this issue because this was the fourth hearing held on the item. He felt the residents were missing an opportunity to improve traffic flow because people were currently traveling Hillside to Sunset Lane. An additional lane would ameliorate the problem. He also thought they were missing the opportunity to affect stormwater and sewer management. He understood that if they approved the rezoning, the development plan would still need to come before the Council, so he did not believe they were really approving anything. Although he believed the residents were missing an opportunity, he stated he would side with those residents if it came to a vote.

Ms. Nauser asked for clarification on the process. Mr. Boeckmann replied that historically the City had required a development plan to be a part of the zoning, but it was separated on the theory the property owner should know whether he would get the zoning before he went through the expense and time of developing a plan. The downside was not knowing what would be developed when considering the zoning request.

Ms. Hoppe stated she believed it was difficult to approve zoning without a development plan for sensitive or unique areas.

Mayor McDavid asked how long this would be tabled. Ms. Nauser replied it could be a long time if they waited for the development plan. Mr. Sturtz thought they could set a date and table it again if needed. Mr. Thornhill suggested tabling it to the November 15, 2010 Council Meeting. Mayor McDavid thought another hearing would have to be held if they tabled it again. Ms. Nauser agreed, but noted another hearing would be required if there was a development plan.

Mr. Thornhill withdrew his motion to table B242-10 and Mr. Dudley agreed to it being withdrawn.

Mayor McDavid understood a development plan would still need to go through the public hearing process for the Planning and Zoning Commission and the City Council even if

the rezoning were approved. Mr. Boeckmann stated a public hearing would be held by the Planning and Zoning Commission, but it would likely be discussed as Old Business before the Council. Mr. Teddy noted it would either be an Old Business item or a Consent Agenda item depending on the outcome at the Planning and Zoning Commission hearing. Mr. Boeckmann agreed, but noted it would likely end up on Old Business because citizens would want to speak.

Mayor McDavid commented that although he did not plan to tell people what was in their best interest, he wondered what might happen to this property if it was not rezoned as he felt it was possible the City would end up with a dead corner in the middle of town, which would be a detriment to property values nearby.

Mr. Sturtz stated he agreed this was a very sensitive corner in a unique neighborhood and did not believe there was a lot of immediacy to the request. He also did not believe this density would cause the traffic issues described by the neighbors with regard to stacking on West Boulevard. He felt the applicant had scaled down the development and had placed some tight restrictions in the statement of intent. He would have felt better if they would have included some other requirements, such as permeable pavement, but understood those would likely be addressed in a development plan. He noted that although he would feel more comfortable with a 3,000 square foot footprint, he planned to vote in favor of this rezoning request.

Mayor McDavid stated he agreed with Mr. Sturtz's comments and noted he did not believe there was a permanency to their decision. If the rezoning was approved, a specific plan would still have to come before them. If they denied it, the applicant could resubmit the rezoning request with a development plan. He thought they were all uncomfortable since there was not a plan.

Mr. Dudley commented that Broadway used to be a two lane road through town, but growth had widened Broadway, and some people were suggesting it be widened to four lanes. He thought the yards on Broadway would continue to get smaller and smaller and was not sure they could stop it. He understood the concerns of the domino effect as it had happened in many places in Columbia, such as Stadium. He noted they would have to consider this again, if it was brought to them again. In addition, if the rezoning was approved tonight, the plan would still need to be reviewed and voted on individually.

Ms. Hoppe stated she wanted to amend the statement of intent in case this was not defeated. Mayor McDavid commented that he did not believe the statement of intent was binding until they had a plan. Ms. Hoppe stated she understood the statement of intent went with the zoning and the developer was bound by it. Mr. Boeckmann explained the statement of intent was a part of the ordinance. The applicant had to provide the statement of intent in the form of a letter and it was questionable as to whether the Council could change the statement of intent. If the applicant consented to the change, it was okay, but if the applicant did not agree to change the statement of intent to include the wants of Council, the Council should just vote against the ordinance. He noted the developer was bound by the statement of intent, but the statement of intent could be amended as part of the ordinance that considered the development plan.

