

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
SEPTEMBER 20, 2010

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, September 20, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL and KESPOHL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe asked for three changes to the September 7, 2010 minutes. She asked for “when the Citizens Police Review Board was established” to be added after “for investigations” in the first sentence in the bottom paragraph of page six. She also asked for the word “for” to be changed to “what” in the first sentence of the third paragraph on page 9. In addition, she asked for the last sentence of the first paragraph on page 27 to read “The article discussed the benefits of trees to include how they provided substantial economic benefits to the City, including substantial stormwater benefits, reduced costs of long term street maintenance and more.”

Ms. Nauser made a motion to approve the minutes of the regular meeting of September 7, 2010 with the changes requested by Ms. Hoppe. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Sturtz made a motion to add Report 101-10 to the agenda. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

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

SPECIAL ITEMS

Presentation by 3M of a \$40,000 check to the City.

Mayor McDavid explained the goal of the Urban Ecology Restoration Project was to reclaim and restore an environmentally degraded site near the confluence of the Hinkson and Flat Branch Creeks, which was formerly the site of a sewage treatment plant. The \$40,000 provided by the 3M Community Giving Grant would be used to create wetland habitat, remove exotic, invasive plant species, replant native bottomland woods and treat storm water. This was a true community partnership involving local 3M manufacturers, the City of Columbia, other community organizations and state and federal agencies.

Bill Moore of 3M presented a check to the City and stated they appreciated the opportunity to participate in this program as sustainability was a very important part of 3M’s giving objectives.

Mayor McDavid thanked Mr. Moore for 3M’s contribution to the community.

Recognition of STAT Volunteer Program receiving the MML Annual Innovation Award.

Mayor McDavid noted the Missouri Municipal League (MML) recently selected the City of Columbia to receive an Innovation Award for the Street Tree Assessment Team (STAT) and the award was presented at the MML Annual Conference last week in St. Charles. STAT was a volunteer program in the Public Works Department to provide light maintenance to street trees that would otherwise not receive attention. While the program was new, fourteen volunteers had logged more than 110 hours mulching, pruning and removing dead trees. He asked those involved with STAT, which included the volunteers and staff members in the Public Works Department and Office of Neighborhood Services, to stand and be recognized for receiving the award.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COMPREHENSIVE PLAN TASK FORCE

Stamper, Don, 2502 Hollyhock Drive, Ward 2

CONVENTION AND VISITORS ADVISORY BOARD

Hostetler, Lynn, 1204 Hulen Drive, Ward 4, Term to expire September 30, 2012

Jashnani, Leela, 900 Vandiver Drive (business address), Ward 6, Term to expire September 30, 2012

Kelly, Michael, 1231 E. Bluebird Lane, Boone County, Term to expire September 30, 2012

Radzin, Michael, 900 Manhattan Drive, Ward 6, Term to expire September 30, 2012

Trabue, Kimberly, 3530 Old Ridge Road, Boone County, Term to expire September 30, 2012

Turner, Spencer, 5701 E Mexico Gravel Road, Ward 3, Term to expire September 30, 2012

Weise, Teri, 3007 S Rodeo Drive, Ward 5, Term to expire September 30, 2012

HUMAN RIGHTS COMMISSION

Routt, Justin, 40H Broadway Village Drive, Ward 6, Term to expire March 1, 2011

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Kippenberger, Curt, 4200 Merchant Street, Apt 101, Ward 4, Term to expire November 30, 2011

NEW CENTURY FUND BOARD

Ferris, Stephen, 2413 Cimarron Drive, Ward 5, Term to expire September 30, 2013

Neidel, Lori, 2911 Oaklawn, Ward 5, Term to expire September 30, 2013

Tillotson, William, 720 S Rustic Road, Ward 6, Term to expire September 30, 2013

PERSONNEL ADVISORY BOARD

Duncan, Khesha, 3800 Saddlebrook Place, #207, Ward 2, Term to expire September 30, 2013

Martin, Brenda, 2115 Hunter Lane, Ward 2, Term to expire September 30, 2013

Mayor McDavid commented that pension promises made to state and local government workers were at risk because the funds that supported these promises had failed to grow, and the City of Columbia was one of those governments whose retirement promises were considerably underfunded. As a result, he was establishing a nine member task force to review the status of the City’s pensions. It would include persons with knowledge and experience in the financial industry and three City employee representatives. The task force was being asked to determine the financial condition and outlook of the City’s pension plans and to provide remedies that might stabilize the City’s pension plans. He noted the findings of this task force would be non-binding and solutions to City’s pension deficits would require political decisions, negotiation with employee groups and interaction between the City Council and citizens.

MAYOR’S PENSION REVIEW TASK FORCE

- Erdel, Steve, Boone County National Bank
- Fraizer, Brad, Columbia Profession Firefighters Local 1055
- Maledy, Teresa, Commerce Bank
- Staloch, Michael, State Farm Insurance
- Sundvold, Jon, Sundvold Financial
- Thomason, Tim, Columbia Police Officers Association
- Wagner, Robert, Columbia Insurance Group
- Yoakum, Steve, Public School and Education Employee Retirement Systems of Missouri
- City Employee to be named later who is affiliated with the Missouri Local Government Employees Retirement System (LAGERS)

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

- B195-10 Adopting the FY 2011 Budget for the Special Business District.**
- B196-10 Adopting the FY 2011 Budget.**
- B214-10 Amending Chapters 13 and 22 of the City Code to increase sewage service utility rates.**
- B215-10 Amending Chapter 22 of the City Code to increase residential service solid waste utility rates.**
- B216-10 Amending Chapter 27 of the City Code to increase electric rates.**
- B217-10 Amending Chapter 27 of the City Code to increase water rates.**
- B239-10 Establishing new group insurance premiums for employee health and dental care plans.**
- B240-10 Amending the Classification Plan and adopting the FY 2011 Pay Plan.**
- B241-10 Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.**

B195-10 and B196-10 were given fourth reading, B214-10, B215-10, B216-10 and B217-10 were given third reading, and B239-10, B240-10 and B241-10 were given second reading by the Clerk.

Mr. Watkins provided a staff report. He explained there were two amendment sheets and described those.

Mayor McDavid opened the public hearing.