Mr. Thornhill asked Ms. Hagan if a good site plan would be supported or if the neighborhood would oppose any redevelopment at that corner. Ms. Hagan replied it was important for them to see where entrances and exits of a possible development would be at that corner. She thought the site plan needed to be well thought out and the development needed to compliment the neighborhood.

Ms. Nauser understood the applicant would have to wait one year if the Council denied the request and asked what would happen if the applicant withdrew it instead. Mr. Boeckmann replied he thought the applicant would have to wait a year unless it was substantially different. Mr. Teddy stated that was correct and noted the Council could waive the year requirement on a written request from an applicant. Ms. Nauser asked if it would be considered substantially different if it was brought back with a development plan. Mr. Boeckmann replied it would not if the zoning was the same and the development plan was in conformance with the statement of intent.

B242-10 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, STURTZ. VOTING NO: HOPPE, MCDAVID, THORNHILL, KESPOHL, DUDLEY. Bill declared defeated.

**B244-10 Rezoning property located northeast of the intersection of Route B and Waco Road from A-1 and M-C to M-1.**

The bill was given second reading by the Clerk.

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

Mr. Sturtz asked for clarification regarding the difference between M-1 and M-C in terms of allowable uses. Mr. Teddy replied M-C included some outdoor storage screening requirements that were not a requirement of M-1. In addition, a few uses permitted in M-1 were not permitted in M-C, such as a truck terminal. He explained they did not see the residential component that would require the M-C buffering for this site.

Mr. Sturtz understood the rationale for M-1 was to lure a wider variety of industrial users. Mr. Watkins stated either M-C or M-1 would be appropriate, but noted he leaned toward M-1 because the City owned it and the Council could set any requirement it wanted on the sale of the property. He suggested a work session to identify requirements of the Council, which could be officially tied to the property by resolution or by some other method. The goal was to not go through a protracted public process if there was a satisfactory user, so it was important for the requirements to be known upfront.

Mr. Sturtz understood the Council would have input with regard to the stipulations when the property was sold. Mr. Watkins stated the Council would have to approve the contract for sale. He reiterated it would be helpful to know the stipulations in advance so those could be relayed to anyone that might be interested in the property.

B244-10 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:

**B245-10 Approving the Final Plat of Sutter Industrial Plat located northeast of the intersection of Route B and Waco Road; setting forth a condition for approval; granting a variance from the Subdivision Regulations.**

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Teddy noted there were two stream courses on the east side of the property, which were identified as intermittent streams on the U.S. Geological Survey maps, so they should have had delineated stream buffers on them. The Planning and Zoning Commission recommended the plat be approved with the condition staff would get the stream buffers delineated by separate instrument. He noted Chapter 12A requiring a 50 foot stream buffer would still apply regardless of whether it was on the plat or not.

B245-10 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:

**B248-10 Amending Chapter 14 of the City Code to prohibit through truck traffic along a portion of Rock Quarry Road from Grindstone Parkway to Stadium Boulevard.**

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Watkins understood this ordinance would not prohibit trucks with local deliveries.

Ms. Hoppe explained her goal was to prohibit through traffic, not destination traffic, and most of the traffic for the mulch site and the University used logical routes, such as Stadium. She stated her disappointment in the report as many items were left out, such as the fact Rock Quarry was a scenic, winding and narrow road and that the heavy trucks created wear and tear on the road. Mr. Glascock explained it was an unimproved street without curb and gutter. It was an old gravel road that had been asphalted and had no ditches. He noted it was also a public street and believed it would be a detriment to limit its use without a study.

Ms. Hoppe stated she had notified staff of a two foot hole at the side of road, which was still there, so she was concerned with the further deterioration of the edges of the road by heavy truck traffic. This issue had not been included in the staff report either. Mr. Glascock commented that he did not know that the damage to the edges was caused by heavy truck traffic. Cars and pick-up trucks could also affect the road edges.