Eduardo Crespi stated he was Director of Central Latino and noted they had submitted an application for CDBG funds to help with the acquisition of a building they would renovate to create a wellness center at 609 Garth. He understood the Community Development Commission (CDC) and City Manager had made two different recommendations and asked the Council to consider the recommendation of the CDC. The difference in the amounts of the two recommendations was substantial as it would put them in a situation where they would need to find a large amount of money to acquire the building.

Mr. Sturtz understood the CDC recommended \$138,000 and the City Manager recommended \$88,000 because he wanted to allocate more money for the East Side Sidewalks. Mr. Crespi agreed and stated he understood there were many priorities, but a priority for his organization was to acquire the building.

Ms. Hoppe asked if there would be an opportunity to allocate additional funds if the Council decided to approve \$88,000 in funding at this time. Mr. Watkins replied staff believed additional funds were forthcoming and some of those funds could be allocated to this project.

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

Ms. Nauser made a motion to amend B196-10 per the amendment sheet that was finalized at the pre-Council meeting earlier in the evening and presented on the overhead. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mr. Dudley made a motion to amend B216-10 per the amendment sheet, which would reduce the electric rate increase from three percent to two percent. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Sturtz pointed out this reduction in the electric rate did not involve the large cutbacks originally proposed, except in the payment in lieu of taxes. Mr. Watkins stated that was correct. He explained Mr. Kespohl had asked staff to provide an income statement for the month of August, and in doing so, they found August had been profitable. As a result staff felt a reduction in the proposed rate increase from three percent to two percent was feasible without concurrent reductions in expenditures.

Ms. Nauser asked how unforeseen circumstances involving the weather could impact the electric utility in the future. Mr. Watkins explained the summer months had been predicted to be hotter when the budget was put together in June, and while August 2010 was a good month in terms of expenditures as the purchase power costs were less than projected, August 2011 could be the exact opposite. At any rate, he believed staff was prepared for the lesser increase. He noted staff would begin a policy of reviewing income statements in September in the future, if rate increases were proposed, as a result of what they learned this year.

Mr. Sturtz understood this rate increase would amount to residents paying about \$1.70 more per month in the summer instead of \$2.57 as was proposed with the three percent increase. Mr. Watkins stated that was correct for the average residential customer.

Mr. Kespohl understood there were adequate reserves to get through a bad time next year if necessary. Mr. Watkins stated that was correct. He explained the rating agencies for utilities liked to see 16-20 percent in reserves. The City was over 18 percent, which they felt was adequate for the electric utility.

Mayor McDavid commented that the Council understood the significance of the rate increases during times when many citizens were unemployed or on fixed incomes, and noted he planned on being more engaged earlier in the process in terms of potential rate increases next year and would challenge every department to come in at two percent under the operating budgets approved for each department. He explained every dollar saved would assist in increasing the wages of the workers and would show the citizens the City had the right to manage their money.

Ms. Hoppe commented that in addition to keeping rates down, she thought the Water and Light Department needed to continue working towards reducing energy use and promoting conservation. She believed money toward these programs provided a savings to the City and its customers in the long term.

The vote on B195-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B196-10, as amended, was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B214-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B215-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B216-10, as amended, was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B217-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B239-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B240-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Mr. Sturtz asked if the change to 160 hours for overtime instead of 170 hours had already been in place or if it was a new change. Mr. Fleming replied it was a new change. The fiscal impact of the 170 hour requirement had not been apparent until the overtime policy was changed in 2010. The change resulted in a police officer having to work 10 hours over the officer's regular schedule before being entitled to time and a half. She noted it was a request by the labor group.

Mr. Sturtz understood the 160 hours would include holidays in the pay periods. Ms. Fleming stated that was another change made City-wide and holiday hours would be considered as hours worked in the overtime calculation.

Mr. Sturtz asked if there was an estimate on the financial impact of this change. Ms. Fleming replied the biggest financial impact was in the solid waste fund because those individuals had to work Saturdays every time there was a holiday. The impact to the other funds was anticipated to be minimal. She could not recall the amount of the anticipated impact, but thought it would be around \$30,000.

B241-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B218-10 Rezoning property located on the east side of Rock Quarry Road across from Southland Drive (3510 Rock Quarry Road) from A-1 to PUD 7.3; approving the PUD development plan of The Pointe at Rock Quarry Park.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Watkins noted this included a request to waive the fee for road improvements, which would total about \$13,000. Mr. Teddy explained the applicant was requesting relief from a precedent of providing the City \$25 per lineal foot from planned developments proposed on unimproved collector roads. The applicant was offering an upgrade in the sidewalk from a five foot sidewalk to an eight foot pedway and a 500 foot easement that would provide public access to Rock Quarry Park. He noted the requirement for this payment had not been written into the ordinance prepared for Council consideration.

Ms. Nauser understood the linear foot fee had been waived for other developments, such as Copperstone. Mr. Teddy explained that was a variance to waive the sidewalk requirement and to allow another walkway system to be considered instead. He did not believe they had requested the \$25 per lineal foot fee for that development.

Ms. Hoppe asked if a traffic study had been done for this project. Mr. Teddy replied a traffic study had not been requested due to the size of the development and the fact the road was not considered to be at capacity. They relied on in-house expertise, and staff felt the traffic impacts could be absorbed by the road system.

Ms. Hoppe understood the developer had originally proposed one entrance, but staff requested two entrances. One of the two entrances would line up with Southland Road and the other might cause problems for the adjacent property when trying to get out of their driveway during heavier traffic times. Mr. Teddy commented that although it was not required, it was desirable to have two drives for a development of this size, and lining up access to an existing street was good practice as it eliminated potential conflicts with other arriving vehicles.

Ms. Hoppe noted Southland was a residential street with families with children and did not have any sidewalks. She asked what would prevent people at this development from using Southland as a through-street to get to Nifong or to get to this development from

Nifong. Mr. Teddy replied Rock Quarry was a more direct route to Nifong from the development. He agreed a westbound individual could cut-through on Southland, but noted he did not anticipate a lot of cut-through traffic as most destinations would be northbound.

Ms. Hoppe understood there were no provisions for restricting through-traffic and there would be a four-way stop sign at the intersection. Mr. Teddy stated there were no proposed traffic controls for that location. Ms. Hoppe asked if no through-traffic signs could be installed. Mr. Teddy replied it had not been discussed, but could be considered if there were an inordinate number of crossings.