Ms. Hoppe understood there were only five north and south City streets crossing the Hinkson and pointed out this request was not to prohibit traffic. She felt removing inappropriate, large truck traffic would enhance the travel of cars. Mr. Glascock commented that he thought people were traveling about 40 mph on Rock Quarry, and that these trucks might slow people down. Ms. Hoppe felt allowing large trucks was deterring normal traffic. Mr. Glascock understood the request was for a restriction similar to that at West Boulevard and believed that restriction was only for two hours before and after school. He did not feel it was appropriate to limit through traffic all day. Ms. Hoppe explained she referred to West Boulevard in terms of restricting the type of truck traffic. She assumed staff would provide axle or weight limitations. Mr. Glascock stated they limited all trucks on West Boulevard except for those making a delivery to the area. He wondered how an axle limitation would be enforced. Ms. Hoppe understood it did not include pick-up trucks. Mr. Glascock stated that was correct and noted he would refer to them as commercial trucks.

Ms. Nauser asked for a definition of a commercial truck. Mr. Glascock replied a CDL was required to drive a commercial truck, dump trucks, concrete trucks, 18-wheelers, etc.

Julie Youmans, 2101 Rock Quarry Road, stated she was President of the Grindstone-Rock Quarry Neighborhood Association and thought there should be some limitation on trucks over a certain size or weight, but delivery trucks and trucks going to the mulch site would be allowed. Those residing on Rock Quarry were proud of the scenic road and believed it to be a landmark for all of Columbia. They felt this type of action by the Council would further protect the road. Larger trucks that carried dirt to and from construction sites for new developments created problems for Rock Quarry Road in terms of dirt coming off of the trucks and the edges of the road chipping away. She asked the Council to support the ordinance, given it would include limitations for trucks that could use the road.

Janet Hammen, 1844 Cliff Drive, stated she was the President of the Greenbelt Land Trust of Mid-Missouri and explained the Land Trust owned property along Rock Quarry Road and that they were in favor of the scenic road ordinance. She encouraged the Council to keep it a scenic road and to protect it by limiting through truck traffic.

Paul Love, 100 Sondra, explained commercial drivers licenses were sometimes issued on small vehicles, so if the Council barred commercial vehicles, they would restrict vehicles they did not intend to restrict. He suggested a weight limit or axle count be used instead.

Donald Warren, 2194 E. Bearfield Subdivision, commented that he supported any prohibition on truck size on Rock Quarry as he supported it being a scenic road.

Ms. Hoppe explained her intention was not to restrict all commercial trucks. She was only concerned about the size of trucks due to Rock Quarry being a sensitive, asphalt road with steep sides and because several major developments in the area would involve a lot of construction traffic, which she believed would damage the road. She suggested people drive Rock Quarry Road for its beauty. She commented that she had followed City trucks that were using Rock Quarry as a through road and they impacted the view, slowed down traffic and had difficulty making turns due to the narrowness of the road. She believed they were a danger. She felt restricting truck traffic would reduce costs by limiting the deterioration of the road, and noted there were other roads that were more equipped to handle larger trucks. She asked staff to provide a recommended axle and weight restriction.

Ms. Hoppe made a motion to table B248-10 to the November 1, 2010 Council Meeting and for staff to provide a suggested axle and weight restriction.

Mr. Glascock asked for clarification on the type of trucks she wanted to restrict. Ms. Hoppe suggested a meeting be held with the Rock Quarry neighborhood so that could be discussed.

Mr. Sturtz asked if Ms. Hoppe wanted the restriction to start just south of the University service buildings or from Stadium southward. Ms. Hoppe replied she was only interested in restricting through traffic.

The motion made by Ms. Hoppe to table B248-10 to the November 1, 2010 Council Meeting and for staff to provide a suggested axle and weight restriction was seconded by Mr. Sturtz and approved unanimously by voice vote.

**B250-10 Appropriating funds for architectural concept design services for the Columbia Regional Airport terminal building expansion and renovation project.**

The bill was given second reading by the Clerk.