Ms. Hoppe asked how the north entrance and exit would function in terms of the resident across the street. Mr. Teddy replied he understood the concern was there be queuing at peak times making it difficult to enter and exit the property. He agreed the stacking of 2-3 cars could block the drive entrance momentarily, but noted it was a U-shaped driveway so there were two ways to access Rock Quarry Road. He did not believe there would be a great deal of inconveniences, although there would be momentary inconveniences. The count for Rock Quarry, south of Grindstone, was under 4,000 daily trips, so it functioned as a collector road.

Ms. Hoppe asked for an explanation of the scenic road ordinance requirements and how this project complied or did not comply with those requirements. Mr. Teddy replied the scenic road ordinance required landscape preservation or landscaping as an offset, and noted there was a planting plan that would add more plants, ornamental trees, shade trees and shrubs than currently existed. This section of Rock Quarry Road did not have the same density of trees found north of Grindstone Parkway.

Ms. Hoppe understood this development involved three story buildings and asked if the scenic road ordinance limited the maximum height to two stories for buildings adjacent to Rock Quarry Road. Mr. Teddy replied the maximum height proposed by the applicant was 45 feet, which would allow three stories. Ms. Hoppe asked if the scenic road ordinance required buildings along Rock Quarry to be no more than two stories. Mr. Thornhill stated he understood that only applied if the buildings were a certain distance from the road. Mr. Teddy agreed and explained they had established there was not an excessive height issue based on the distance from the road. Ms. Hoppe asked for the distance. Mr. Teddy replied the buildings would be 45 feet from the road. Mr. Sturtz asked if buildings one and five were 45 feet from the road as they were the closest to the road. Mr. Teddy replied yes. Mr. Thornhill asked if all of the buildings were the same height. Mr. Teddy replied he was not sure.

Mr. Sturtz asked if the Rock Quarry Special Area Plan developed in 1998 discussed maximum density. Mr. Teddy replied the land use recommendations for that Plan had a south boundary at Grindstone Parkway, so it did not cover this section of Rock Quarry Road. He noted there was a concept of medium density in that Plan, but they did not take it to be binding on this site. The 7.3 density would allow a little over 5,000 square feet of lot area per unit and was comparable to an R-2 zoning district.

Mr. Sturtz understood there were 4,000 daily trips along Rock Quarry Road between this area and Stadium. Mr. Teddy explained the MoDOT traffic counts from 2009 indicated under 3,600 daily trips and the counting station was just south of Grindstone. He was not sure if it took into account trips on that road that might use Southland or other streets without

crossing the counting station. In 2003, it was over was over 6,000 daily trips, but that was before Grindstone Parkway was in service, and in 2006, it was in the 4,000 range.

Mr. Sturtz asked if there was an estimate of a maximum count Rock Quarry could accommodate as presently engineered between Stadium and Grindstone. Mr. Teddy replied he thought it would be several thousand more than it carried now. He thought the intersection congestion was the main factor as the two lanes would move traffic fairly well with that number of trips.

Ms. Hoppe asked what the bus potential was for this area. Mr. Teddy replied an easement for a bus stop in the future had been included in the applicant's proposal. The area currently had bus service, but only when the University was in session. He was uncertain as to when the service would reach a point where it would run full time or more frequently.

Jay Gebhardt, a civil engineer with A Civil Group, provided a handout and described the project. He noted the buildings were set back 83 feet from the centerline of Rock Quarry Road and the building heights would be less than 40 feet with the roof. He explained the building height was measured from the average ground plane by the building and to the average plane of the roof line. The project was designed in an effort to integrate the new stormwater ordinance and minimize the footprint on the property. He explained the project was designed with two driveways instead of one in order to gain support from the City as he understood this was preferred by the Fire Department and the Solid Waste Division, and he believed it was good engineering practice to align one driveway up with Southland as that was the location people expected an intersection. The north driveway lined with the north edge of the property owned by the Church because they were told the Church might demolish the home there and create another parking lot entrance to the Church. He suggested they wait to restrict access to a right-in/right-out for a later date after it had been determined there was a problem.

Ms. Hoppe stated she was concerned about through-traffic on Southland, as it was a residential street with children, and did not believe lining up the driveway with Southland was good practice in that sense. Mr. Gebhardt commented that he did not think they could prevent people from cutting-through. If someone wanted to cut-through on Southland, they were probably already doing it, and he did not believe this development would impact it that much because it was not a convenient route. Ms. Hoppe commented that people might cut-through because the Grindstone and Rock Quarry intersection was slow or blocked. Mr. Gebhardt stated it was a long way around, and as a result, he did not believe it would be convenient for people to cut-through.

Mr. Kespohl understood access to the park would be available though the development and asked if the public would be allowed access as well. Mr. Gebhardt replied yes and explained a ten foot easement would be provided in which they would build a six foot sidewalk.

Mr. Thornhill asked about the types of materials planned and the level of quality of the development. Mr. Gebhardt replied the applicant intended to maintain ownership of this property and the development would be constructed with a mixture of brick, stone or other

low maintenance type items. He stated quality materials would be used so there would not be long-term problems.

Mr. Dudley asked for clarification regarding the parking lot surface. Mr. Gebhardt replied it would be a mixture of pervious asphalt and concrete. The inner-ring of parking would involve pervious asphalt.

Mr. Thornhill understood there was a change in elevation and asked what would be done to mediate run-off. Mr. Gebhardt replied a berm would be constructed to divert water in two directions, to an existing channel on the east and a roadside ditch on Rock Quarry Road. The water would be detained and be subject to quality control measures so the water leaving the site would not increase in quantity and would be cleaner than it was today.

Jan Pritchard, 3505 Rock Quarry Road, explained her property was across the street from the proposed development, and commented that during her 19 years residing at that location, the neighborhood had worked hard in trying to maintain the integrity of the neighborhood, which she believed to be a single-family neighborhood, and the integrity of the Rock Quarry Road corridor. She noted there had been a single-family home on the lot so it had been part of the single-family neighborhood. The scenic road ordinance became effective in 1997 and the more intensive property developments had been constructed prior to passage of the ordinance. Since 1997, there had not been any development with more than four units per acre approved for the area, and the approval of this 7.3 units per acre development would result in a huge change as it was a high density student housing development. She commented that she also did not believe Rock Quarry could handle the additional traffic. She stated she did not feel this high density development was appropriate for a long established single-family neighborhood along Rock Quarry Road as it would set a precedent for future development.