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

Richard Shanker, 1829 Cliff Drive, commented that although he was a supporter of the airport, he was concerned with spending \$33,000 for design services. He understood the restrooms were a problem, but would be addressed this year. He also understood there were problems with the restaurant in terms of accessibility and that issues could arise if another airline considered using the airport with two planes there at the same time, but assumed an architectural company could address the issues. He wondered why they needed to spend this money as they already knew of the problems.

Kathleen Weinshenck, 1504 Sylvan Lane, stated she was a member of the Disabilities Commission and reminded the Council to build the new airport so it was ADA accessible.

Mayor McDavid asked Mr. Glascock to address Mr. Shanker's concerns. Mr. Glascock explained the airport was being remodeled with new seating, a new roof, etc., but the TSA was taking more and more lobby space. He felt they needed to start studying the issues if they wanted another airline to consider Columbia as they were becoming more limited in terms of capacity.

Mayor McDavid stated the City wanted another airline to service Columbia as there were needs for the west and internationally. While it made sense to stagger flights, they would end up with two jets and 100 passengers at one time due to delays, and that could not be managed at this time. The addition of Charter flights would make it an unmanageable problem as well. As a result, capacity was a major problem.

Mr. Thornhill understood they were doing this to be prepared for any potential funding that might be available. Mr. Watkins stated currently the City did not have any funding to build the terminal. He was hopeful they would receive stimulus funds if the program was to continue. Another option was for the City to include the terminal on the next capital improvement project ballot, if they had an idea of the costs involved. Mr. Glascock pointed out improvements to the field side of the airport was funded with federal grants requiring only a five percent match. The improvements on the land side of the airport, which included the terminal, had to be funded locally.

Ms. Nauser noted the airport was a part of the City's long-range economic development plan as they tried to attract international companies, and a good, working airport was key in this effort. She believed they had outgrown the terminal and supported this effort to start the planning process.

Ms. Hoppe stated this legislation would appropriate funds for architectural concept design services, which would be provided by an architectural firm.

Mr. Sturtz suggested they ask the Airport Advisory Board to review and provide a recommendation with regard to this effort. He understood they were meeting Wednesday so they could provide input in a timely manner.

Mr. Sturtz made a motion to table B250-10 to the October 18, 2010 Council Meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**B253-10 Amending Chapter 24 of the City Code as it relates to driveway improvements.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid asked what would happen when the gravel street was paved. Mr. Watkins replied they would have to deal with the gravel driveway at that point. Mayor McDavid understood they would lose control over the driveway in perpetuity by passing this ordinance. Mr. Boeckmann thought a building permit would trigger a change in the driveway. Mr. Glascock stated that was correct. Mayor McDavid understood new construction on a gravel road would require a concrete driveway at this time. Mr. Watkins stated some kind of hard surface would be required.

Ms. Hoppe explained she requested this ordinance because the City was requiring a paved driveway to a gravel road, which did not make sense and was a cost to the property owner. Mayor McDavid felt a counterargument was that the gravel road would eventually be paved. Ms. Hoppe stated she was not sure as she had been trying to get it paved for years. Mr. Glascock stated it was not likely in some cases.

B253-10 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.

- B243-10**     **Rezoning property located on the south side of Broadway and west of First Street North (70 East Broadway) from R-3 to C-2.**
- B246-10**     **Appropriating CDBG-R Stimulus Funding received under the American Recovery and Reinvestment Act of 2009 for the construction of the Phase I East Side Sidewalk Project.**
- B247-10**     **Appropriating funds for the Historic Preservation Commission's interactive historic map project.**
- B249-10**     **Authorizing a right of use permit with Boone County Regional Sewer District to allow placement and maintenance of a sanitary sewer force main within a portion of Sinclair Road right-of-way.**
- B251-10**     **Appropriating funds for the purchase of a SRE high speed snow broom for Columbia Regional Airport.**
- B252-10**     **Accepting conveyances for utility purposes.**
- R204-10**     **Setting a public hearing: construction of Sanitary Landfill Disposal Cell #5.**
- R205-10**     **Setting a public hearing: considering the FY 2011 Action Plan for CDBG and HOME funds.**
- R206-10**     **Authorizing Amendment No. 3 to the supplemental agreement with Vangel for consulting services for Phase II of the promotion and education of the Non-Motorized Transportation Pilot Program.**

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

## NEW BUSINESS

### **R207-10 Authorizing Amendment No. 2 to the agreement with Walker Parking Consultants for engineering services relating to the design and construction of a multi-level off-street parking facility located between Fifth Street and Sixth Street, on the south side of Walnut Street.**

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

The vote on R207-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### **R208-10 Authorizing an agreement with the Excellence in Missouri Foundation for an assessment of City operations relating to Columbia's Journey to Excellence.**

The resolution was read by the Clerk.

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

Mr. Dudley asked if the \$6,500 was paid upfront or at the end, or if it was an estimate. He also wondered if it would be paid in part until the work was done. Ms. Hertwig-Hopkins replied it would be paid in increments and a final payment would be held until the final the report was received.

The vote on R208-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### **R209-10 Approving the request of the fire department to forgo replacement of the 1997 pumper/quint and instead purchase a fire department specialty vehicle, an emergency command vehicle, an emergency generator and medical equipment.**

The resolution was read by the Clerk.

Mr. Watkins and Chief Markgraf provided a staff report.

Mayor McDavid asked if there was a pumper in reserve and what would be used for Station 2 if the Council had funded ten more firefighters. Chief Markgraf replied they would have had enough people to put Engine 2 back in service. Mayor McDavid understood that engine was in reserve. Chief Markgraf stated that engine was available. Mayor McDavid understood they went to a small company because they did not have enough money. Chief Markgraf stated that was correct.

Mayor McDavid stated he was unsettled by a few things with regard to this proposal. In 2005, they had asked the voters to pass a tax increase to replace a 1997 pumper, and if they did not purchase it, he believed people would wonder whether it was really needed. Chief Markgraf explained the pumper was in reserve. For the Columbia Fire Department to operate as efficiently as possible, they needed four spare pumpers, and they would have a fourth spare pumper without the replacement. In addition, they needed a place to put the

pumper, and the 2005 ballot proposal had also included the building of another station, which would have created a place to put the pumper. He did not believe the difference between replacing the pumper this year or next year was a critical factor.

Mr. Sturtz asked for an explanation as to the firefighting ability of this smaller truck compared to a quint. Chief Markgraf replied it was limited as it was primarily designed as an EMS response unit. It could respond to a car or house fire, but they would have to send something else with it. Mr. Sturtz understood it could pump water. Chief Markgraf stated it would have 300 gallons of water on it. Mr. Sturtz asked for the volume of water held by a typical quint. Chief Markgraf replied 500 gallons of water. He explained a quint would involve three people so two people could go inside with one person running the pump, but this smaller unit would only involve two people. It also had the capability to pump and roll since it had a second engine. It could be used for brush fires, EMS calls, etc.

Mr. Sturtz understood 95 percent of all calls were non-fire calls. Chief Markgraf stated about two-thirds of the 9,000 calls in Columbia were EMS calls.

Mr. Sturtz understood Chief Markgraf was comfortable with this plan for the next year or so. Chief Markgraf commented that although he would prefer a fully staffed engine, he was comfortable with this alternative plan.

Mr. Kespohl asked what would happen to this vehicle if money was found for the pumper at Station 2. Chief Markgraf replied it would be a specialty vehicle which would eventually take the place of the existing Foam 3.

Mayor McDavid stated he planned to table this proposal so they could have a work session for further clarification. He felt it was bad precedent to ask citizens to pass a tax for a capital project and then decide the project was not needed. He wanted to ensure the citizens believed the tax increase was needed for certain projects when the City asked for it. He was also concerned about staffing due to the budget deficit and potential pension issues, and did not believe the four firefighters staffed at Station 2 were a certainty. He commented that he had an issue with spending \$230,000 on a temporary fix. In addition, he thought it would be embarrassing if they were not able to staff it next year or if they found they had the money for a full truck. He did not have the confidence to make a twelve year capital purchase with that amount of money. He explained he was an advocate for advanced life support (ALS) and agreed firefighters were the first responders, but there was a parallel system in town with regard to the EMS units and ambulances from hospitals, and there was a national controversy regarding the roles of each organization. He felt they needed to review the role and scope of the City's ALS commitment and the City's goals as there was a 75 percent resuscitation rate in three minutes, but the City goal of a 4.5 minute response time was achieved 40 percent of the time.