Ms. Hoppe asked how the location of the north entrance would affect her and her property. Ms. Pritchard replied the north entrance to this property was just south of her south driveway as her property had a circle drive, and if anyone tried to make a left turn into the proposed development, she would not be able to enter or leave her property. If multiple cars were backed up due to left turns, access to Sun Court would also be blocked. As a result, she believed it would be wise to make the north entrance a right-in, right-out.

Mr. Dudley asked if she and the other residents would also have to make a right-in, right-out. Ms. Pritchard stated that was correct in terms of her south drive. She thought her northern drive could still be available for left turns.

Craig Haas, 3609 Southland Drive, commented that if this project was approved, it would create a domino effect with regard to density on other properties sold and developed in the future, and Rock Quarry would no longer be a scenic road. In terms of the sidewalk and public access to the park, he wondered where people would park when trying to gain access to the park as there were no sidewalks for outside people to get to the property. He agreed with Ms. Pritchard regarding density and setting a precedent, and asked the Council to consider those issues.

Roberta Huffman 3616 Rock Quarry Road, Lot 23, stated she was the owner, operator and attendant at Cedar Drive Mobile Home Court, which was adjacent to the south boundary of the proposed development. She noted the Council had received a petition signed by 14

people living in the Cedar Drive Mobile Home Court who were in support of this development because it would address some of the water run-off issues they had. She asked the Council to approve the proposed development.

Charles Mackey, 3616 Rock Quarry Road, Lot 16, commented that a number of people were in favor of this development since it would address some of the water run-off issues affecting Cedar Drive Mobile Home Court and because a berm and fence would be built to help with privacy.

Vicky Riback-Wilson, 3201 Blackberry Lane, explained she had been a member of the Rock Quarry Road-Grindstone Neighborhood Association since its inception, and commented that after working for so long in the development of the scenic road ordinance and Special Area Plan, she found herself discouraged and cynical with regard to the value of citizen input and time, due to the changes and erosions in terms of the intent of those documents. She provided examples of developments which she considered to not be consistent with the scenic road ordinance or Special Area Plan, and hoped the Council would reflect upon the value and credibility of citizen input, consider strengthening the scenic road ordinance to apply to Rock Quarry Road and the rest of Columbia, and consider what would happen when a dense development was allowed in an area for which it was not originally intended or zoned.

Mr. Sturtz understood there had been a division with regard to Rock Quarry in terms of the areas north and south of Grindstone when reviewing the Special Area Plan. Ms. Riback-Wilson explained the original Special Area Plan stopped at Grindstone, but the intent, coupled with the scenic road ordinance, was for that corridor and neighborhood as well. Due to the way the Special Area Plan had already been violated, she thought it would make sense to look at the entire scenic road corridor and to consider the intent of the original plan in order to retain the balance originally intended. She understood changes had been made to the scenic road ordinance in the late 1990's to lessen some of the provisions without the knowledge of the neighborhood.

Betty Mackey, 3616 Rock Quarry Road, Lot 16, asked the Council to approve this proposed development as it would benefit the people to the south in terms of water run-off. She also felt this would benefit those accessing the park as it would be safer since there would be a sidewalk. She commented that she did not believe traffic would be an issue as those that lived on Rock Quarry would not come and go at the same times as those who would live in the proposed development. She noted the student housing already there had not caused problems for them in the past.

Mr. Kespohl asked if the buildings to the south and west of her were duplexes. Ms. Mackey replied yes.

Dan Pritchard, 3505 Rock Quarry Road, explained the scenic road ordinance had been established after much of the development to the south had been built. In terms of the driveway across from Southland, he hoped the people exiting the development understood those on Southland had the right-of-way as it was not a four-way stop. He was concerned with the potential of an accident and thought the issue should be addressed. He noted this development would increase traffic regardless of student traffic patterns, and provided the traffic from the Church as an example as they had trouble exiting their property on certain

times on Sunday. He stated the inconvenience for him might be longer than a few minutes depending on the time of day. In addition, he noted the density of this development was not consistent with the area.

Justin Starr stated he was with Rock Quarry Properties, the applicant, and commented that the density being requested was consistent with other developments in the area. He understood the staff report identified nearby developments with 5.5 to 9.7 units per acre in terms of density. In addition, he explained the density was necessary to cover the costs for some of the non-required amenities planned for the development. He stated it would be a quality development with low maintenance materials. In terms of the scenic roadway, he noted they were keeping 50 percent of the greenspace across the development and would be adding more vegetation in the scenic setback than currently existed. He stated they planned to own the property for a long time as well.

Ms. Hoppe stated she appreciated the quality of the proposed development in terms of stormwater and trees, and agreed it would improve the mobile home area to the south, but noted she was concerned with density and traffic and did not feel that those issues had been adequately addressed for the neighbors. Mr. Starr explained there were varying levels of density in the area with a range of 5.5 - 9.7 units per acre. Ms. Hoppe asked if the 9.7 density was the trailer court. Mr. Starr replied he was not sure which development in the surrounding area had the 9.7 units per acre density. Ms. Hoppe understood some of the higher densities were not necessarily along Rock Quarry Road. Mr. Starr stated he thought some properties along Rock Quarry Road had the higher densities. In terms of making one of the driveways a right-in/right-out, he did not believe it was needed at this time. He stated they could look into it in the future if a problem was determined to exist.

Charles Mackey, 3616 Rock Quarry Road, Lot 16, stated he did not believe the City was concerned with traffic in this area since they recently removed the traffic light down the street from his home.

Betty Mackey, 3616 Rock Quarry Road, Lot 16, commented that she believed Mr. Gebhardt did quality work and noted she looked the Starr's development near Hy-Vee on Broadway and it was a quality development.

Mr. Thornhill asked about staff's opinion of installing a right-in/right-out on Rock Quarry Road as he thought it might be difficult in terms of feasibility. Mr. Teddy replied staff felt it should be done in combination with some kind of barrier or delineator in the center of the road if determined necessary as traffic would likely turn against the porkchop or whatever device was put in the driveway itself. He stated staff felt there would be a number of violations to the right-in/right-out only unless there was a barrier in the middle of the road. Ms. Hoppe thought they had required right-in/right-outs for other developments since she had been on Council. Ms. Nauser commented that she believed a right-in/right-out at this location would require people to travel a long way, so while it might reduce traffic, it would add to time vehicles were on the road. Ms. Hoppe pointed out there were two entrances and exits proposed for the development and only the north entrance would need to be a right-in/right-out. Mayor McDavid noted the right-in/right-out could be added in the future if necessary.

Mr. Thornhill asked for clarification on the traffic counts and understood it had been 6,000 prior to Grindstone being constructed. Mr. Teddy explained they received traffic counts

on selected roadways every three years. The traffic count provided by MoDOT last year was less than 3,600 for a 24 hour period in both directions. He understood 8-9 percent of those were peak hour trips. The 2006 count was around 4,500 and the 2003 count was over 6,000.

Mr. Thornhill understood there had been a significant reduction in the traffic count since Grindstone was constructed and this development would introduce another 160 vehicles. Mr. Teddy reiterated staff did not feel this development would produce a traffic capacity issue.

Ms. Nauser understood the Red Oak commercial development included a road plan that would help alleviate some of Church traffic mentioned by the neighbors. Mr. Teddy commented that connecting to a future road through the Red Oak development should help off-load trips from Southland.

Ms. Hoppe understood a property to the north of the proposed development with a single-family home was for sale and asked Mr. Teddy to speak to the concern of this type of intensive development being allowed there in the future due to this precedent being set. Mr. Teddy replied he did not think there would be any type of entitlement based on the zoning rights granted to the subject property, but did believe a medium density development could be gained. He noted the property for sale was smaller and narrower so he was not sure of the potential in terms of good site planning. The proposed development had been arranged so there was a plenty of greenspace and he believed that mitigated some of the concerns regarding the violation of the spirit of the scenic roadway ordinance.

Ms. Nauser commented that the balance of high density developments with residential neighborhoods was a constant issue and noted higher density developments were beneficial in terms of utilities and infrastructure. She stated she planned to vote in favor of this development because she believed it was consistent with the area and would benefit some neighboring properties in terms of water run-off.

Ms. Hoppe stated she appreciated the quality of the proposed development in terms of stormwater, greenspace and tree retention, and believed the Starr's were quality developers that maintained their properties. Her biggest concern was the density and the precedent it would set, as well as whether it was within the spirit of the scenic road ordinance and the Rock Quarry Road Special Area Plan. She understood the residents of the trailer court were pleased with the development because it would address a stormwater problem, but commented that she had not seen any movement in terms of density or traffic on Southland by the developers. She noted she was also concerned by the fact the scenic road ordinance had been continually eroded and the precedent this would set for the rest of Rock Quarry Road. She stated she would have been able to support it if it had been less dense.

Mr. Sturtz commented that Rock Quarry Road was a great asset in Columbia and was sad that it had become less scenic with recent developments near Grindstone, but stated he was also intrigued and thankful with regard to the way this developer had used density to set aside open space. Since he was appreciative of the reduced footprint, the high degree of landscaping and access to the park, he noted he would vote in favor of the development. He pointed out he was concerned they would be forced to widen Rock Quarry Road if they continued to develop land along there to this density as he wanted to continue to have it as

an asset. He hoped they could improve the scenic road ordinance and Special Area Plan in the coming years.

B218-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: HOPPE. Bill declared enacted, reading as follows:

B219-10 Approving the Final Plat of The Pointe at Rock Quarry Park located on the east side of Rock Quarry Road between Sun Court and Quarry Park Drive; authorizing a performance contract.

The bill was given second reading by the Clerk.

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

B219-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B220-10 Approving an extension of the PUD development plan of Hidden Creek Condominiums located east of U.S. Highway 63, south of Vandiver Drive and north of Hanover Drive.

The bill was given second reading by the Clerk.

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

Ms. Hoppe understood compliance with the stormwater ordinance in effect at the time of construction would be required. Mr. Teddy stated that was correct.

Ms. Hoppe stated this was an instance where a delay in a development had made for a better project for the community since it would have to comply with the stormwater ordinance, and noted she felt the extension was appropriate.

B220-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B234-10 Authorizing a power exchange agreement with Missouri Joint Municipal Electric Utility Commission.

The bill was given second reading by the Clerk.

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

B234-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. 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.

B221-10 Vacating a right-of-way easement located on South Garth Avenue, south of the intersection of Garth Avenue and Lathrop Road.

B222-10 Approving the Final Plat of Bancroft – Beckett Replat, a Replat of Westmount Addition Lots 1 to 4, 25 and 26, and part of Lots 5 and 6,

located on South Garth Avenue, south of the intersection of Garth Avenue and Lathrop Road; granting variances from the Subdivision Regulations.

- B223-10 Authorizing a consolidated grant agreement with the Missouri Highways and Transportation Commission for transportation planning services.
- B224-10 Authorizing construction of a right-in/right-out driveway on the west side of Stadium Boulevard, approximately 500 feet north of Broadway within the Crossroads Shopping Center, as part of the Stadium Boulevard Corridor Projects; calling for bids through the Purchasing Division; appropriating funds.
- B225-10 Authorizing construction of Rolling Hills Road from its current terminus at the north end of Old Hawthorne Subdivision northward to Richland Road; calling for bids through the Purchasing Division.
- B226-10 Authorizing the acquisition of easements for construction of Rolling Hills Road from its current terminus at the north end of Old Hawthorne Subdivision northward to Richland Road.
- B227-10 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Missouri Avenue and Rollins Street and to restrict traffic on a portion of Rollins Street.
- B228-10 Amending Chapter 14 of the City Code to establish one way direction for the alley between Seventh Street and Eighth Street.
- B229-10 Amending Chapter 14 of the City Code to remove parking from sections of Conley Avenue.
- B230-10 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for the purchase of a recycling truck for the collection of recyclables on the University of Missouri campus; appropriating funds.
- B231-10 Appropriating funds for construction of the Sewer District No. 163 (Ballenger Lane and Aztec Boulevard) project.
- B232-10 Authorizing a cooperative agreement with Boone County for striping of Lake of the Woods Road, Oakland Church Road and Mount Zion Church Road.
- B233-10 Authorizing a right of use permit with The Hamlet Homes Association to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and decorative lighting in an island within Sussex Road right-of-way.
- B235-10 Authorizing the acquisition of easements for construction of a 24-inch water transmission main from the intersection of Nifong Boulevard and Ponderosa Street to the Hillsdale Pump Station.
- B236-10 Accepting conveyances for utility purposes.
- B237-10 Appropriating grants funds for the Stephens Lake Park amphitheater project.
- B238-10 Amending Chapter 21 of the City Code as it relates to the police chief's decisions on complaints alleging police misconduct.
- R184-10 Setting a public hearing: construction of the South Country Club Drive PCCE #6 Sewer Improvement Project.
- R185-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.