Mayor McDavid made a motion to table R209-10 to the November 1, 2010 Council Meeting so this could be further discussed at a work session. The motion was seconded by Mr. Thornhill.

Chief Markgraf explained if they ordered the vehicle tomorrow, it would not be delivered until May 2011, so any delay in terms of approval would affect the delivery date.

Mr. Sturtz asked what would happen between now and May with regard to Station 2. Chief Markgraf replied that when they had enough people, they would put Foam 3 into

service. He noted they had been using the reserve squad but was concerned they would run it into the ground and would prefer to run a less costly vehicle into the ground. Mr. Sturtz stated he did not realize during budget discussions that they would not have a vehicle between January and May. Chief Markgraf noted Foam 3 would be in there for a short period of time for EMS response, but had little value in terms of suppression. Mr. Sturtz assumed the Council was hoping that company would have fire suppression capabilities when they voted in favor of the firefighter positions for this fiscal year. Chief Markgraf stated the specialty vehicle would have some capability. Mr. Sturtz understood the best case scenario for that capability would be May 2011.

Mr. Kesphl asked if there were trucks in reserve that could be used at Station 2. Chief Markgraf replied they currently had three spare engines, but they did not have the people to staff those.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to table R209-10 to the November 1, 2010 Council Meeting was approved unanimously by voice vote.

## INTRODUCTION AND FIRST READING

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

- B254-10**     **Rezoning property located on the southwest corner of West Broadway and Stadium Boulevard from R-1 to O-P; approving the O-P Development Plan of Leawood Plaza Plat No. 1.**
- B255-10**     **Approving the O-P Development Plan of MBS Realty Partners, LP located on the south side of Ash Street between Fairview Road and Heather Lane.**
- B256-10**     **Authorizing the acquisition of easements for construction of the Hominy Creek Trail Phase II project.**
- B257-10**     **Authorizing an agreement with Reynolds, Smith & Hills, Inc. to conduct an environmental assessment for Columbia Regional Airport; appropriating funds.**
- B258-10**     **Authorizing a right of use permit with Columbia College to allow placement, operation and maintenance of a retaining wall, median landscaping, median irrigation and private utilities in a portion of Rangeline Street right-of-way.**
- B259-10**     **Accepting conveyances for sewer, access to storm water facilities and sidewalk purposes.**
- B260-10**     **Accepting Stormwater Management/BMP Facilities Covenants.**
- B261-10**     **Authorizing an agreement with ISG Technology Inc. for connection to the City's fiber optic cable system.**
- B262-10**     **Accepting conveyances for utility purposes.**
- B263-10**     **Amending Chapter 12 of the City Code to establish a residency requirement for members of the Commission on Human Rights.**
- B264-10**     **Amending Chapter 19 of the City Code as it relates to step-up pay.**

## REPORTS AND PETITIONS

### **REP102-10 Intra-Departmental Transfer of Funds Requests.**

Mr. Watkins explained the purpose of this informational report.

Mayor McDavid commented that there had been publicity regarding the purchase of trucks, plows and spreaders, and asked if there would be more trucks on the road when there was a snow storm with this purchase. Mr. Glascock replied yes. Mayor McDavid asked how many trucks the City had on the road now. Mr. Glascock replied seventeen. Mayor McDavid understood this would bring the number up to nineteen.

Mayor McDavid explained the way it was presented was that the left over \$300,000 should be used, and he hoped the culture here was to not spend money just because they had it to spend. Mr. Glascock explained he did not fill four positions in the Protective Inspection Division when inspectors left in 2008 because they were not needed, and those were then cut from the budget in 2010. He assured the Council he did not spend money frivolously. One truck was a duel cab truck for CDL testing as the City did its own testing. The other truck was an extra truck, but they were being asked to clear more routes as more were being considered priority routes. They were also going to try using straight salt without any cinders per the Council's request.