- R186-10 Authorizing a Child Care Sanitation Program Inspections Participation Agreement with the Missouri Department of Health and Senior Services.
- R187-10 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for Aid to Local Public Health Agencies (Core Functions).
- R188-10 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.
- R189-10 Authorizing an agreement with the Heart of Missouri United Way and The Curators of the University of Missouri on behalf of the Institute of Public Policy, Truman School of Public Affairs for analysis of issues and populations addressed by social service funding.
- R190-10 Accepting a grant from the Missouri Department of Transportation – Highway Safety Division for a DWI enforcement project.
- R191-10 Accepting a grant from the Missouri Department of Transportation – Highway Safety Division to conduct special traffic enforcement of hazardous moving violations.
- R192-10 Authorizing a HOME agreement with Columbia Community Development Corporation.
- R193-10 Approving amendments to the FY 2008 Annual Action Plan.
- R194-10 Authorizing Amendment No. 1 to the agreement with Engineering Surveys & Services for engineering, geotechnical and construction material testing services.
- R195-10 Authorizing a joint funding agreement with the U.S. Geological Survey, United States Department of the Interior for groundwater monitoring in the vicinity of the wetland treatment units and the Eagle Bluffs Conservation Area.
- R196-10 Authorizing an agreement with the Mid-Missouri Regional Planning Commission for acceptance of equipment for the Office of Emergency Management as part of the FY 2007-2008 Homeland Security Grant Program.
- R197-10 Adopting the Boone County Hazard Mitigation Plan.
- R198-10 Authorizing an agreement with Regional Economic Development, Inc. (REDI) for continued economic development services.
- R199-10 Authorizing a sidewalk renovation agreement with Brick Building, LLC for the removal and replacement of sidewalks along a portion of Cherry Street adjacent to the property located at 101 South Fifth Street.

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

NEW BUSINESS

- R200-10 Authorizing a Certified Local Government Historic Preservation Grant application to the Missouri Department of Natural Resources for a study of the economic impact of historic preservation in Columbia.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe stated she believed looking at the value of historic preservation in term of economics and economic development was a great idea.

Mayor McDavid noted the Commission had not spent all of its money in FY 2010 and was able to carry forward some funds for this project as a result.

The vote on R200-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R201-10 Authorizing application to the Missouri Department of Transportation for Surface Transportation Enhancement funds.

The resolution was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Staff was proposing two projects be submitted. One project involved the installation of two pedestrian crosswalks and a barrier median on College Avenue between University and Rollins. The other project was an accessible public path that would connect the Stephens College campus and make the overpasses at College and Broadway ADA accessible.

Ms. Hoppe understood the East Campus Neighborhood Association had not yet been contacted, but would be contacted in the specific design for College. She believed the crosswalks were needed, but felt there could be concerns with left turn restrictions on Rosemary, Wilson and Ross and potential traffic on University and Williams. She hoped they would be provided ample opportunity to provide input. Mr. Teddy stated the project would go through the standard public improvement design process.

Mr. Sturtz asked if this would be a landscaped median. Mr. Teddy replied the project was described as a landscaped median. The traffic engineer's recommendation was a 3-4 feet high median.

Mr. Sturtz understood H3 Studio had provided drawings that included the overpasses, which might not have been shared with Stephens College and thought the H3 design charrette information should have been included in the report. Mr. Teddy explained preliminary design work had already been done by Stephens and was the reason they did not follow the H3 schemes.

Mr. Kesphl noted the fiscal impact for the overpass was not included in the staff report and asked for clarification. Mr. Watkins replied Stephens College had verbally indicated they would handle the local match requirement for that project.

Evan Wood stated he was with the Missouri Student Association, which was the University of Missouri-Columbia's undergraduate student government, and noted the Missouri Student Association Senate had adopted a resolution calling for this exact crosswalk plan. He hoped the grant would be secured so the project would come to fruition.

Ms. Hoppe commented that the crosswalks on College were needed and hoped the City received the grant.

The vote on R201-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R202-10 Authorizing agreements with Dow Chemical Company and Prost Builders, Inc. for construction of a solar photovoltaic array structure located at Tiger Lane and Bernadette Street.

The resolution was read by the Clerk.

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

Ms. Hoppe asked if all of the subscriptions for the last Solar One project had been sold. Mr. Johnsen replied all had been sold as they did not have any Solar One subscriptions available now. In addition, the projects involving Quaker Oats and Bright City Lights would be enrolled in the Solar One program.

Mayor McDavid understood this was a three year contract and Dow Chemical could remove the \$88,000 worth of material after three years. He noted he was hesitant in investing \$66,000 in components that could be removed at will by Dow Chemical. Mr. Johnsen stated he did not believe the intention was to remove them, although it was possible.

Mayor McDavid commented that he believed the 2004 renewable energy initiative was very well structured and understood 4.3 percent of the City's energy at this time was renewable. The goal was to be at five percent next year while keeping the added expense to less three percent of the cost of coal. He felt this project would add a negligible amount of energy to the City's renewable portfolio at an expense that would unnecessarily push them toward the three percent cost mandate. Mr. Johnsen explained the cost was covered by the Solar One program. The City sold 100 kilowatt hour blocks at \$48 per block and this cost was rolled into the customer's bill. As a result, the cost of the program would not impact the renewable energy cost. Mayor McDavid felt that if a customer was paying for it, there was still a cost to it. Mr. Johnsen agreed, but noted it was a voluntary program. Mayor McDavid understood this was not a cost identified as part of the renewable energy portfolio. Mr. Johnsen stated that was correct. Mayor McDavid understood there was no cost to this. Mr. Johnsen explained there were out of pocket costs, but it was expected to be paid back within ten years if it was a part of the Solar One program. Mayor McDavid stated he was accustomed to metrics on investments in terms of the return on investment and net present value evaluations, and noted he wanted to see those types of evaluations when investing taxpayer money. He understood there was no cost to the City as long as people voluntarily subscribed to pay the surcharge for the solar generated electricity. Mr. Johnsen stated that was correct.

Ms. Hoppe explained she was one of the original Solar One customers, and with the last Solar One project, the cost for those in the Solar One program had been reduced. She noted the cost was spread among all of the customers of the program. Mr. Johnsen commented that as cheaper resources were added to the Solar One program, the costs for everyone involved in the program decreased.

Mayor McDavid stated he wanted to ensure the accounting was solid for this project as he did not want to pass along the cost to taxpayers.

Mr. Kespoehl commented that he had concerns with the City entering into a three year contract for a project with a recovery period of eleven years.

Ms. Hoppe explained she had been at the dedication for the first solar panel project and had spoken with the company representative who had indicated they were working on a solar shingle project and hoped to have it perfected in about five years. She viewed this as good economic development as it was a product being developed in Columbia. She thought it could become an economic generator for the City in the future. She noted the subscriptions to the Solar One program had been sold quickly in the past.

Mr. Dudley asked who would handle the maintenance after Dow left. Mr. Johnsen replied the City would do the maintenance on the structure and shingles, and explained there had not been any maintenance issues with the current demonstration projects thus far.

Mr. Dudley commented that eight years was a long time and anything that happened after Dow left would add to the City's cost. Mr. Johnsen agreed there was a risk the maintenance cost would be above and beyond what they had seen in the past.

Mayor McDavid asked if there was any risk that Dow would walk away with the project after three years. Mr. Johnsen replied it would cost Dow a significant amount of money to pull the project.

Greg Ahrens, 1504 Sylvan Lane, stated he believed this was a good idea for a demonstration project because at some point this could be put on the roofs of homes and commercial buildings.

Mayor McDavid commented that the economic development aspect mentioned previously was a legitimate point if innovative technology could be produced in Columbia. He understood this would not fundamentally cost the taxpayers any money as he wanted to stay true to the spirit and letter of the renewable energy ordinance passed by the voters in 2004. He noted he was leery of spending citizen money for someone else's demonstration project, but was satisfied they were not doing that in this project.

Ms. Hoppe stated she thought it was also important to look into long-term versus short-term investments when considering taxpayer money as a project could be beneficial in the long-term.

The vote on R202-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R203-10 **Establishing the Vision and Core Values for Columbia's Journey to Excellence.**

The resolution was read by the Clerk.

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

The vote on R203-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- 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.
- 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.
- B244-10** Rezoning property located northeast of the intersection of Route B and Waco Road from A-1 and M-C to M-1.
- 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.
- 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.
- 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.
- 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.
- B250-10** Appropriating funds for architectural concept design services for the Columbia Regional Airport terminal building expansion and renovation project.
- 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.
- B253-10** Amending Chapter 24 of the City Code as it relates to driveway improvements.

REPORTS AND PETITIONS

REP97-10 Intra-Departmental Transfer of Funds Requests.

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

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

REP98-10 Street Closure Request – Over the Edge.

Mr. Watkins provided a staff report.

Ms. Hoppe asked if this street closure had been requested and approved last year as well. Mr. Watkins replied it had.

Mr. Dudley made a motion to approve the street closure as requested. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP99-10 Dinner Train - Central States Rail Associates.

Mr. Watkins and Mr. St. Romaine provided a staff report. Mr. Watkins noted this had been discussed at the last Council Meeting and at the pre-Council meeting held prior to the Council Meeting tonight. Mr. St. Romaine stated that despite the exemption, Central States Rail Associates would provide an accessible car should funding become available within the five year term of the contract.

Mr. Sturtz asked if a change in the process for projects like this was needed so ADA issues were addressed earlier in the process. Mr. St. Romaine replied the question of accessibility had come up at the time the contract had been considered by Council in June, but Central States Rail Associates had a legal exemption from the requirements due to the high cost. The issue came up during the permitting process.

Greg Weber of Central States Rail Association stated they would add a disabled car if funding was available.

Mayor McDavid asked for his response if they were to require Central States Rail Associates to meet the ADA regulations. Mr. Weber replied they would not come to Columbia because the costs would be too great.

Mr. Thornhill asked if this issue had been encountered in any other community. Mr. Weber replied he had been involved in 11-13 dinner trains throughout the country and this issue had never come up before. He noted it was usually not an issue with historic passenger trains either since the cars were not designed or built to the wide clearances needed for the disabled community. He pointed out the cars would need to be re-engineered in order to be operable.

Ms. Hoppe understood his goal was to have the first accessible historic train in the country. Mr. Weber stated that was correct.

Kathleen Weinschenk, 1504 Sylvan Lane, stated disabled people had been fighting this battle for 200 years and she felt an accessible car should be provided.

Homer Page, a representative of the disabled community, understood this was a difficult issue, and although the Council and staff had done a lot to make Columbia a more accessible community, many in the disabilities community felt this was a very important issue. Accessibility allowed people with disabilities to participate and be included in society, but it also added to the comfort and safety of all citizens. At the previous meeting, he had supported a two-year period for compliance with ADA requirements because he understood the City and operator had made commitments, but five years was a long time and there was no guarantee that accessibility would be added after those five years. In addition, if accessibility was not provided, he believed it would be considered a step backward by the disabilities community. He commented that if this dinner train was operating on private rails and using its own facilities, this would likely not be an issue. The City, however, had a higher standard because it had made the commitment to be an inclusive and accessible community for all of its citizens.

Mr. Thornhill asked Mr. Page for his thoughts about the ADA specifically excluding these types of trains from the requirement to retrofit facilities. Mr. Page replied that he believed that when the ADA legislation had been negotiated, the disabilities community was mainly concerned with the accessibility of metropolitan mass transit systems, such as subways in major cities, and the historic tourism trains were a trade-off for the mass transit systems. He commented that he was not sure whether the City had any responsibility beyond that of the company without a ruling being made by the courts and the Department of Justice, but felt the City should have a higher standard.

Greg Ahrens, 1504 Sylvan Lane, explained the ADA had provisions for historic buildings that were not accessible, but it had two types of requirements, which were facilities and programs. The money and railroad right-of-way provided by the City could be considered a public program with discrimination in the application of the program.

Ms. Hoppe asked for a response from Mr. Boeckmann to that comment. Mr. Boeckmann replied he did not believe it would be considered a City program.

Mayor McDavid asked Mr. Boeckmann if he was satisfied with the exclusion of historic trains from ADA regulations. Mr. Boeckmann replied the Central States Rail Associates' attorney had provided a legal opinion indicating they were excluded. He had not researched it to provide his own opinion, but had not heard anyone challenging that opinion.

Mr. Dudley suggested they allow this to go forward with the caveat that Central States Rail Associates was required to keep looking for a way to make the cars ADA accessible.

Mr. Thornhill noted City staff was good at seeking grants and other sources of funding and thought staff could help Central States Rail Associates look for other funding sources. Ms. Hoppe agreed and stated private foundations with interests in historic preservation, serving senior citizens or serving the disabled community might be able to assist. She noted Central States Rail Associates had indicated they would do everything possible to make this happen, and finding \$175,000 did not appear to be an impossible task.

Mayor McDavid apologized to the disabled community as he did not believe there was a satisfactory resolution to this dilemma at this time.

Mayor McDavid made a motion directing staff to extend the time for Central States Rail Associates to achieve ADA accessibility standards to five years. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP100-10 Downtown Safety Cameras Update.

Mr. Watkins provided a staff report.

Mr. Thornhill made a motion directing staff to submit a RFP. The motion was seconded by Mr. Dudley.

Ms. Nauser commented that she was disturbed by the fact they continued to hear crime was rising in the community. While crime rose from 2008 to 2009, it had decreased 38 percent from 2007 to 2008. She pointed out that crime was the lowest it had been in 2008 since 2000. As a result, she did not believe they could use data from one year as a trend. She wanted the community to know the Police Department was adequately funded and crime was being addressed, and although there was crime in Columbia, it was not as bad as some might think.

The motion made by Mr. Thornhill and seconded by Mr. Dudley directing staff to submit an RFP was approved by voice vote with Mr. Sturtz, Ms. Nauser and Ms. Hoppe voting no.

REP101-10 Recommendation to add a Residency Requirement to the Human Rights Commission.

Mr. Watkins provided a staff report and noted the Human Rights Commission was requesting all of its members be required to reside within the City limits.

Mr. Sturtz made a motion directing staff to prepare legislation for Council consideration regarding a residency requirement for members of the Human Rights Commission.

Mr. Thornhill asked for the reason for the requirement. Ms. Amin replied someone residing outside of City limits had contacted staff asking if they were eligible to apply, and upon review there was not any residency requirement. The Human Rights Commission had been made aware this and had decided to recommend a change so residency was a requirement.

The motion made by Mr. Sturtz directing staff to prepare legislation for Council consideration regarding a residency requirement for members of the Human Rights Commission was seconded by Mayor McDavid and was approved unanimously by voice vote.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Karl Skala, 5201 Gasconade Drive, understood Section 24-132(a) indicated downtown safety cameras may only be deployed so as to be conspicuous and only within the boundaries of the central business district, and may be in a fixed or mobile location. He asked if the cameras would be conspicuous from the street level. Mayor McDavid replied he was not sure they had an answer at this time. He thought they would know more after receiving proposals as there were many different technologies. He understood the intent was for the cameras to be visible. Ms. Hoppe noted the Police Chief had mentioned the possibility of signs being installed indicating cameras were in the area.

Mayor McDavid made a motion that the Council hold a closed meeting on Monday, October 4, 2010 at 6:30 p.m. in Conference Room 1A of City Hall, 701 E. Broadway, Columbia, Missouri, to discuss a personnel matter, litigation and real estate as authorized by Sections 610.021(1), (2), (3) and (13) of the Revised Statutes of Missouri (RSMo). The motion was seconded by Mr. Kespohl with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE.

Ms. Nauser explained she was contacted by a constituent who was having a problem with unburied Mediacom cables and asked staff to determine if the issue could be resolved. The property was located on Woodrail Terrace.

Ms. Hoppe noted Shepard Boulevard off of Old 63 had some substantial potholes and asked if those were on the schedule to be fixed soon. Mr. Watkins replied staff would look into it and ensure they were.

Ms. Hoppe explained the street sign on Taylor Street, off of University, was missing yet again. She asked if the replacement street sign could be put on the telephone pole to prevent its removal as had been done for High Street. Mr. Watkins stated he would ask staff to look into the issue.

Ms. Hoppe understood a flat rate was currently being charged to all residential users regardless of the amount of electricity used.

Ms. Hoppe made a motion directing staff to determine if a rate structure was needed for residential users, and to obtain input from the Water and Light Advisory Board. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe noted she had made a motion at the last Council Meeting asking for the article regarding the economic benefits of trees to be provided to the Planning and Zoning Commission and the Environment and Energy Commission, and understood that had not yet been done. Mr. Watkins stated he would ensure they received the article.

Mr. Sturtz asked for a staff report regarding solutions to the flooding problem in Alley A, between Ninth and Tenth Streets, when it rained. He believed it was exacerbated by the problems on Hitt and Tenth Streets.

Mr. Sturtz asked for a report to determine if anything could be done to tighten up setbacks, landscaping, densities, etc. to preserve the spirit of what was intended on Rock Quarry Road.

Mr. Watkins asked if he wanted staff or the Planning and Zoning Commission to review it. Mr. Sturtz thought they should send it to the Planning and Zoning Commission.

Ms. Hoppe understood the Planning and Zoning Commission was already working on scenic road project, and the review of this would work well with what they were already doing.

Mr. Sturtz made a motion directing the Planning and Zoning Commission to determine if anything could be done to tighten up setbacks, landscaping, densities, etc. to preserve the spirit of what was intended on Rock Quarry Road. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Kespohl stated he received an e-mail asking for a four-way stop for the intersection of Windsor and North Williams.

Mr. Kespohl made a motion directing staff to prepare legislation for a four-way stop at the Windsor and North Williams intersection. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Thornhill understood people in Stonecrest, near the corner of Limestone and Marble Cedars, had encountered a considerable amount of additional traffic due to the road conditions on Scott Boulevard. He understood dump trucks were using it as a through-way,

and wanted to make it a temporary four-way intersection to slow traffic until the construction on Scott Boulevard was complete.

Mr. Thornhill made a motion directing staff to provide a report regarding a temporary four-way stop being installed at the intersection of Limestone and Marble Cedars until the work on Scott Boulevard was complete. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

The meeting adjourned at 10:12 p.m.

Respectfully submitted,

Sheela Amin
City Clerk