### **REP103-10 Wilson Street Drainage Issue.**

Ms. Hoppe thanked staff for sending the letter and asked if the street would be fixed once the drainage issue was resolved as it had likely deteriorated at that location. Mr. Glascock replied he hoped this resolved the issue and that they would patch the street.

### **REP104-10 SWAT Policy.**

Mr. Watkins and Chief Burton provided a staff report. Chief Burton explained he was against this proposal as he believed it would put an additional burden on the part time SWAT team that they should not have to deal with when making decisions based on tense, uncertain and rapidly evolving circumstances. He asked the Council to put the onus on him and his successors by passing an ordinance requiring the Police Chief to report to the City Manager and/or the City Council regarding any changes proposed to the service of high risk search warrants in Columbia. He felt this would accomplish the same objective while removing the burden from the officer in the field.

Mayor McDavid asked how many policies the City had. Chief Burton replied they had a lot and the policy manual was in two two-inch binders. Mayor McDavid asked if there were any ordinances on any of those policies. Chief Burton replied no.

Mr. Thornhill commented that although he had requested this, he wondered how effectively positive changes to the policy could be made if this ordinance was in place. Chief Burton stated changes could not be made as quickly.

Ms. Hoppe suggested they ask the Citizens Police Review Board to consider Chief Burton's proposal of informing the City Manager and City Council of changes in the policy, and to provide their recommendation to the Council.

Mayor McDavid stated he did not feel any legislation was necessary.

Ms. Hoppe made a motion directing the Citizens Police Review Board to consider Chief Burton's proposal of informing the City Manager and City Council of changes in the policy, and to provide their recommendation to the Council.

Mr. Thornhill understood the goal was to ensure changes to the policy were known.

The motion made by Ms. Hoppe directing the Citizens Police Review Board to consider Chief Burton's proposal of informing the City Manager and City Council of changes in the policy, and to provide their recommendation to the Council, was seconded by Mr. Sturtz and approved unanimously by voice vote.

**REP105-10 Parked Truck with Rotating Messages.**

Mr. Watkins provided a staff report.

Mr. Thornhill asked if the problem was the fact the truck was parked. Ms. Hoppe replied it was a facet, but it was also being driven around, so it was a mobile, scrolling billboard. It did not have any other purpose.

Mr. Sturtz felt it was road spam as it would travel the same area over and over while creating pollution and traffic. He felt this should be in the same category as animated and portable signs that were already banned by the current sign ordinance.

Mr. Thornhill stated the Council recently allowed advertisements to be placed on the sides of City buses and was concerned with now trying to tell a private business they could not do this. Mr. Sturtz felt that was different, and noted they had been banned in Austin, New York, Boston, Chicago, San Francisco, etc. They were scene differently than a stationary wrap on a bus or a regular billboard on the highway.

Mr. Boeckmann suggested they define them and prohibit them if they wanted to get rid of them. He did not believe they should try to use the current ordinance to ban them. He also noted sign ordinance issues were generally referred to the Planning and Zoning Commission.

Mr. Sturtz made a motion to refer the issue of rotating messages on vehicles to the Planning and Zoning Commission. The motion was seconded by Ms. Hoppe.

Mayor McDavid suggested reviewing the ordinance in place in Austin.

The motion made by Mr. Sturtz to refer the issue of rotating messages on vehicles to the Planning and Zoning Commission was seconded by Ms. Hoppe and approved by voice vote with Mr. Thornhill and Ms. Nauser voting no.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Paul Love, 100 Sondra, understood the Council passed an ordinance involving sewers at the last meeting. He commented that the City was overcharging the University several hundred thousand dollars and overcharging anyone that owned multiple pieces of land or businesses in town if multiple sewer bills with user fees were being sent to the same location. He asked the City to stop defrauding the University and others. He understood the Sewer Task Force was looking into these issues, but the Council still decided to raise sewer rates prior to obtaining a recommendation from the Task Force. He asked if they were stealing money from the University or if they blindly raised sewer rates in Columbia. Mayor McDavid asked Mr. Love to call his office so they could further discuss the issue.

Kenny Hoefener, 1121 Scotts Station Road, Jefferson City, stated he and his wife owned property near St. Charles Road and the Hominy Creek in Columbia on which the City was proposing to take three easements for a trail, sewer and waterline. He did not have a problem with the sewer and waterline, but was concerned with the trail proposal. In the beginning they wanted to come through the middle of the 30 acres, which would divide the tract, and now they planned to go up a rock ledge and take property that would result in a loss of at least \$200,000 worth of a building lot. In addition, they were crossing the Hominy Creek, and he did not understand why they could not stay next to the Creek as it would save the building lots and a tax base for the City. He did not believe this was a good idea.

Ms. Hoppe asked if a public hearing had been held with regard to the location of the trail. Mr. Hoefener replied yes and noted it was Phase 2 of the Hominy Trail. Ms. Hoppe asked if the project was in the formative stage. Mr. Watkins replied both phases were in the formative stage, with Phase 2 being in a more formative stage than Phase 1.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she participated in the Roots N' Blues N' BBQ Festival and was impressed because it had been accessible. She thanked the City for being so open about the situation.

Donald Warren, 2194 E. Bearfield Subdivision, stated he was a co-founder of COMO Citizens, one of the groups that had been advocating change for search warrants, and noted he thought everyone had been in agreement that the ordinance being proposed was good for the community. He felt it was important for polices to be followed so people did not get hurt in terms of violent search tactics. Two appeals had gone through the Citizens Police Review Board, and with both appeals, the Citizens Police Review Board suggested making Chief Burton's policies binding and permanent. He recalled Chief Burton stating he was not opposed to making the policies permanent, but had now changed his mind. He noted the policies were already in place, so he did not understand how making these policies permanent was binding to officers. He hoped the Council would make them permanent policies as he believed there should be consequences for not following the policies. He felt this was an important issue as it involved the safety of citizens.

Mayor McDavid made a motion for the City to provide in-kind graphic services not to exceed \$500 for the James T. Scott Monument Committee. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mayor McDavid explained he wanted City staff to meet with the Council once a year to describe their approach to government. He wanted the presentations to be limited to ten minutes and to be conducted at pre-Council meetings and for there to be time for follow up questions by Council. Staff would be asked to identify the department's top three priorities, major challenges, initiatives to enhance customer services with benchmarks, initiatives to decrease unit cost with benchmarks and initiatives to increase productivity with benchmarks. He understood the City Manager had already created a schedule and the City Clerk's Office would go first if approved.

Mayor McDavid made a motion directing the executive staff to meet with the Council once a year in an effort to discuss the department's approach to government as described above. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Ms. Nauser stated she was asked by a constituent if crosswalks could be striped at the Green Meadows and Forum intersection as it was a busy intersection with many pedestrians and bicyclists.

Ms. Nauser made a motion directing staff to provide a staff report regarding the striping of crosswalks at the Green Meadows and Forum intersection. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mr. Kespohl noted the Council had received an executive budget a week before the Retreat, which had the departments and enterprise funds separated, and asked for an updated year end copy. Mr. Watkins replied it was not yet finished. Mr. Kespohl stated he also wanted a year end balance sheet showing assets and liabilities of every department and enterprise fund. Mr. Watkins explained the 2009 information had come from an audit and they would have to wait until the 2010 audit was complete to provide it. He understood that would be in January.

Ms. Hoppe stated the Council had been discussing how form based zoning could be an asset for developers and neighbors for some time and understood staff had attended some programs on form based zoning as well. She noted Lawrence, Kansas had developed alternative form based zoning. She suggested a work session be held in terms of educating the Council on form based zoning so they could eventually develop a process and adopt those expeditiously. Mr. Watkins stated he would add it to the work session list.

Mr. Dudley asked for a staff report regarding the use of sand on streets in the winter instead of salt since they had a river full of sand. He noted he liked the ash, but understood many others did not.

The meeting adjourned at 11:08 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk